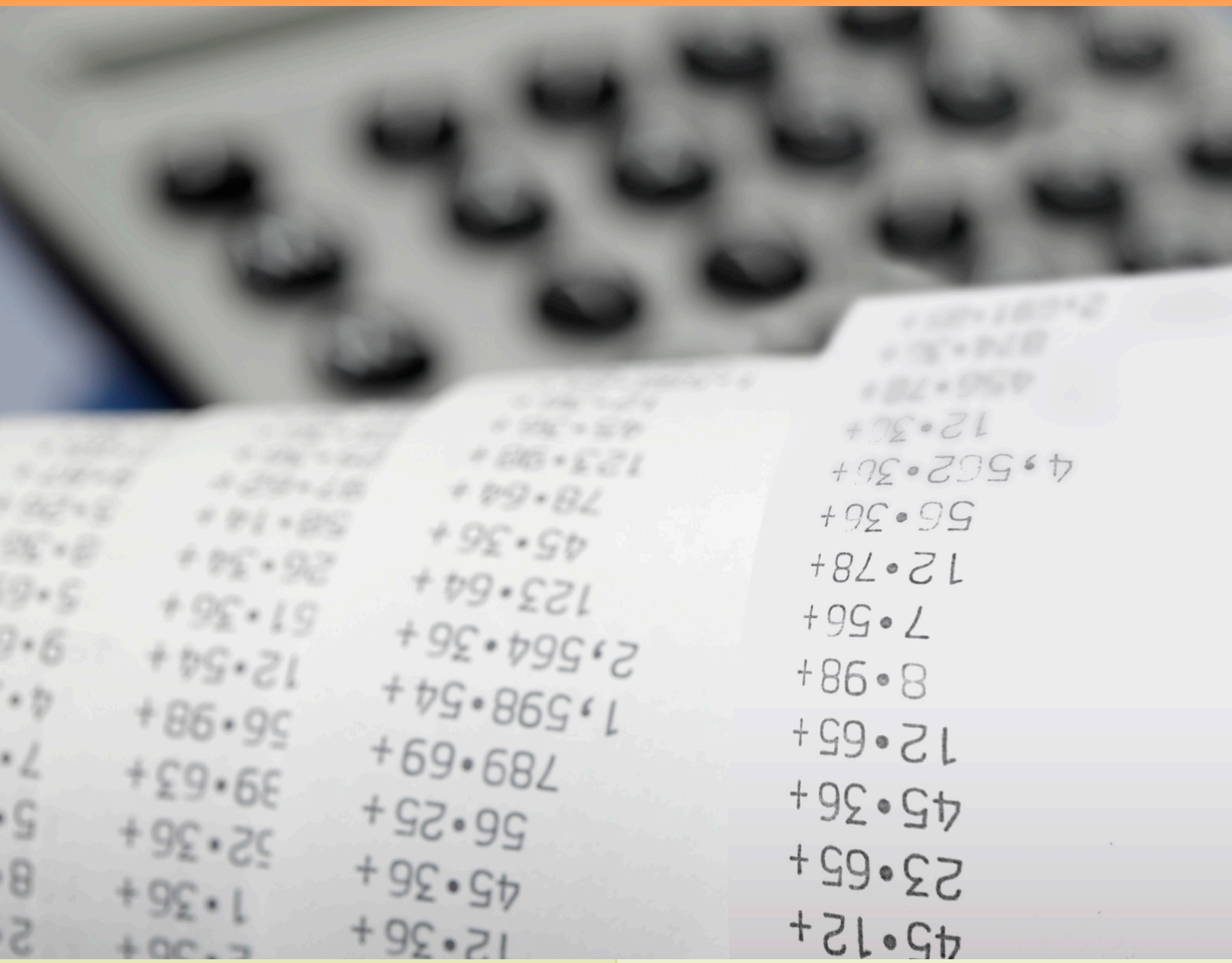
PAYING AN UNFAIR PRICE

The Financial Penalty for Being LGBT in America

September 2014; Updated November 2014



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This report was developed in partnership with:

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Paying an Unfair Price: The Financial Penalty for Being LGBT in America was originally released on September 30, 2014. This version of the report has been updated because of substantial changes in the availability of marriage for same-sex couples, occurring in early October 2014. This report is current as of November 24, 2014.

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EXECUTIVE SUMMARY

LGBT Americans have the same worries as other Americans when it comes to paying for healthcare and other needs, finding good jobs, and saving for the future. But the LGBT population–which includes parents, workers, retirees, people of color, and people with disabilities–faces another set of challenges that can result in increased economic hardship.

Anti-LGBT laws–at the federal, state, and local levels–have the emotional impact of telling LGBT people that they matter less than others, that their families and their health are not as important, and that their contributions at work are less valued. But these outdated and discriminatory laws also have serious economic impacts, causing LGBT people to have a harder time becoming financially secure and providing for their families.

In some cases, the legal inequality experienced by LGBT people results in *lower incomes*—for example, due to employment discrimination or the denial of family tax credits. This makes it harder for LGBT Americans to save for the future or cover basic necessities like rent, food, and clothing. In other cases, these same legal inequalities burden LGBT people with *higher costs* for needs like housing, healthcare, health insurance, and education.

This report describes how LGBT Americans pay an unfair price for being LGBT, and how anti-LGBT laws cause the most harm to the most vulnerable LGBT communities. The report also includes recommendations that would help end the unfair financial penalties that LGBT people in this country face simply because of who they are or whom they love.

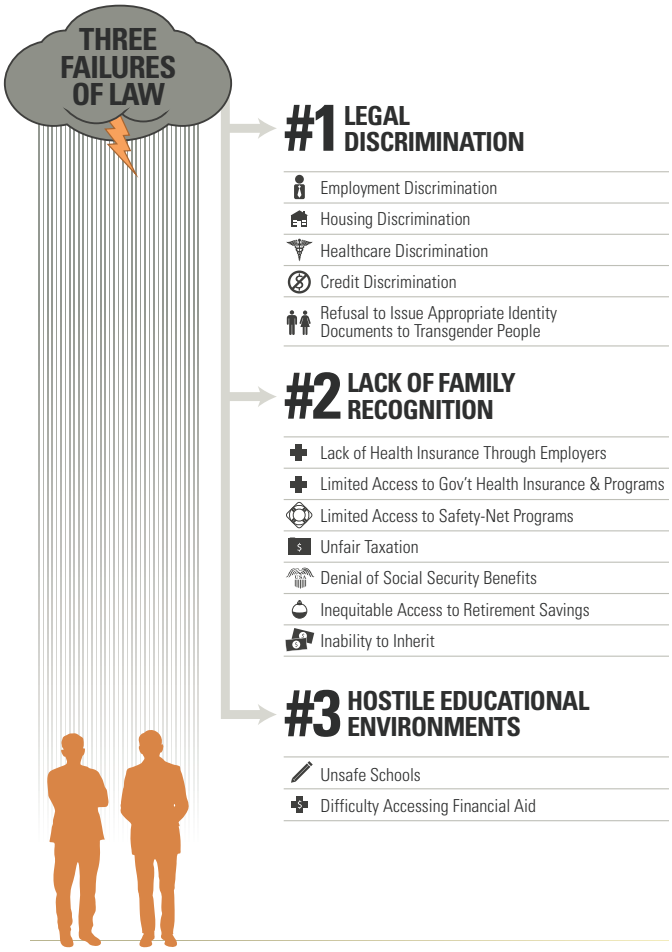
Three Primary Failures of Law Financially Penalize LGBT People

The financial penalties facing LGBT people in the United States are the result of three primary failures in the law:

1. Lack of protection from discrimination means that LGBT people can be fired, denied housing, and refused medically-necessary healthcare simply because they are LGBT. LGBT people experience credit discrimination, and transgender people face difficulties obtaining accurate identity documents, which can make it more difficult to secure employment, housing, and more. *The financial penalty:* LGBT people can struggle to find work, make less on the job, and have higher housing and medical costs than their non-LGBT peers.

2. Refusal to recognize LGBT families means that LGBT families are denied many of the same benefits afforded to non-LGBT families when it comes to health insurance, taxes, vital safety-net programs, and retirement planning. *The financial penalty:* LGBT families pay more for health insurance, taxes, legal assistance, and essential protection for their families in times of crisis.

3. Failure to adequately protect LGBT students means that LGBT people and their families often face a hostile, unsafe, and unwelcoming environment in local schools, as well as discrimination in accessing financial aid and other support. *The financial penalty:* LGBT young people and the children of LGBT parents are more likely to perform poorly in school and to face challenges pursuing postsecondary educational opportunities. This, in turn, can reduce their earnings over time.



Anti-LGBT Laws Create More Poverty Among LGBT Americans

These failures of law increase economic insecurity and poverty throughout the LGBT community. The result is that LGBT Americans are more likely than non-LGBT Americans to be poor, even though individuals in same-sex couples are more likely to be in the labor force than individuals in opposite-sex couples.

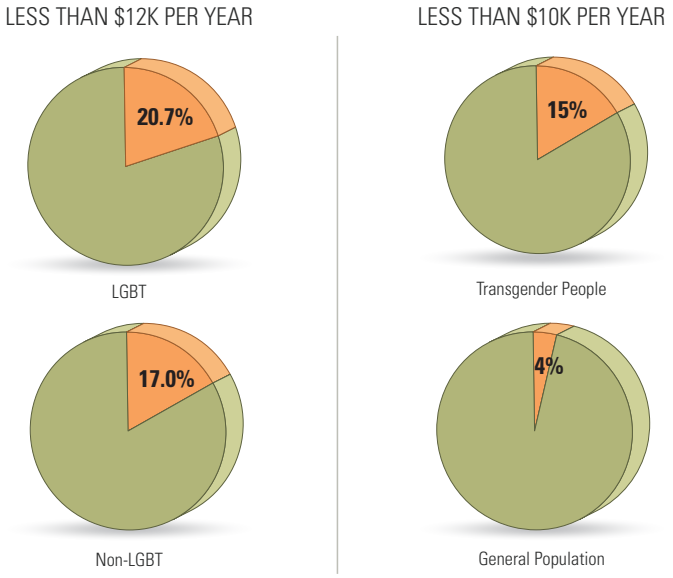
The majority of laws impacting the lives of LGBT Americans are state and local, rather than federal. In some states, LGBT people have a large degree of legal equality while in others, LGBT people are left completely unprotected or are deliberately targeted by anti-LGBT laws that financially penalize LGBT people. Household incomes for same-sex couples are lower in states with low levels of legal equality for LGBT people. For example, same-sex couples raising children in states without marriage equality have, on average, $8,912 less in annual household income than married opposite-sex couples raising children in those states. The gap is only $689 between same-sex and opposite-sex couples in states with marriage equality. And emerging research finds that female same-sex couples in states without marriage and those without employment protections are more likely to live in poverty than married opposite-sex couples in those states.

Some LGBT People Are Harder Hit Than Others

At greatest financial risk due to anti-LGBT laws are LGBT people with children, LGBT people of color, LGBT older adults, and LGBT people living in states with low levels of LGBT equality. For example, African Americans in same-sex couples are more than twice as likely to live in poverty as African Americans in married opposite-sex couples; African American same-sex couples also have higher rates of poverty than white same-sex couples.

The most vulnerable members of the LGBT community have no ability to absorb the financial penalties created by anti-LGBT laws. They also lack the financial resources to take steps to mitigate the effects of these laws–for example, by getting expert accounting help to navigate an unfair tax system or by traveling to another state to marry so their relationship will be recognized by the federal government.

EXTREMELY LOW INCOMES



Sources: Gary J. Gates, "LGBT Parenting in the United States," The Williams Institute, February 2013; M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013; Gary J. Gates, "LGBT Parenting in the United States," The Williams Institute, February 2013; Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

Recommendations for Change

It is time to put an end to the financial penalties that LGBT Americans face simply because they are LGBT. Action is needed on three main fronts. First, policymakers at all levels need to update laws to prohibit discrimination against LGBT people in areas from hiring to housing and credit. Second, policymakers need to update how laws and regulations define family so that LGBT families have access to the same protections and benefits that are available to other families. And last but not least, it is time for action to make America's schools safer and more welcoming for LGBT students and the children of LGBT parents so they can have the same opportunities as everyone else to get the education they need to build successful and rewarding lives.

Key Terms

LGBT People

- **Lesbian, Gay, Bisexual and Transgender (LGBT).** The terms "lesbian," "gay," and "bisexual" describe a person's sexual orientation and collectively include women and men who are predominantly or sometimes attracted to individuals of the same sex. The term "transgender" is independent of sexual orientation and describes individuals whose gender identity (the sense of gender that every person feels inside) and/or gender expression (their behavior, clothing, haircut, voice, and body characteristics) is different from the sex assigned to them at birth. At some point in their lives, many transgender people decide they must live their lives as the gender they have always known themselves to be, and transition to living as that gender.
- **Same-Sex Partner(s) and Spouses.** This report often uses the term "same-sex partner(s)" to refer to same-sex couples in committed relationships who may or may not be recognized under the law. When applicable, the report uses the term "same-sex spouse(s)" to identify those individuals in same-sex couples who are legally married (see below for a discussion of this term).
- **LGBT Families.** This report uses the term "LGBT families" interchangeably to refer to: 1) same-sex couples who may or may not be raising children; and 2) families in which a single LGBT adult is raising children. We use this term for simplicity. Our more restrictive use of the term "LGBT families" is not meant in any way to diminish bisexual or transgender people with an opposite-sex partner or spouse, nor those who live in family structures that include other family members, close friends, and loved ones who provide support.

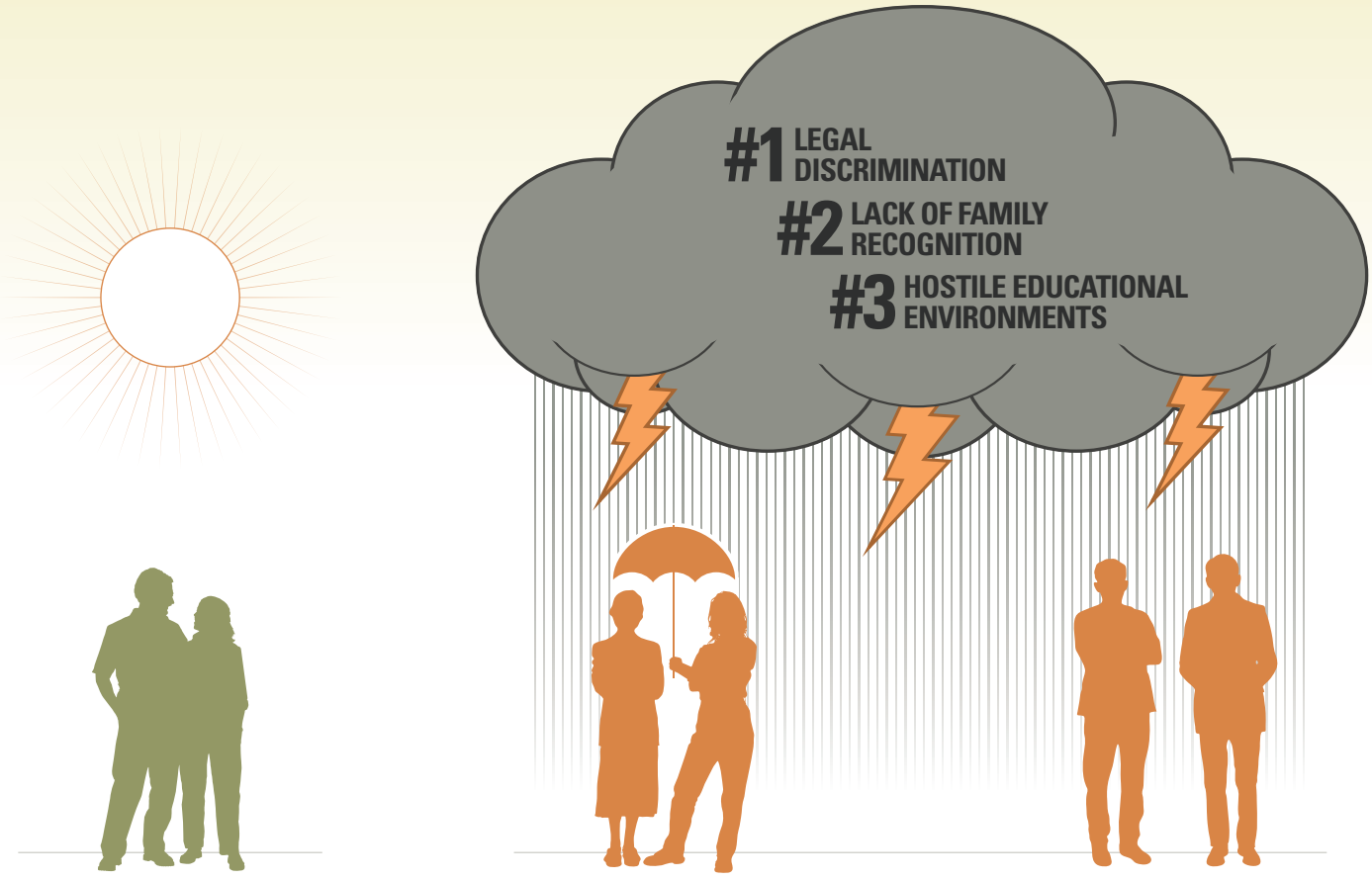
LGBT Parenting

- **Legal Parents and Non-Legally Recognized Parents.** We use the terms "legal parent" or "legally recognized parent" to refer to a person who is recognized as a parent under state (and sometimes federal) law, and who is generally related in some manner by blood, adoption, or other legal tie to a child. There are many instances in which someone acts as a parent to a child but is not recognized as a legal parent under state (and sometimes federal) law. Throughout the report, we distinguish between the terms "legally recognized parent" and "non-legally recognized parent."

Marriage for Same-Sex Couples

- **Legally Married.** Same-sex couples can obtain official state-issued marriage licenses in only a minority of states, though same-sex couples across the nation have had ceremonies solemnizing their relationships for decades. In this report, we use the term "legal marriage," "legally married," "marriage" or "married" interchangeably to refer to marriages that were/are entered into according to the laws of a particular state or other jurisdiction.
- **State of Celebration Standard.** Some federal laws and regulations recognize same-sex couples as married as long as their marriage took place in a state that recognizes the marriage as legal–even if the couple's current state of residence refuses to recognize the marriage. For example, a couple married in New York but now living in Tennessee would be considered married by a federal program using the state of celebration standard. Although it is sometimes called the "place of celebration" standard, we use the term "state of celebration" in this report.
- **State of Residence Standard.** Other federal laws recognize a legally married same-sex couple only if they currently live in a state with marriage equality. For example, a couple married in New York but now living in Tennessee would not be considered married by a federal program using the state of residence standard. Although it is sometimes referred to as the "place of domicile" standard, we use the term "state of residence" in this report.

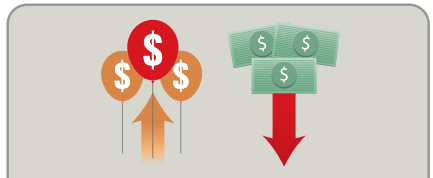
THREE FAILURES OF LAW
FINANCIALLY PENALIZE LGBT PEOPLE



HETEROSEXUAL
AVERAGE INCOME

LGBT
AVERAGE INCOME

LGBT
LOW INCOME



FINANCIALLY SECURE

FINANCIALLY PENALIZED

DESTITUTE

INTRODUCTION

Many Americans are living on the brink, financially struggling. The gap between the most well-off and the poorest Americans continues to grow, and the middle class is falling behind.[1] More and more Americans are concerned about how they will get by in the years ahead–how they will pay for medical emergencies, how they will send their children to college, and how they will save for retirement. And a growing number are worried about the immediate future, today and tomorrow–making rent, going to the grocery store, and paying for school supplies. One in five Americans (18%) is financially "insecure," meaning they recently experienced a significant loss in income without an adequate financial cushion.[2] And nearly half of households in the United States (44%) are living paycheck-to-paycheck. Translation: they lack enough savings to cover basic expenses for three months if they experience a job loss.[3]

Lesbian, gay, bisexual, and transgender (LGBT) Americans have the same worries as other Americans when it comes to paying for healthcare and other needs, finding good jobs, and saving for the future. But the LGBT population–which includes parents, workers, retirees, people of color, and people with disabilities–faces another set of challenges that can result in increased economic hardship. Outdated and discriminatory laws mean that lesbian, gay, bisexual, or transgender people can work the same hours and show the same commitment to and performance on the job as their non-LGBT coworkers and nevertheless face a series of economic penalties simply because of who they are and whom they love.

This report describes how LGBT Americans pay an unfair price for being LGBT, and how anti-LGBT laws cause the most harm to the most vulnerable LGBT communities.

As shown in the infographic on the previous page, three key failures of law financially penalize LGBT Americans: a lack of protection from discrimination, a refusal to recognize LGBT families, and failure to adequately protect LGBT students. This report describes the adverse economic impact of these failures of law on LGBT Americans, and how the financial penalties caused by these failures accumulate. The result is that LGBT people experience higher rates of poverty, and it is more difficult for them to provide for themselves and their families.

All LGBT Americans are affected in one way or another, but the impact of these penalties is felt most acutely by those who can least afford it: LGBT families with children, older same-sex couples, and those LGBT people and families who are already living near or below the poverty line, including a disproportionate number of LGBT people of color and LGBT people living in rural communities.

The report concludes with recommendations that would help end the unfair financial penalties that LGBT people in this country face simply because of their sexual orientation or gender identity/expression.

THE FINANCIAL PENALTY FOR BEING LGBT

Three Failures of Law Financially Penalize LGBT People

Anti-LGBT laws–at the federal, state, and local levels–have the emotional impact of telling LGBT people that they matter less than others, that their families and their health are not as important, and that their contributions at work are less valued.[4] But these outdated and discriminatory laws also have serious economic impacts, causing LGBT people to have a harder time becoming financially secure and providing for their families.

LGBT people in the United States face clear financial penalties because of three primary failures in the law.

1. **Lack of protection from discrimination** means that LGBT people can be fired, denied housing, and refused medically-necessary healthcare simply because they are LGBT. *The financial penalty:* LGBT people can struggle to find work, make less on the job, and have higher housing and medical costs than their non-LGBT peers.
2. **Refusal to recognize LGBT families** means that LGBT families are denied many of the same benefits available to non-LGBT families when it comes to health insurance, taxes, vital safety-net programs, and retirement planning. *The financial penalty:* LGBT families pay more for health insurance, taxes, legal assistance, and essential protection for their families in times of crisis.
3. **Failure to adequately protect LGBT students** means that LGBT people and their families often face a hostile, unsafe, and unwelcoming environment in local schools, as well as discrimination in accessing financial aid and other support. *The financial penalty:* LGBT young people and the children of LGBT parents are more likely to perform poorly in school and to face challenges pursuing postsecondary educational opportunities. This, in turn, can reduce their earnings over time, as well as their chances of having successful jobs and careers.

As shown in the infographic on the next page, these failures of law accumulate and result in substantial economic disparities for LGBT people. In some cases, the legal inequality experienced by LGBT people results in *lower incomes*—for example, due to employment discrimination or the denial of family tax credits. This makes it harder for LGBT Americans to save for the future or cover basic necessities like rent, food, and clothing. In other cases, these same legal inequalities burden LGBT people with *higher costs* for needs like housing, healthcare, health insurance, and education.

Whether these failures of law result in lower incomes, added costs or both, they mean that LGBT people often are forced to make choices that the rest of the population doesn't have to think about:

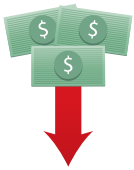
- Should they accept that they are not going to get the same healthcare coverage and other benefits as the people they work with, or should they pay to hire a lawyer to create legal ties for their families?
- Should LGBT parents or parents with LGBT youth keep their child in a school where he is harassed and doesn't want to go to school, or should they pay a huge sum to move or to enroll him to a more welcoming school?
- Should LGBT people ask a new employer about family health benefits and risk "outing" themselves as LGBT and getting fired, or should they stay quiet and pay extra to find the coverage they need?
- Should gay and lesbian couples keep living separately so their landlord doesn't know they are gay or lesbian, or should they move in together to save money and risk getting evicted?

Put simply, anti-gay laws work together to increase economic insecurity and poverty in the LGBT community. This is not a theory; the data in the following section show it is a fact.

UNFAIR LAWS

MEAN HIGHER COSTS AND LESS INCOME FOR LGBT PEOPLE

HIGHER COSTS



LESS INCOME

#1 LEGAL DISCRIMINATION

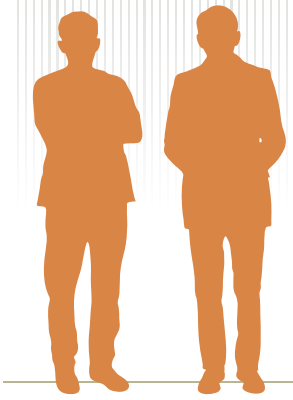
	HIGHER COSTS	LESS INCOME
Employment Discrimination		✓
Housing Discrimination	✓	
Healthcare Discrimination	✓	✓
Credit Discrimination	✓	✓
Refusal to Issue Appropriate Identity Documents to Transgender People	✓	✓

#2 LACK OF FAMILY RECOGNITION

Lack of Health Insurance Through Employers	✓	✓
Limited Access to Gov't Health Insurance & Programs	✓	✓
Limited Access to Safety-Net Programs	✓	✓
Unfair Taxation	✓	✓
Denial of Social Security Benefits	✓	✓
Inequitable Access to Retirement Savings	✓	✓
Inability to Inherit	✓	✓

#3 HOSTILE EDUCATIONAL ENVIRONMENTS

Unsafe Schools	✓	✓
Difficulty Accessing Financial Aid	✓	



LGBT PEOPLE
LEFT STRUGGLING TO GET BY

LGBT Americans Are More Likely to Be Poor

In a 2012 Gallup survey, which was the largest single study of where LGBT Americans live, 3.5% of the U.S. population, or nearly 8.5 million adults, identified as LGBT.[5] LGBT people are part of the fabric of America. As shown in the infographic on the next page, they live in communities across the country, they are racially diverse, and a significant number of them are raising children.

Despite the persistent but incorrect perception that LGBT people are relatively well-off, research from the Williams Institute shows that LGBT people are more likely than non-LGBT people to be poor (see the infographic on page 6). This is true even though individuals in same-sex couples are more likely to be in the labor force than individuals in opposite-sex couples (82% vs. 69%).[6]

Of course, there is no single LGBT experience. Rather, the experience of being LGBT and the toll that inequality takes on an individual's economic security vary from person to person based on unique circumstances and an individual's multiple identities (including race, gender, socioeconomic status and more). As shown in the infographics on pages 6-7, LGBT people struggle financially compared to their non-LGBT counterparts.

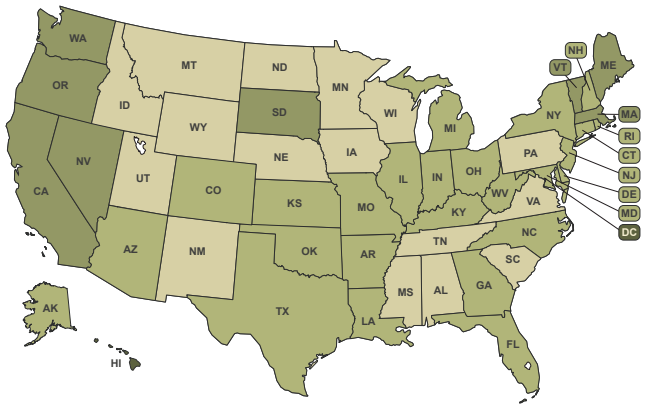
- Only 29% of LGBT adults in the United States report they are thriving financially compared to 39% of non-LGBT adults. The gap for LGBT women and their non-LGBT counterparts is even greater (12 percentage points).[7]
- According to a 2012 Gallup survey, 20.7% of LGBT people living alone had incomes less than $12,000–near the poverty line–compared to 17.0% of non-LGBT people living alone.[8]
- Women in same-sex couples are more likely to live in poverty (7.6%) than women in opposite-sex married couples (5.7%).[9] Using the Census Bureau's Supplemental Poverty Measure, which measures poverty using broader measures of family resources, family, household expenditures, and more, 7.7% of same-sex couples were poor in 2013, including 9.8% of female same-sex couples, compared to 9.6% of married opposite-sex couples.[10]
- A study of transgender Americans found they are nearly four times more likely to have a household income under $10,000 per year than the population as a whole (15% vs. 4%).[11] This is true despite the finding that 87% of transgender people have completed at least some college and 47% have obtained a college or graduate degree–rates that are much higher than those for the general population.
- Single LGBT adults raising children are three times more likely to have incomes near the poverty line compared to single non-LGBT adults raising children.[12] Similarly, married or partnered LGBT parents raising children are twice as likely to have household incomes near the poverty line compared to married or partnered non-LGBT parents.
- Children of same-sex couples are almost twice as likely to live in poverty compared to children raised by married opposite-sex couples. Specifically, 19.2% of children of female same-sex couples and 23.4% of children of male same-sex couples are poor, compared to 12.1% of children of married opposite-sex couples.[13]
- Because of the combined effects of their sexual orientation and the gender wage gap, older female same-sex couples are twice as likely to be poor as older heterosexual couples. Six percent of female same-sex couples age 65 and over are in poverty, compared to 3.5% of older married opposite-sex couples and 2.3% of older male same-sex couples.[14] No good data exist on the poverty rates of older transgender adults.
- Like other Americans, many LGBT people are working in low- or minimum-wage jobs. A recent study by the Williams Institute finds that increasing the minimum wage from the current federal rate of $7.25 per hour to $10.10 per hour would lift at least 20,000 individuals in same-sex couples out of poverty; this would reduce the poverty rate for female same-sex couples by 25% and by 30% for male same-sex couples.[15]

Among LGBT people of color, the poverty data mirror broader societal trends. For example, the Williams Institute finds that African Americans in same-sex couples are more than twice as likely to live in poverty as African Americans in married opposite-sex couples; African American same-sex couples also have much higher rates of poverty than white same-sex couples (see the infographic on page 7).[16] Children raised by black parents in same-sex couples have extremely high rates of poverty (52% for those living with gay male couples and 38% for those living with lesbian couples).[17]

WHO ARE LGBT PEOPLE IN THE UNITED STATES?

8.5 MILLION LGBT ADULTS:

ARE LIVING IN ALL 50 STATES



LGBT POPULATION DENSITY

5.0% AND GREATER | 4.0%-4.9% | 3.0%-3.9% | 1.5%-2.9%

ARE RACIALLY DIVERSE

1 IN 3

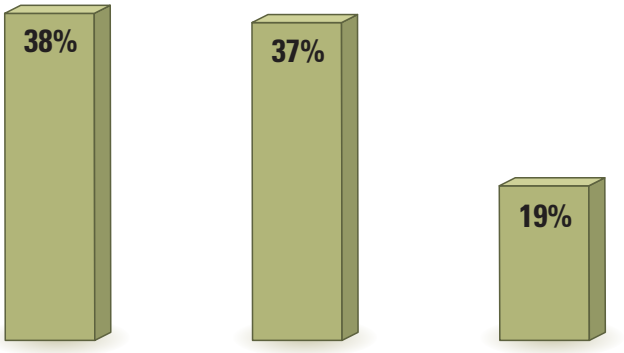
LGBT PEOPLE IDENTIFY AS A PERSON OF COLOR

HAVE HIGH LABOR FORCE PARTICIPATION

82% OF SAME-SEX COUPLES

69% OF MARRIED OPPOSITE-SEX COUPLES

ARE OFTEN RAISING CHILDREN



TRANSGENDER ADULTS WHO ARE PARENTS

LGBT ADULTS WHO HAVE HAD A CHILD

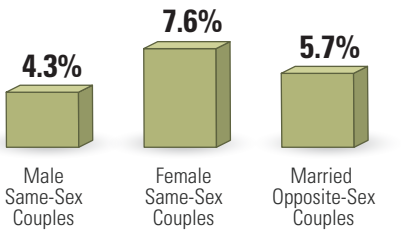
SAME-SEX COUPLES RAISING CHILDREN

Sources: Gary J. Gates, "LGBT Parenting in the United States," The Williams Institute, February 2013; Gary J. Gates, "Same-sex and Different-sex Couples in the American Community Survey: 2005-2011," The Williams Institute, February 2013; Gary J. Gates and Frank Newport, "Special Report: 3.4% of U.S. Adults Identify as LGBT," Gallup Politics, October 18, 2012; Gary J. Gates and Frank Newport, "LGBT Percentage Highest in D.C., Lowest in North Dakota," Gallup Politics, February 15, 2013; Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

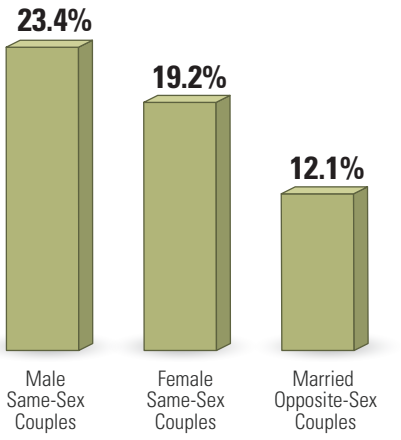
POVERTY IN THE LGBT COMMUNITY

POVERTY RATES

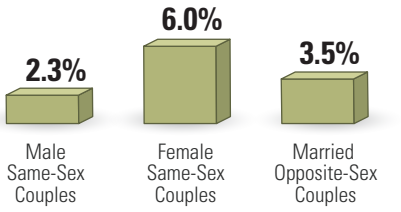
ADULTS IN POVERTY



CHILDREN IN POVERTY RAISED BY...

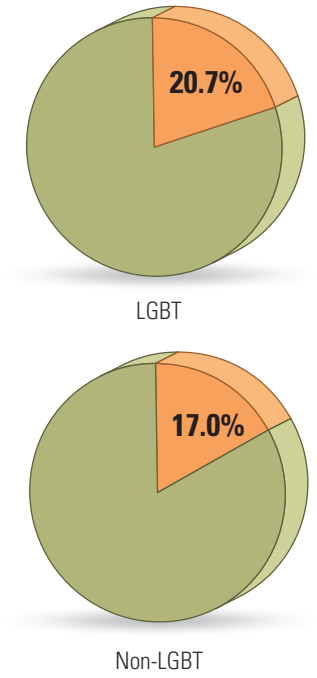


OLDER ADULTS IN POVERTY

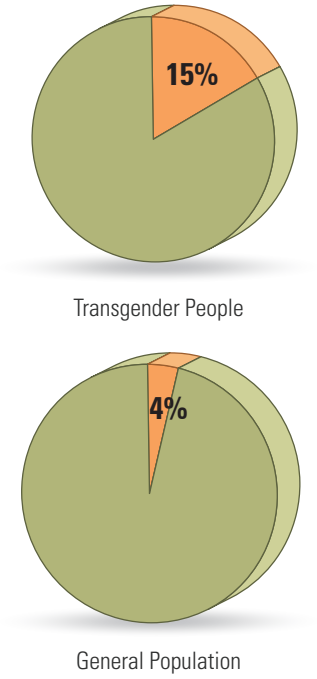


EXTREMELY LOW INCOMES

LESS THAN $12K PER YEAR

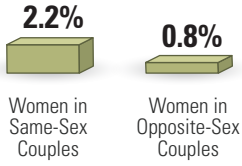


LESS THAN $10K PER YEAR

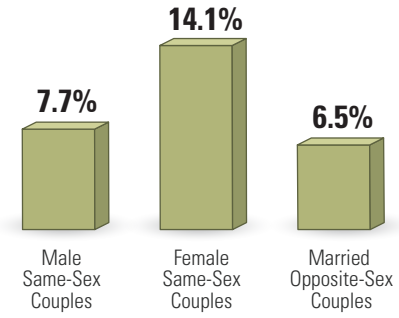


PUBLIC ASSISTANCE

RECEIVE CASH ASSISTANCE (e.g., TANF)



RECEIVE FOOD ASSISTANCE (SNAP)



SINGLE LGBT ADULTS WITH CHILDREN ARE 3x

MARRIED OR PARTNERED LGBT ADULTS WITH CHILDREN ARE 2x

AS LIKELY TO HAVE INCOMES NEAR THE POVERTY LINE AS NON-LGBT PEERS

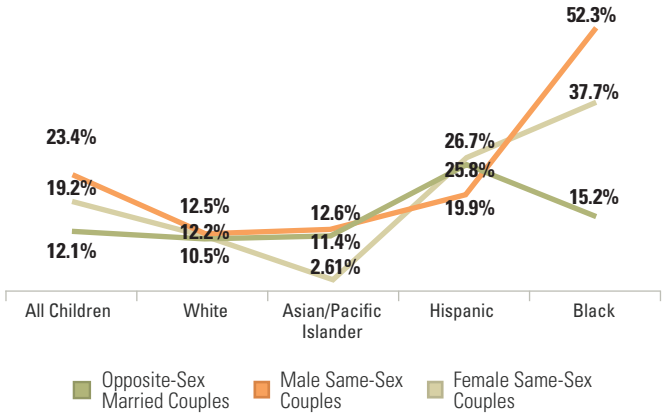
Sources: M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013; Gary J. Gates, "LGBT Parenting in the United States," The Williams Institute, February 2013; Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, "Injustice at Every Turn: A Report of the National Transgender Discrimination Survey," National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

LGBT PEOPLE OF COLOR ARE MORE LIKELY TO LIVE IN POVERTY

POVERTY RATES

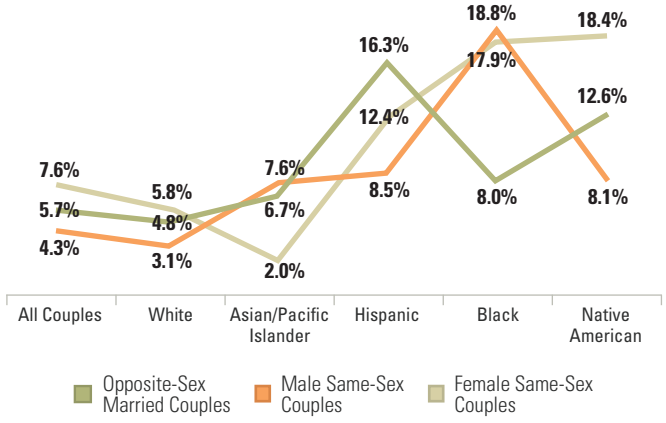
PERCENT OF CHILDREN LIVING IN POVERTY

By Family Type and Race/Ethnicity



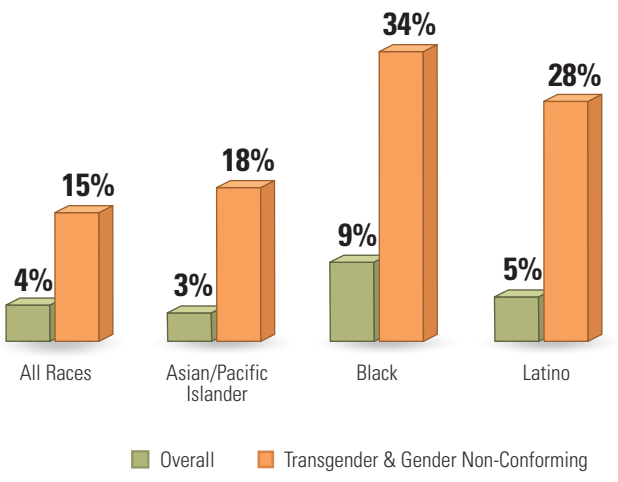
PERCENT OF ADULTS LIVING IN POVERTY

By Family Type and Race/Ethnicity



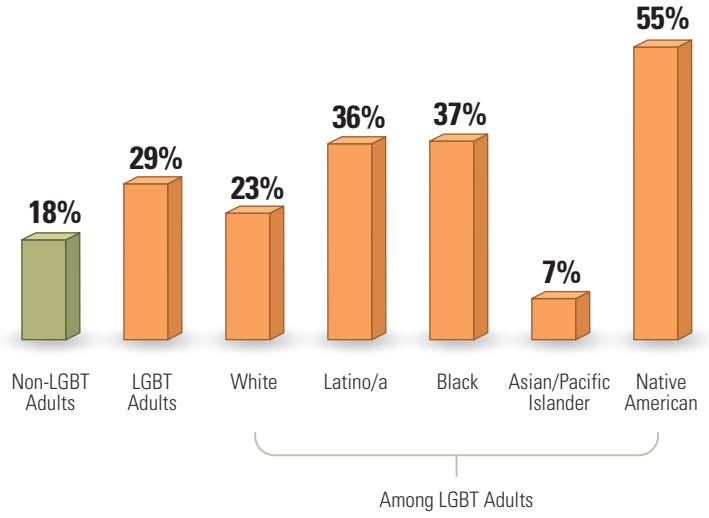
EXTREMELY LOW INCOME

PERCENT OF TRANSGENDER RESPONDENTS REPORTING EXTREME POVERTY INCOMES LESS THAN $10K PER YEAR



FOOD INSECURITY

PERCENT OF LGBT PEOPLE OF COLOR REPORTING HIGH RATES OF FOOD INSECURITY



Sources: M.V. Lee Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013; Gary J. Gates, "Food Insecurity and SNAP (Food Stamps) Participation in LGBT Communities," The Williams Institute, February 2014; Grant, Jaime M., Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling. Injustice At Every Turn: A Report of the National Transgender Discrimination Survey. Washington: National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

Similarly, transgender people of color report much higher rates of extreme poverty, as shown in the infographic on page 7.[18] Four percent of the overall U.S. population has incomes of $10,000 or less, but the figure jumps to 15% of transgender people, according to the National Transgender Discrimination Survey. Asian and Pacific Islander (API) transgender people were six times as likely to report extremely low incomes compared to other API people, while 34% of black transgender respondents reported incomes at this level.[19]

Given their higher rates of poverty, it is not surprising that LGBT people are more likely to rely on safety-net programs to make ends meet and to feed themselves and their families. Individuals in same-sex couples, for example, are twice as likely to receive cash assistance through public programs such as Temporary Assistance for Needy Families (TANF), compared to those in opposite-sex couples (regardless of marital status).[20] Lesbian, gay and bisexual individuals and those in same-sex couples also are more likely to receive assistance from food programs such as the Supplemental Nutrition Assistance Program (SNAP). The Williams Institute finds that 29% of LGBT adults were "food-insecure" (meaning they lacked money to feed themselves or their family) in the past year, compared to 18% of non-LGBT adults.[21] Rates of food insecurity vary by race, with LGBT people of color reporting even higher rates (see the infographic on the previous page).

LGBT Poverty Is Higher in States with Anti-LGBT Laws

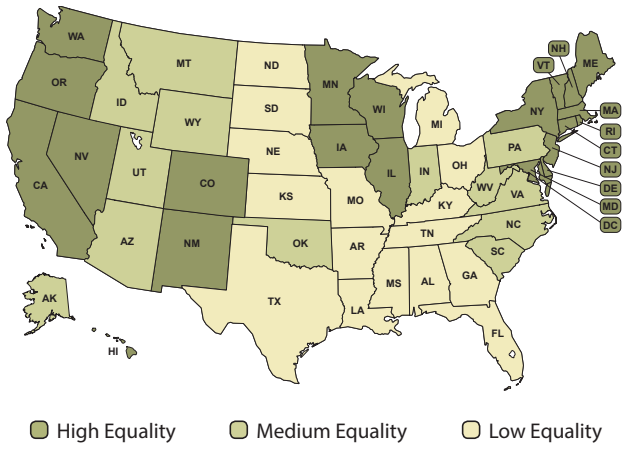
The majority of laws impacting the lives of LGBT Americans are state and local, rather than federal. Although the increasing recognition of same-sex couples by the federal government has certainly made a tangible difference for couples who are married, it has also brought to light the inequalities experienced by couples who cannot marry in their home states. What's more, the focus on marriage equality often obscures the fact that LGBT people in most states lack access to many other basic opportunities and protections, and this has a very serious impact on their ability to make ends meet and provide for their families. The bottom line: Where one lives makes a huge difference in the extent to which LGBT people are impacted by the failures of law explored in this report. In some states, LGBT people have a large degree of legal equality while in others, LGBT people are left completely unprotected or are deliberately targeted by anti-LGBT laws. This confusing patchwork of laws means that some LGBT people and their families are paying a significantly higher price than other LGBT people.

For example, some states have laws prohibiting employment, housing and credit discrimination based on sexual orientation and gender identity; other states do not. Some states allow same-sex couples to marry; others do not. Parents can create legal ties to their children in some states, but they and their children would be legal strangers if they were living just across state lines.

As shown in the infographic on the next page, 21 states and the District of Columbia have high levels of legal equality for LGBT people. In these states, LGBT people generally have legal protections from discrimination in employment, housing and public accommodations; LGBT students can attend school knowing they are legally protected from bullying; same-sex couples can marry; and LGBT parents can secure legal ties to their children.

But these "high-equality" states (and the District of Columbia) are still in the minority. More than half of states in this country are places where LGBT people lack basic legal equality and protections from discrimination at work, at school, and in other settings. As shown in *Figure 1* and the infographic on the following page, one-third of LGBT people in the United States live in states that lack any formal legal equality for LGBT people,[22] and there are entire regions of the country where LGBT people lack even basic protections. In many states, the penalty for being LGBT is made worse by laws explicitly *excluding* LGBT people from these protections, such as laws banning any positive discussion of LGBT youth in schools and case law prohibiting second-parent adoptions by gay or lesbian parents.

Figure 1: LGBT Legal Equality

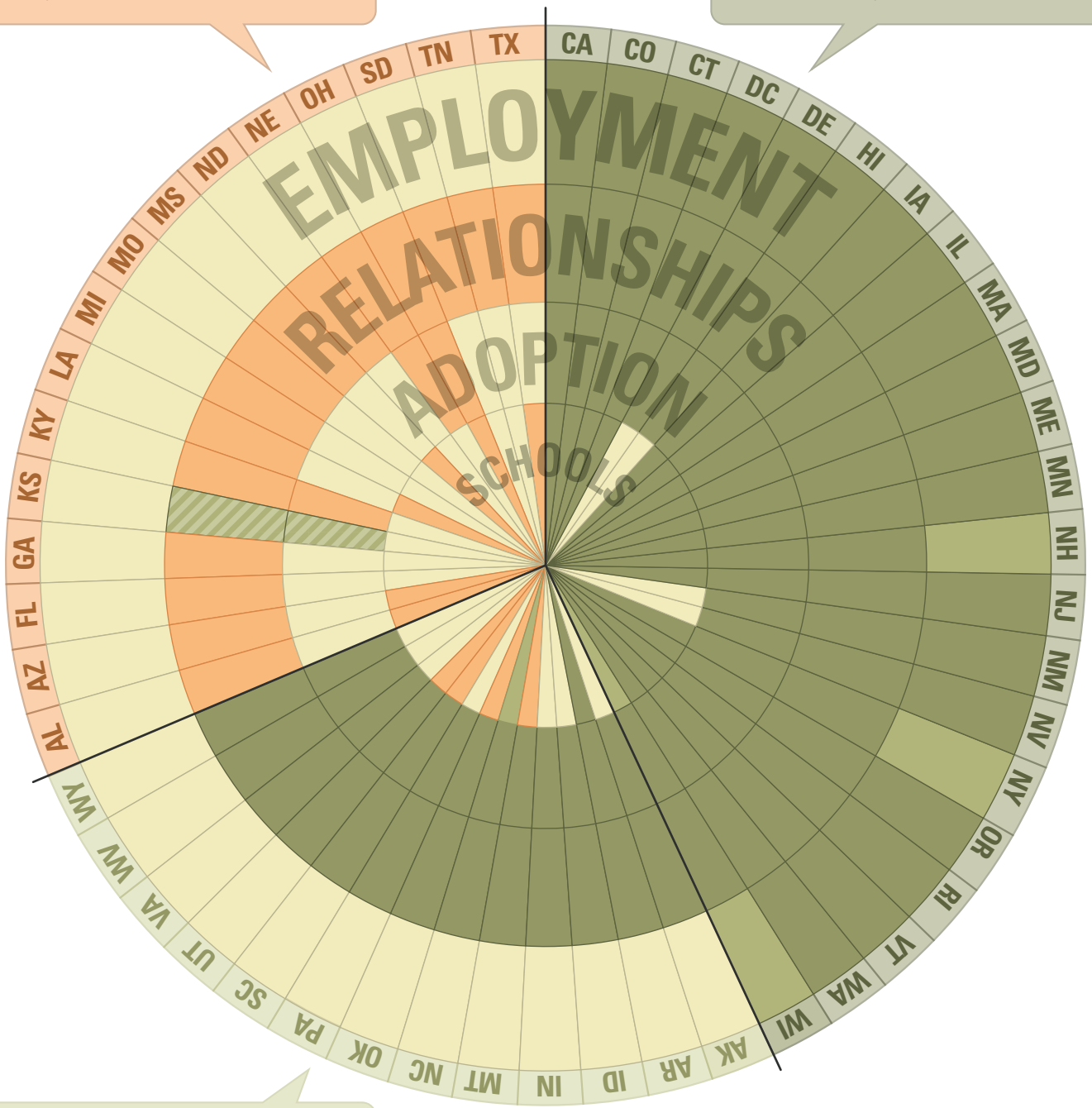


Source: Movement Advancement Project, "LGBT Equality Maps."

A PATCHWORK OF LEGAL EQUALITY

LOW EQUALITY STATES
16 STATES, 35% OF THE LGBT POPULATION

HIGH EQUALITY STATES
21 STATES & DC, 48% OF THE LGBT POPULATION

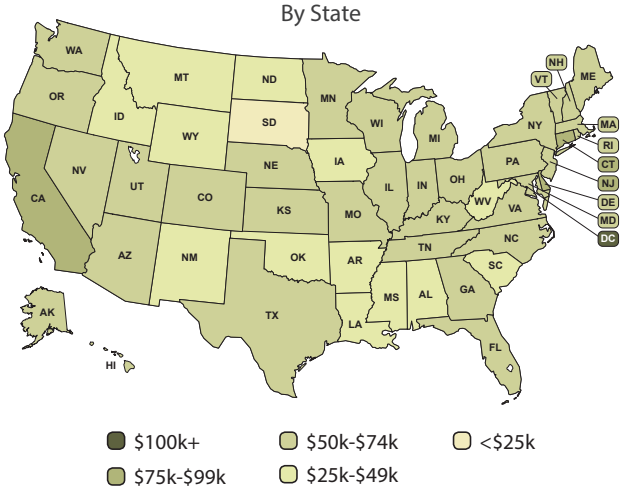


MEDIUM EQUALITY STATES
13 STATES, 17% OF THE LGBT POPULATION

KEY: FULL LGBT EQUALITY | LIMITED LGBT EQUALITY | PENDING LGBT EQUALITY | NO LGBT EQUALITY | ANTI-LGBT LAW

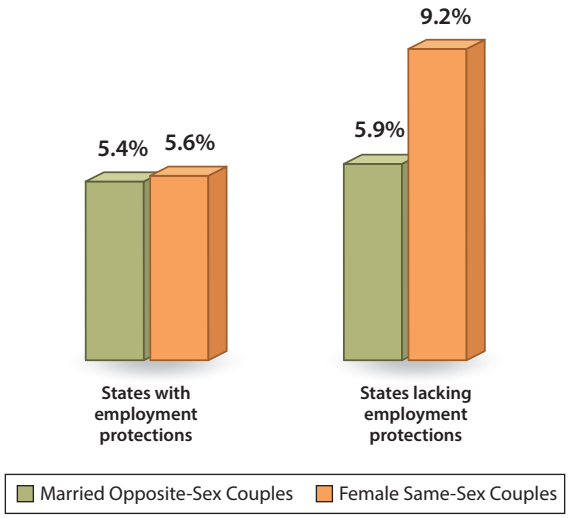
Note: As of November 24, 2014, Kansas has a federal appellate court ruling in favor of marriage equality, and marriage will be available to same-sex couples pending further action.
Source: Movement Advancement Project, "LGBT Equality Maps."

Figure 2: Median Household Income for Same-Sex Couples
By State



Source: Williams Institute, Individual State Census Snapshots: 2000, 2007-2008.

Figure 3: Poverty Rate for Couples in States With and Without Employment Protections in 2010



Source: M.V. Lee, Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013.

The lack of legal equality has serious financial consequences for LGBT people. As shown in *Figure 2*, the median household income for same-sex couples is lower in "low-equality" states like Louisiana, Mississippi, Louisiana and South Dakota. Many of these states, in particular in the South, have higher poverty rates in general, so this trend is not surprising. However, there is emerging evidence that LGBT people in low-equality states are disproportionately more likely to be poor than non-LGBT people in their states.

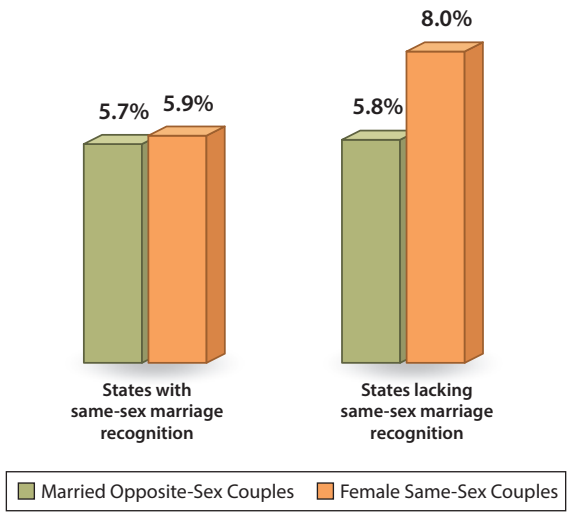
A 2013 Williams Institute study about poverty rates for LGBT people in the United States shows preliminary evidence of the impact of lack of legal equality on poverty for individuals living in same-sex couples.[23] As shown in *Figure 3*, the average poverty rate for female same-sex couples was 3.6 percentage points higher in states without employment protections compared to states with these protections. For married opposite-sex couples, the comparable increase in poverty between states with and without protections was just half a percentage point. As shown in *Figure 4* on the following page, 5.9% of female same-sex couples were poor in states with marriage or comprehensive relationship recognition, compared to 8.0% of female same-sex couples in states without relationship recognition of any kind.[a] Compared to the 2.1-percentage-point difference in poverty for same-sex couples in states with and without marriage or relationship recognition, the difference for married opposite-sex couples was just one-tenth of a percentage point. The authors found that, when controlling for factors influencing poverty, the differences across states were no longer statistically significant, but that states with nondiscrimination laws and recognition for same-sex couples had lower poverty rates for all couple types.

A 2014 analysis of data from the Census Bureau conducted by the Williams Institute finds similar trends in household income levels for same-sex couples raising children.[24] As shown in *Figure 5* on the following page, in states with marriage equality, the average household income for same-sex couples raising children was $122,522 compared to $123,211 for married opposite-sex couples raising children–a difference of only $689.[b] The gap in household income between same-sex couples with children and married opposite-sex couples with children increases in states without marriage equality to $8,912 ($89,474 for same-sex couples and $98,386 for married opposite-sex couples).

These numbers suggest that the income and wealth gap between same-sex couples and married opposite-sex couples is substantial in states where families do not have access to marriage and other vital protections. For example, the relative lack of protections available to LGBT people in a low-equality state like Texas stands in stark contrast to the protections available in a high-equality state like

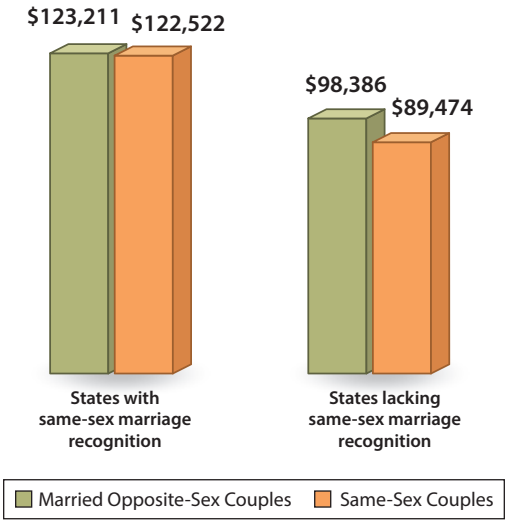
[a] This analysis was conducted using data collected in 2010 and reflects only the states that had marriage equality or comprehensive relationship recognition in 2010.
[b] This analysis was conducted using data from 2013 and reflects only the states that had marriage in 2013.

Figure 4: Poverty Rate for Couples in States With and Without Marriage or Comprehensive Relationship Recognition



Source: M.V. Lee, Badgett, Laura E. Durso, and Alyssa Schneebaum, "New Patterns of Poverty in the Lesbian, Gay, and Bisexual Community," The Williams Institute, June 2013.

Figure 5: Average Household Income for Couples Raising Children in States With and Without Marriage



Source: Analysis of 2012 American Community Survey (Public Use Microdata Sample) by Gary J. Gates, The Williams Institute, July 2014.

Massachusetts.[c] Here are just a few of the possible financial penalties facing an LGBT resident of Texas:

- The Texas LGBT resident risks being fired if a hostile supervisor sees her in public with her partner, whereas the resident of Massachusetts has employment protections.
- The Texas resident is unable to establish legal ties to children she is parenting with her partner and must hire a lawyer to draw up as many protective documents as possible (wills, medical decision-making releases, guardianship documents, etc.), whereas both mothers in Massachusetts are legal parents.
- The Texas resident must pay extra taxes on health insurance benefits for her partner (when such benefits are even available), whereas a same-sex couple in Massachusetts faces no such tax penalty.

The geographic patchwork of conflicting state laws and policies poses problems even for LGBT families who currently live in high-equality states. If these LGBT families are traveling or have to move because of their jobs or because they want to be closer to family, they can easily find themselves in a state where their protections are drastically limited. Just crossing a state line, say from Colorado to Nebraska, can have serious consequences for LGBT people and their families in terms of the ability to earn a living, find housing or a loan, protect one's family, or feel safe in school. Moving from a state with marriage equality to a state without it means a same-sex couple planning to retire would be unable to receive Social Security spousal benefits. These types of penalties add up quickly and can place an unfair financial burden on LGBT people, plus real limits on their ability to move for work, promotions or other reasons.

Stigma and Discrimination Create Added Burdens

A lack of legal protection is not the only barrier facing LGBT people as they strive to find equal opportunities to pursue an education, find a job and become financially secure. Even in high-equality states, the experience of being LGBT can vary drastically depending on where one lives. In some areas, LGBT people can face more discrimination than in others. For example, an LGBT family in a rural area may be the only one in town and may face high levels of discrimination when compared to an LGBT family in an urban area of the same state.

Data from the 2010 Census show that 10% of same-sex couples (or approximately 64,000 couples in total) live in rural communities, and another 38,000 same-sex couples live in "exurban" communities.[25] In these communities, employment and housing discrimination can take a particular toll on the financial

[c] For detailed information about state laws across the United States, see Movement Advancement Project, "LGBT Equality Maps."

security and quality of life of LGBT people because of a limited number of good jobs or places to live. Similarly, when there are few options for everything from schools to healthcare providers, families can face particularly tough choices. Should they go to a healthcare provider who is hostile or drive an hour to an out-of-network physician in a different town? Should they keep a child in a school where she faces intense bullying, or have one parent leave work in order to home school the child?

These questions are not merely academic. GLSEN (the Gay, Lesbian & Straight Education Network) found that LGBT students in rural communities were more likely to say they felt unsafe at school because of their sexual orientation, gender, gender identity, or other personal characteristic than students in suburban or urban schools.[26]

Why Don't LGBT People Just Move?

Given the vastly different legal protections available to LGBT people across the states, LGBT people are sometimes asked, "Why don't you just move?" to a higher-equality state. The answer for many LGBT people is the same as it is for other Americans: This is where they grew up, where they have family, and where they have a community and readily available job opportunities.

According to Williams Institute demographer Gary J. Gates, nearly 60% of people who identify as lesbian, gay or bisexual say they live in the same state they lived in when they were 16 years old.[27] Of this group, two-thirds still live in the same city. Compared to heterosexual-identified adults, the numbers are roughly the same. Gates explains, "This doesn't mean that LGBT people don't try to move to more progressive neighborhoods within their communities, but those who live in more conservative areas are there, like their neighbors, because it's the best option for them in terms of employment, affordability, and for some, schools and child-oriented amenities." He continues, "Most LGBT people don't and aren't able to live in overtly LGBT-friendly places. They don't have the resources to make those choices. As a result, they likely endure some prejudice in return for being able to live in affordable areas near their families and longtime friends."

THE PENALTIES HIT POOR LGBT PEOPLE THE HARDEST

Almost every lesbian, gay, bisexual, or transgender American faces some sort of financial penalty simply for being LGBT, though the extent and severity of the penalty varies by geography and each person's unique circumstances. However, if one consequence of anti-LGBT laws is that they financially penalize LGBT Americans, another consequence of these laws is that they target the most vulnerable within the LGBT community. That is, anti-LGBT laws in general are likely to disproportionately hurt poor LGBT people, older LGBT people, and those who are raising children or are people of color.

As shown in the infographic on the next page, these vulnerable LGBT populations have no ability to absorb the financial penalties imposed on them by unequal laws. They also lack the financial resources to take steps to mitigate the effects of these unfair laws, nor to protect themselves and their families from those effects.

Financial Penalties Can Lead to Crisis

As shown in the infographic on the next page, the economic challenges presented by legal inequality can have profound effects on the lives of LGBT Americans whose finances are stretched thin. Even the slightest rise in costs or loss of income can push an already poor person or family into destitution. For example:

- A gay man, who is already living paycheck to paycheck, is fired for being gay. Without a job or a cash cushion, he is unable to afford basic necessities like food and rent, pushing him onto the street or into a shelter.
- A transgender person in a state lacking housing protections can be evicted without cause or warning. She then finds herself unable to piece together a security deposit for a new apartment or to afford a more expensive apartment leased by a landlord who doesn't discriminate.
- A transgender person is unable to afford the filing and processing fees required to update his identity documents. As a result, he faces additional barriers to finding employment, traveling, or obtaining government assistance.
- A same-sex couple has to pay extra federal and state income taxes that non-LGBT people don't have to pay. As a result, the couple struggles to cover the costs of a critical car repair.

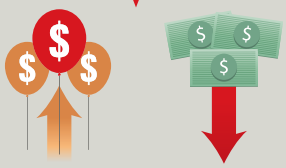
ANTI-LGBT LAWS
IMPACT POOR PEOPLE THE MOST

THREE LEGAL FAILURES

#1 LEGAL DISCRIMINATION

#2 LACK OF FAMILY RECOGNITION

#3 HOSTILE EDUCATIONAL ENVIRONMENTS



HIGHER COSTS AND LESS INCOME

POOR LGBT PEOPLE HARDEST HIT:

NO ABILITY TO ABSORB FINANCIAL HIT

RESULT: ECONOMIC DISTRESS

NO ABILITY TO MITIGATE BAD LAWS

RESULT: UNPROTECTED & VULNERABLE

- An older gay man is denied equal Social Security benefits after his partner dies, and is left struggling to put food on the table.
- A gay high school student who is estranged from his family can't obtain his parents' financial information to apply for financial aid and can't afford tuition on his own. As a result, he may not be able to attend college.

Struggling Families Lack Resources to Mitigate Unfair Laws

LGBT people with means can to some degree mitigate the terrible toll of anti-gay laws on financial security, family security and everyday living. Doing this can be expensive, however, as shown in *Table 1* on the next page. As a result, these steps to try and mitigate the effects of anti-LGBT laws are out of reach for many LGBT people.

Similarly, LGBT people with means can, to some degree, try to inoculate themselves and their families against discrimination because they have more flexibility in choosing schools and service providers. However, poor LGBT families usually cannot do this. For example, low-income LGBT individuals and families often will not have the means to use a friendly but out-of-network doctor when they face a hostile healthcare provider.

Finally, poor LGBT people often do not have the means to take steps that could result in longer-term economic benefits. For example, they may not be able to afford to travel to another state to marry so that their relationship will be recognized by the federal government.

No person should have to spend hard-earned dollars trying to replicate protections for themselves and their families due to the absence of basic legal fairness. However, when a lesbian, gay, bisexual, or transgender person struggles financially, even this option is off the table–or may come at the expense of other necessities. What parent should be forced to choose between securing a legal tie to her child through a second-parent adoption (which can cost thousands of dollars) and fixing the family car so she can get to work?

Summing It Up: How the Penalties Can Lead to Very Different Life Outcomes

To better understand the ways in which anti-LGBT laws and the three key failures of law identified in this report impact the lives of LGBT people, consider the example of three women–Alice, who is heterosexual; and Maria and Janelle, who are lesbians.

Education

As shown in *Table 2* on page 17, all three attend the same public high school, but Maria and Janelle are harassed and bullied for being lesbians, and the school lacks a Gay Straight Alliance. Maria's family makes the difficult decision to send Maria to a welcoming and supportive private school, ensuring that she can stay focused on her education and attend school without fear of violence or harassment. Maria graduates from high school. Like her heterosexual classmate, Alice, Maria then goes on to graduate from college. Janelle, however, comes from a family that is struggling financially, and her parents simply cannot afford to pay out-of-pocket for her schooling. As the bullying continues, Janelle begins skipping school, her grades slip, and she ends up leaving high school before graduating.

Employment

When they enter the job market, Alice and Maria both get good jobs that pay well, although Maria faces wage discrimination and is offered a starting salary that is $6,000 lower than Alice's. Alice and Maria both receive decent benefits, including health insurance, from their employer. Without a high school or college degree, Janelle takes a job working at a grocery store, where she makes minimum wage and doesn't have any benefits, such as health insurance or paid sick leave. Janelle makes $15,000 a year.

Marriage

A few years later, Alice marries John at the local courthouse. Maria has been dating her girlfriend, Melissa, for several years. They are engaged, but they cannot be legally married in their state. Thankfully, they have a little money saved up, so they take a vacation to Boston where they wed.

Janelle, on the other hand, continues her job at the grocery store but has been unable to save any money. She and her fiancé, Jess, cannot afford to travel out-of-state to wed, nor does she have vacation time to make such a trip. The couple wear rings to symbolize their commitment to one another, but they are not considered legally married under state or federal law.

Health Insurance and Health Services

Alice's husband John is self-employed, so Alice signs him up for health insurance through her employer.

Table 1: The Unfair Price for Being LGBT

The Unfair Price for Being LGBT

Cashier: US Law

Financial Stability and Planning for Future	
Taxes and tax preparation	*$ 3,000.00*
Wills	*$ 1,200.00*
Trusts & estates	*$ 1,200.00*
Powers of attorney	*$ 300.00*
Retirement planning	*$ 1,500.00*
Family Security	
Parenting agreement	*$ 500.00*
Guardianship agreement	*$ 500.00*
Second-parent adoption	*$ 2,000.00*
Accurate Identity Documents	
Filing fees for updated docs	*$ 150.00*
Amended birth certificate	*$ 30.00*
Adequate Health Insurance and Care	
Health insurance for family	*$ 3,000.00*
Health care if not insured	*$ 583.00*
Out-of-network costs to avoid hostile provider	*$ 158.00*
Avoiding Hostile Environments and Discrimination	
Work: getting a new job to avoid hostile work environment	*$ 6,800.00*
School: paying for private school to avoid bullying	*$10,000.00*
Housing: moving to avoid a hostile landlord	*$2,300.00*
Everyday life: moving out of state to gain better legal protections	*$12,500.00*
Extra Travel	
Travel to marry	*$ 1,400.00*
Travel to adopt	*$ 1,400.00*
Travel to update identity docs	*$ 1,400.00*

Financial Stability and Planning for the Future

- The inability to file joint tax returns or to claim children for whom one is caring results in higher tax bills. Plus, tax preparation for LGBT families is complicated by unfair laws, often resulting in higher preparation costs.[28]
- Without the protections of marriage and parenting ties to children, lower-income LGBT families may be unable to afford the modicum of security brought about by estate planning, including wills, trusts and estates, powers of attorney, and added retirement planning, which can total $300-$4,000. For LGBT families who can afford it, estate planning would help protect them and their children if one or both of the parents were to die.[29]

Family Security

- To establish legal ties to the children for whom they are caring, LGBT parents can spend thousands of dollars on parenting agreements, guardianship agreements, and second-parent adoptions.[30]

Accurate Identity Documents

- Transgender people can spend hundreds of dollars in filing fees and court costs to update their identity documents.

Adequate Health Insurance and Care

- LGBT workers may need to purchase health insurance for their family members out-of-pocket when employer-sponsored coverage is unavailable–on average, at a cost of $3,000 a year.[31]
- When LGBT workers lack health insurance for themselves and their families, medical costs can add up. The average cost for an office visit with a physician for someone without health insurance is $158,[32] and uninsured Americans spend, on average, $538 annually on medical care.[33] Some LGBT people may forgo needed care because of the expense.

Avoiding Hostile Environments and Discrimination

- Many LGBT workers who experience harassment on the job–or who cannot find employment because of their sexual orientation or gender identity–may not be able to afford the estimated $12,500 price tag associated with a move to another state with employment protections.[34] What's more, studies find that bouts of unemployment can impact earnings—$6,800 for someone making $40,000 a year.[35]
- If changing schools or moving to a new school district isn't an option, some families may send their children to a private school, which costs $10,000 on average.[36] And there is no guarantee that a private school will be better equipped to protect their children, so same-sex parents may be unable to find a safer educational environment for a child who is being bullied for having two moms or two dads.

Extra Travel

- Given that the average family vacation costs more than $1,400–much of it spent on transportation and food[37]–many same-sex couples may not be able to afford to travel to another state to get married. Particularly for same-sex couples living in the southern and middle regions of the country, travel to a state where same-sex couples can marry is an expensive flight or a multi-day trip by car.

Alice and John find an in-network family physician who provides them with competent healthcare.

Maria's employer doesn't offer health insurance to same-sex couples, so Melissa must sign up for individual insurance through her state insurance exchange–paying $100 more per month than if she were covered by Maria's employer.[38] When Maria and Melissa try to sign up with Alice and John's family practice physician, his office makes it clear that he is not comfortable serving a lesbian couple. As a result, Maria and Melissa must pay a higher rate to see an out-of-network physician who was recommended by the local LGBT community center.

Janelle's employer doesn't offer health insurance benefits to any employees, so both Janelle and Jess purchase health insurance through the health exchange. They try to sign on with the same hostile doctor but get the same negative response as Maria and Melissa. Because they can't afford to go out of network to find a physician, Janelle and Jess don't see a doctor for nearly a year.

Times of Crisis

Time passes and the couples enter middle age. Alice's husband, John, dies of a heart attack. Alice receives John's Social Security monthly benefit of $2,642[39] rather than her own, because it is larger based on his earnings. The monthly check allows her to continue living in the couple's home, which is close to her friends, church, and family.

Maria's wife, Melissa, is in a car accident that leaves her permanently disabled. Because the Social Security Administration doesn't recognize the couple's marriage–they live in a state without marriage for same-sex couples–Maria isn't eligible to receive Social Security disability benefits. As a result, the couple loses $307 per month[40] and must drain their savings to stay in their family home and cover monthly expenses.

Around the same time, Janelle's fiancé Jess dies of cancer. Because the couple was never legally married, Janelle is not eligible for Social Security spousal benefits or any other benefits that surviving spouses usually receive. Without the average monthly benefit of $1,298,[41] Janelle cannot continue to afford the rent for the apartment they shared, so she is forced to move in with a friend, who has offered to help her for a few months.

In Sum

The impact of unsafe schools, legal discrimination, and lack of recognition of family has real, tangible results. The economic penalties faced by the LGBT couples in these examples results in vastly different levels of economic security–and dramatically different lives.

Table 2: Summing it Up: How the Penalties Can Lead to Very Different Life Outcomes

	 **Alice (Heterosexual woman)**	 **Maria (Lesbian)**	 **Janelle (Lesbian)**
Education	Positive school experience; graduates from college	Experiences bullying, but parents pay $10,000 for private school; graduates from college	Experiences bullying, leaves high school before graduation
Employment	$40,000 starting offer with good benefits	$34,000 starting offer with good benefits	$15,000 without benefits
Marriage	Marries John	Spends $1,000 to travel out of state to marry Melissa	Can't afford to travel; unable to marry Jess
Health Insurance	Able to enroll John in health insurance through her job	Unable to enroll Melissa in health insurance through her job; couple pays $100 more per month for private insurance	Employer doesn't offer health benefits; both Janelle and Jess purchase insurance through health exchange
Healthcare Discrimination	Easily finds physician	Physician makes negative comments; forced to find a physician out-of-network with higher copays	Physician makes negative comments; can't afford out-of-network costs; delays medical care
Social Security Benefits	John dies; Alice receives John's higher monthly benefit of $2,642 each month	Melissa is disabled; Maria can't receive $307 each month in disability benefits for spouses caring for minor children because they aren't married	Jess dies; Janelle can't receive Jess's higher monthly benefit of $1,298 because they aren't married
END RESULT	**Alice is able to stay in family's home with adequate financial resources**	**Maria and Melissa deplete their savings to stay in their home and cover monthly expenses**	**Janelle can't afford to stay in their rented apartment; no financial cushion and unsure housing**

UNDERSTANDING HOW THREE PRIMARY FAILURES OF LAW FINANCIALLY PENALIZE LGBT PEOPLE

This section of the report explores how the lack of equality in the areas of legal protections, family recognition and education impose real and substantial burdens on the economic security of LGBT people and their families across the country.

Failure #1: Legal Discrimination

It is hard enough for many Americans to make ends meet. But what happens when people can be legally fired and denied housing, business services or medical treatment simply because of their sexual orientation or gender identity/expression?

It is ironic that this kind of discrimination against LGBT people remains legal given that America's elected leaders regularly talk about the importance of ensuring that *all* people have equal opportunities to get ahead. In fact, fair treatment is such a strong American value that federal and state laws, guided by the U.S. Constitution, include a wide assortment of provisions governing how people should be treated in their jobs, in their communities, and by businesses and government. For example, we have laws ensuring that workers are paid fairly and cannot be fired for characteristics (such as race, religion, disability, or age) that are not related to job performance. We also have laws seeking to ensure fair treatment in other areas of life. For example, there are laws that aim to create safe schools for all students and laws that ban discrimination when people are buying a home or applying for a loan, or when they are eating at a restaurant or seeking medical services and treatment.

The preponderance of these laws is likely why most Americans assume that LGBT people are protected equally under U.S. law. A September 2013 poll found that 81% of Americans believe it is against the law to fire or refuse to hire someone because they are LGBT.[42]

But this widely held belief simply is not true. The fact is that the promise of equal treatment under the law falls flat for LGBT people in the United States, and this has real costs for them and their families.

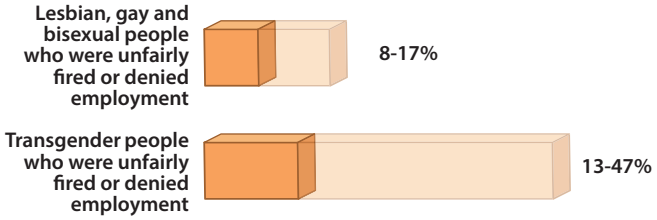
This section of the report examines the economic impact of legal discrimination against LGBT people in America in areas from employment and housing to healthcare.

EMPLOYMENT DISCRIMINATION

For all but the wealthiest Americans, having a paying job is crucial to making ends meet. But LGBT people face pervasive discrimination when looking for work, while on the job, and in receiving pay.

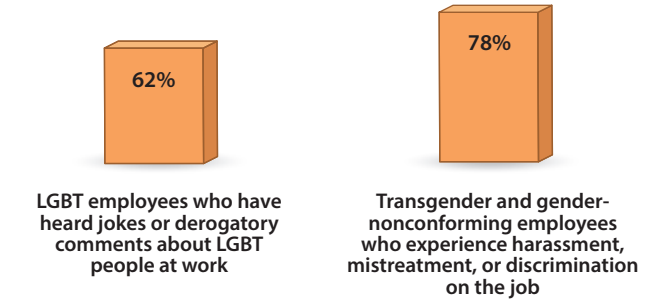
Studies show that transgender people and people with LGBT-related work or volunteer experience on their resumes are less likely to be invited to interview for a job than similarly qualified applicants.[43] As shown in *Figure 6*, between 8% and 17% of lesbian, gay and bisexual people report being unfairly fired or denied employment, and

Figure 6: Many LGBT Workers Are Denied Employment or Unfairly Fired



Source: M.V. Lee, Badgett, Holning Lau, Brad Sears, and Deborah Ho, "Bias in the Workplace: Consistent Evidence of Sexual Orientation and Gender Identity Discrimination," The Williams Institute, June 2007.

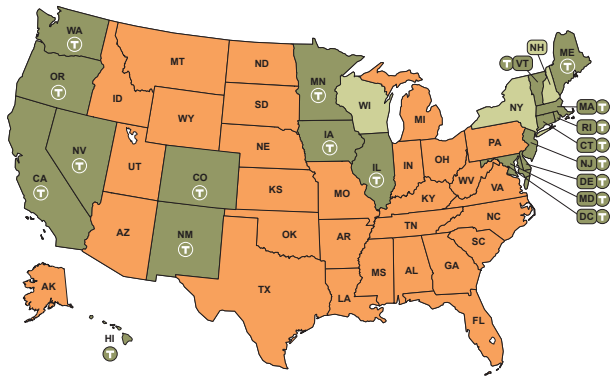
Figure 7: On-the-Job, LGBT Workers Experience Harassment



Source: Deena Fidas and Liz Cooper, "The Cost of the Closet and the Rewards of Inclusion," Human Rights Campaign Foundation, May 2014.

Figure 8: State-Level Employment Nondiscrimination Laws

State-Level Employment Nondiscrimination Laws

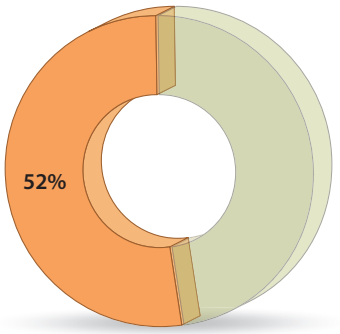


Employment nondiscrimination law covers sexual orientation and gender identity (18 states + D.C.)

Employment nondiscrimination law covers only sexual orientation (3 states)

No employment nondiscrimination law covering sexual orientation or gender identity (29 states)

Percent of LGBT People Living in States Without State Level Employment Protections



Source: Movement Advancement Project, "LGBT Equality Maps: Non-Discrimination Laws."

between 13% and 47% of transgender workers report that they were unfairly denied employment.[44] While on the job, LGBT workers continue to face discrimination, often spending the majority of their waking hours in workplaces that range from unwelcoming to unsafe. Six in 10 LGBT workers (62%) report hearing jokes or derogatory comments about LGBT people at work,[45] while 78% of transgender workers report being harassed, mistreated, or discriminated against at work, as shown in *Figure 7* on the previous page.[46]

LGBT workers of color experience higher rates of discrimination and additional challenges in the workplace. For example, surveys of Asian and Pacific Islander (API) LGBT people uncovered shockingly high rates of sexual orientation discrimination; between 75% and 82% of API LGBT people said they had been discriminated against at work because of their sexual orientation.[47] Surveys of black LGBT people indicate that four in 10 (42%) have experienced employment discrimination.[48] Transgender workers of color also report higher rates of job loss and employment discrimination compared to white transgender workers.[49]

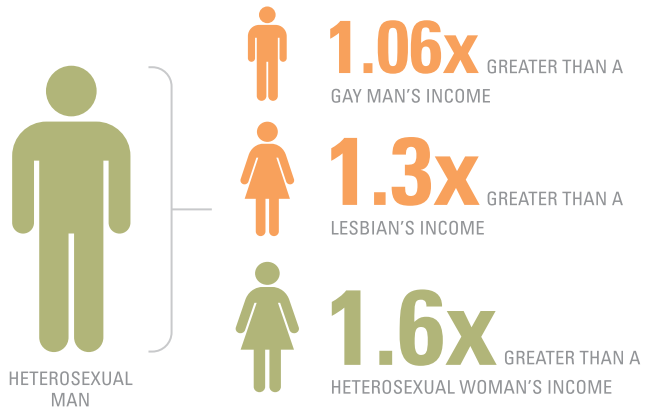
Despite these high rates of discrimination at work and strong public support for fair treatment on the job,[50] no federal law explicitly prohibits discrimination in employment based on sexual orientation or gender identity/expression. Transgender workers are protected by federal civil rights law through the prohibition on workplace discrimination based on "sex."[d] Similarly, as shown in *Figure 8*, only 21 states and the District of Columbia have laws protecting workers from discrimination based on sexual orientation, and 18 states and the District of Columbia have laws covering both sexual orientation and gender identity/expression.[51]

THE IMPACT OF EMPLOYMENT DISCRIMINATION:

Lower wages. Research finds that LGBT people are more likely to report low wages than their non-LGBT counterparts, as shown in *Figure*s *9* and *10* on the next page. A 2013 Gallup poll found that people who self-identify as LGBT were more likely to report incomes of less than $24,000 per year and were less likely to report incomes of more than $90,000 per year, when compared to their non-LGBT peers.[52] Although there is little data on the

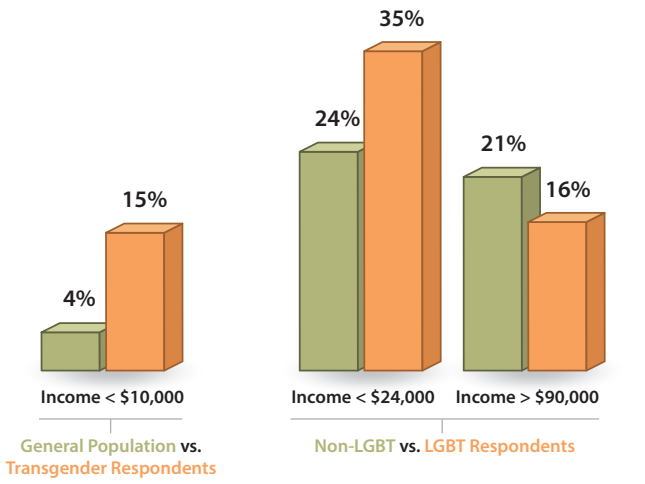
[d] Title VII of the Civil Rights Act prohibits discrimination against workers based on their "sex." In 2012, the Equal Employment Opportunity Commission (EEOC) issued an opinion in *Macy v. Holder* that found that discrimination against a transgender worker based on gender identity or gender expression is sex-based discrimination and therefore illegal under Title VII. In June 2014, the Department of Labor issued guidance making clear that laws prohibiting discrimination based on sex apply to transgender workers. For a more in-depth analysis of Macy and its implications for transgender workers, see pages 20-23 of Movement Advancement Project, Human Rights Campaign, Center for American Progress, and National Center for Transgender Equality, "A Broken Bargain for Transgender Workers," http://lgbtmap.org/file/a-broken-bargain-for-transgender-workers.pdf.

Figure 9: Income Disparities for Gay and Lesbian People



Source: Gary J. Gates, "Same-sex and Different-sex Couples in the American Community Survey: 2005-2011," The Williams Institute, February 2013.

Figure 10: LGBT People More Likely to Report Lower Wages



Source: Gary J. Gates and Frank Newport, "Special Report: 3.4% of U.S. Adults Identify as LGBT," Gallup Politics, October 18, 2012; Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, Injustice At Every Turn: A Report of the National Transgender Discrimination Survey, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

wage penalty for LGBT workers of color specifically, broader population data show that both race and LGBT status affect worker paychecks, meaning the penalties are likely compounded for LGBT workers of color.[53] While there is evidence of a wage advantage for lesbian women over heterosexual women, studies conducted over the past decade show that gay and bisexual men earn 10% to 32% less than heterosexual men, even when controlling for important factors like education, occupation, and region of the country.[54] (A study comparing data from 1995 to 2011 found that the wage gap for men in same-sex couples decreased substantially over this time period.[55]) In addition, a 2014 resume-matching study found that men whose resumes indicated they were gay received lower starting salaries than others listing involvement in a general student council organization.[56] According to the National Transgender Discrimination Survey, 15% of transgender respondents had household incomes under $10,000 per year compared to just 4% of the general population.[57]

Lesbian Couple Chooses To Leave Home State Rather Than Live In Fear Of Being Fired

I've lived in Michigan all my life, but recently made the decision to leave….The last straw happened a few weeks ago when I abruptly lost my job–a job that I have had for 5 years, where I have never received a poor review, and that I excelled at… Rather than look for new jobs locally, I decided to look elsewhere–primarily in Chicago, New York, and other places I thought would be more welcoming. You only live once, why live somewhere in constant fear, surrounded by narrow-minded people? We're looking to raise a family in the next few years. We don't feel safe in Michigan doing so. If we have to live in fear of losing our jobs and health coverage at the whim of homophobic people, then we can't justify raising a child here. Putting ourselves in that situation is one thing, putting a baby into it is another. So, fortunately, I found a position in Wisconsin where I can't be fired for the bogus reason that I am in a relationship with another woman. My partner, supportive as she is, has uprooted herself from her job and will be looking for something there as well. So, how has this impacted me? It has made me, and my partner, leave the state we've called home all our lives. It has made me sickened to call home a place whose laws stem from the dark ages. It has made me have to leave my house, my family, my friends, and my community for the sake of survival.

— Anonymous

Quoted in Michigan Department of Civil Rights, "Report on LGBT Inclusion Under Michigan Law," January 28, 2013.

Without Employment Protections, Gay Police Officer Is Left Unemployed

About six years ago, when I was in high school, [my dad] lost his job as a police officer when the police chief saw him at a local gay bar. My dad had no means of fighting for his job. He could not find another job and was living on unemployment benefits for as long as the state would allow.

— Anonymous

Quoted in Michigan Department of Civil Rights, "Report on LGBT Inclusion Under Michigan Law," January 28, 2013.

Higher unemployment. Several surveys have found higher rates of unemployment among lesbian, gay and bisexual workers (13% compared to 10% of heterosexual adults)[58] and transgender workers (14% compared to 7% of the general population at the time of the survey).[59] Recent analysis by the Williams Institute finds that LGBT people of color have higher rates of unemployment compared to non-LGBT people of color,[60] while a survey of transgender people found that African American transgender people had substantially higher rates of unemployment than white transgender people (28% compared to 12%).[61]

Gaps in one's employment history take a toll on overall lifetime earnings; an episode of unemployment during a recession can result in more than $100,000 in lost earnings over a career.[62] One study found that even two years after returning to work, workers who had been unemployed earned 17% less, on average, than they had in their previous positions.[63] Bouts of unemployment can be even more detrimental for LGBT people, who may already be paid less because of discrimination.

Reduced savings. Workers who are unemployed must find other ways to make ends meet by tapping into short- and long-term savings and/or taking on more debt, leaving families less financially secure. For example, a 2012 study found that 63% of unemployed workers who had an employer-sponsored retirement account withdrew funds to pay for day-to-day expenses, as did 34% of workers who were "underemployed" after a job loss.[64] Nearly a third of unemployed workers (31%) used credit cards to cover routine expenses.[65]

HOUSING DISCRIMINATION

It is difficult to be economically secure if one struggles to find stable, affordable housing. Research shows that discrimination in housing not only results in higher housing costs, but longer, more costly searches for housing.[66] And for some LGBT people the repercussions are even worse: discrimination in housing may result in "unstable housing"[e] or time spent in emergency shelters.

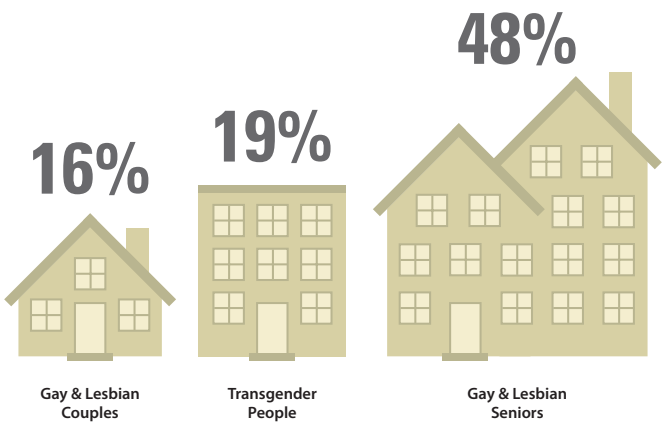
When looking to purchase or rent a home, some LGBT people face discrimination because they are LGBT or because they have a same-sex partner or spouse. Sometimes, landlords refuse to rent to someone because of that person's sexual orientation or gender identity. Other times, same-sex couples have to pay higher rents or spend more to purchase a home.

In a groundbreaking study commissioned by the U.S. Department of Housing and Urban Development (HUD) in 2013, researchers found that heterosexual couples were favored over gay and lesbian couples when applying for rental housing 16% of the time (see *Figure 11* on the next page).[67] Another 2013 study focused on the experiences of older LGBT adults. It found that in 48% of the cases studied, a same-sex spouse or couple experienced adverse treatment compared to an opposite-sex couple when exploring a move to an independent living, continuing care or assisted living facility.[68] In some cases, the same-sex couple was presented with fewer housing options, quoted higher rents, or asked to undergo a more extensive application process. Other times, they were not given information about promotions or other financial incentives. Additionally, older same-sex couples were more likely to be shown two-bedroom units, even when they asked about one-bedroom units.

Studies show that transgender people face similar housing discrimination. The National Transgender Discrimination Survey found that 19% of respondents had been refused a home or apartment because of their gender identity/expression, and 11% had been evicted for the same reason.[69] Eviction rates were even higher for African American transgender respondents (37%),

[e] This term "unstable housing" is frequently used to refer to situations when an individual lacks the resources or support networks to retain or obtain permanent housing. Individuals may be homeless and lacking a residence, be in the process of being evicted and lack a subsequent residence for financial reasons, or be staying with friends or others and moving frequently because of lack of resources, for example.

Figure 11: Housing Discrimination Rates Experienced by LGBT People



Sources: U.S. Department of Housing and Urban Development, Office of Policy Development and Research, "An Estimate of Housing Discrimination Against Same-Sex Couples," June 2013; Equal Rights Center, "Opening Doors: Investigation of Barriers to Senior Housing for Same-Sex Couples," 2014; Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, Injustice At Every Turn: A Report of the National Transgender Discrimination Survey, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

respondents lacking a high school degree (33%), and undocumented immigrants (21%).

Another housing-related challenge facing LGBT people is that they may experience harassment in their homes or property damage as a result of being LGBT. In a survey of LGBT people in Anchorage, Alaska, 19% reported being harassed by a landlord or other tenants due to their sexual orientation, gender identity, or gender presentation.[70]

Federal laws, including the Fair Housing Act, prohibit discrimination based on a number of characteristics, including race, color, national origin, religion, and disability. While there are some protections for LGBT people participating in federal housing programs such as public housing and federal mortgage programs,[71] no federal statute explicitly makes it against the law to evict someone, refuse to rent to someone, or refuse to loan to someone because of sexual orientation or gender identity/expression. In addition, as shown in *Figure 12* on the next page, only 18 states and the District of Columbia have laws that protect LGBT people from discrimination in housing, while three states have protections for sexual orientation only.[72] When it comes to local laws, an estimated 240 cities and counties have passed ordinances prohibiting discrimination in housing based on sexual orientation and/or gender identity.[73]

Despite the lack of federal laws, HUD has issued guidance and regulations in recent years that provide LGBT people with limited protections. For example, in 2010 HUD announced it would investigate complaints of housing discrimination against transgender people if the discrimination is based on gender stereotypes, which would be covered under the existing prohibition against sex discrimination.[74] And in 2012, HUD issued regulations explicitly prohibiting discrimination in *federally funded* housing programs based on sexual orientation, gender identity, and marital status.[75] This includes programs

Harassed By Tenants And Belongings Stolen, Gay Couple Finds Recourse Through State Nondiscrimination Law

Joseph Bonnadio II and William Paquet, a gay couple, rented an apartment at Sproul Block Apartments in Maine, from December 2007 to May 2011. During that time, Realty Resources Management (RRM) and property manager Christine Chapman subjected Bonnadio and Paquet to a hostile housing environment. Within two days of moving in, the two men were told by other tenants that their "kind" did not belong in the building and that they were "deviants and disgusting." Having just paid to move, they didn't want to move again so quickly. The couple were met with obscene gestures several times.

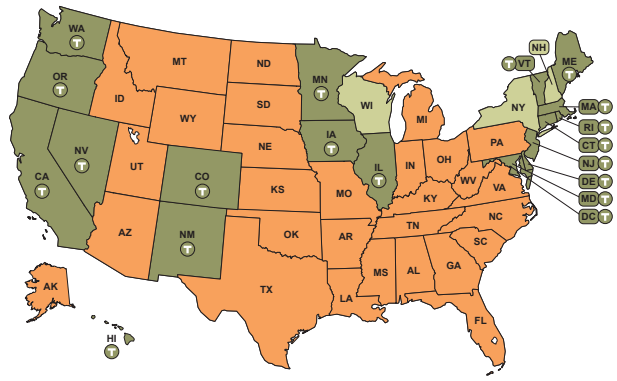
Bonnadio and Paquet wrote to the management about the harassment they had experienced. Management not only failed to respond, but the site manager, Christine Chapman, physically assaulted Mr. Bonnadio, and cut the lock to the couple's onsite storage unit. As a result, $10,000 of irreplaceable property was stolen. They were repeatedly called "faggots," "queers," and other slurs.

The Maine Human Rights Commission found Realty Resources Management in violation of the Maine Human Rights Act by subjecting the couple to a hostile housing environment. Bonnadio and Paquet were protected in the end because they live in a state with laws protecting LGBT people against housing discrimination, but unfortunately most U.S. states do not have such laws.

Adapted from National Fair Housing Alliance, "Modernizing the Fair Housing Act for the 21st Century: 2013 Fair Housing Trends Report," April 11, 2013.

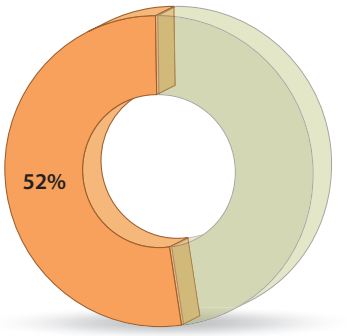
Figure 12: State-Level Housing Nondiscrimination Laws

State-Level Housing Nondiscrimination Laws



- Housing nondiscrimination law covers sexual orientation and gender identity (18 states + D.C.)
- Housing nondiscrimination law covers only sexual orientation (3 states)
- No housing nondiscrimination law covering sexual orientation or gender identity (29 states)

Percent of LGBT People Living in States Without State Level Housing Protections



Source: Movement Advancement Project, "LGBT Equality Maps: Non-Discrimination Laws."

like public housing, housing assistance, and federally insured mortgages. But even with these added protections, the overwhelming majority of LGBT people in America can still be denied housing or forced to pay more for it—simply because they are LGBT.

THE IMPACT OF HOUSING DISCRIMINATION:

Limited, more costly or less desirable housing options. A study in Michigan showed that LGBT people may be quoted higher prices than non-LGBT people for comparable housing.[76] In addition, the National Transgender Discrimination Survey found that 40% of transgender respondents indicated that they moved into a less desirable home or apartment as a result of anti-transgender bias; black, Latino, and American Indian respondents reported even higher rates of doing so.[77]

Longer, more costly searches. An additional problem related to the lack of affordable, safe housing options for many LGBT people is that housing searches may take longer. Research on the housing experiences of racial and ethnic minorities finds they have longer housing searches as a result of discrimination.[78] This can result in added costs and more hassles as people have to stay in their current living situations and housing for longer, and as they have to pay additional application fees. For example, consider the LGBT worker who is trying to move closer to a new job so he can reduce his commuting costs. The longer he has to stay in his current home because he can't find a satisfactory alternative, the more those costs add up. These types of delays and added costs can be a particular burden for older LGBT adults, who may be looking for senior housing related to a health issue or medical crisis.[79]

Increased loan and insurance costs. In addition to higher rents and home purchase prices, LGBT people often face other added costs related to housing in areas from applying for mortgages[f] to insurance. Insurance companies, for example, may not permit a same-sex partner to be added to a home insurance policy. In some cases, this may result in higher home insurance costs–because legally married couples usually receive lower rates.

[f] See pages 29-30 for a discussion of credit discrimination.

Locked Into Poverty: Higher Rates of Homelessness Reduce Opportunity for LGBT People

As of January 2013, there were more than 610,000 homeless people in the United States.[80] LGBT people are disproportionately likely to be homeless, as are LGBT youth. An estimated 20% to 40% of homeless youth in the United States identify as LGBT or believe they may be LGBT[81] compared to an estimated 5% to 7% of youth who identify as LGBT, as shown in *Figure 13* on the next page.[82] African American and Native American young people are overrepresented among LGBT homeless youth and the broader homeless population.[83]

While the reasons why people end up homeless vary, a lack of housing for LGBT people can be the result of discrimination and mistreatment. For example, LGBT people facing employment or housing discrimination often are left without the financial means to afford housing or the ability to find stable housing. And, for LGBT youth, family rejection because of their sexual orientation or gender identity/expression forces many out of their homes.[84] Becoming homeless can make it extremely difficult for these young people to complete school and do well academically and, in turn, move on to good jobs and rewarding careers.

The safety net designed to support homeless people in this country, LGBT and non-LGBT alike, has failed. Living on the streets and relying on shelters and soup kitchens provides very little opportunity for becoming financially secure. Furthermore, research finds that shelters can be difficult places for LGBT youth and adults. LGBT youth may worry that shelters will contact the local child and family services office and try to reconnect them with their families, who may be openly hostile about a youth's sexual orientation or gender identity.[85] Transgender people may be unable to stay in a shelter that matches their gender identity as opposed to their birth sex, making them less likely to seek shelter altogether.[86] A 2010 survey of transgender people found that 29% had been turned away from a shelter because of their transgender status (see Figure 13).[87]

Struggling To Find Shelter After Being Kicked Out Of Home

Printed with permission from We Are The Youth.

A lot has happened with my family. The story starts in my hometown: Mobile, Alabama. I came out as gay to my mother at 13. She knew my stepfather wouldn't like the fact that he had a gay son, so she didn't tell him until I was 18. She was right. I got kicked out when he found out.

The next night I had to sleep in one of the sheds at Home Depot. I walked 23 miles to get to my grandfather on the other side of town. My grandfather paid my way to come up to New York by bus.

In New York I was living with my cousins, but we got into some arguments and disagreements and I had to leave. My grandfather had to go back to India, so I didn't have his help in the same way anymore.

After I left my cousin's place I went to the Belleview Men's Shelter, but I was too young. They referred me to Sylvia's Place, where you have to sleep on the floor. Then I got accepted into Ali Forney (a program for homeless LGBT youth in New York City).

Through friends at Ali Forney, I became a member of the activist group, Fierce. It was actually at Fierce's annual Halloween party that I first dressed up as a woman. I feel more comfortable in women's clothes. Ever since I was a kid, I've always played with my mother's high heels.

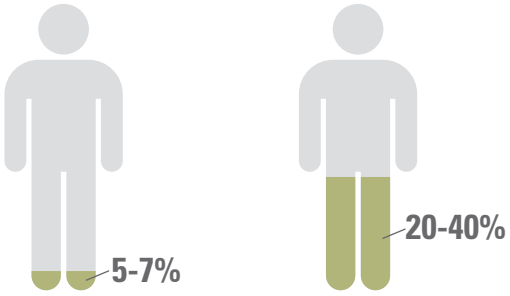
Fierce has helped me become an activist and a better person. Through Fierce, I also volunteer for Queers for Economic Justice. Now I want to become a psychiatrist. I want to defend the people who can't really defend themselves. I want to give them what I learned.

— Michelle

Printed with permission from We Are The Youth.

Figure 13: LGBT People Face Homelessness and Difficulty Accessing Shelters

Percent of Youth Who Identify As LGBT



Source: National Alliance to End Homelessness, "LGBTQ Youth Homelessness," April 2012.

Percent of Transgender People Who Are Turned Away From Shelters

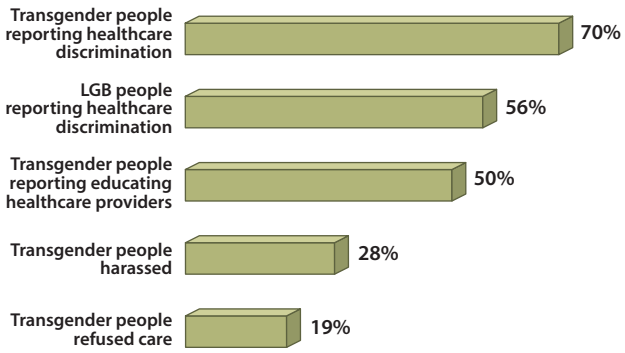
Source: Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, Injustice At Every Turn: A Report of the National Transgender Discrimination Survey, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

HEALTHCARE DISCRIMINATION

Health is a critical part of economic security. To earn a good living, one needs to stay in good health—and that means having access to preventive screenings and getting medical attention for illness and injury. But for many LGBT people, getting the healthcare they need remains a challenge. Among the reasons: discrimination by healthcare providers, unfair and discriminatory denials of coverage by insurance companies, and employer policies that do not allow transgender workers to obtain medical leave for transition-related care.[9]

Discrimination by healthcare providers. Too often, LGBT people face overt discrimination in healthcare settings—as well as inadequate care from healthcare providers who lack training on working with LGBT patients (see *Figure 14*). A recent survey by Lambda Legal found that 56% of lesbian, gay and bisexual respondents and 70% of transgender or gender-nonconforming respondents had been discriminated against in a healthcare setting.[88] This discrimination included denial of needed care, substandard care, physical or verbal mistreatment, and having healthcare providers take excessive precautions when touching them. The National Transgender Discrimination Survey similarly found that one in five transgender respondents had been refused care because of their transgender status, and one in four had been harassed in medical settings. Among transgender people, Latino/a respondents had the highest rate of discrimination by physicians or hospitals (32% of respondents compared to 24% of all respondents). These statistics paint a bleak picture of the discrimination faced by LGBT patients when seeking medical care.

Figure 14: LGBT People Report High Rates of Healthcare Discrimination



Source: Lambda Legal, "When Health Care Isn't Caring: Lambda Legal's Survey of Discrimination Against LGBT People and People with HIV," 2010; National Center for Transgender Equality and the National Gay and Lesbian Task Force, "National Transgender Discrimination Survey Report on Health and Health Care," October 2010.

What's more, studies indicate that most medical providers receive inadequate training in working with LGBT people–and many receive no training at all. A comprehensive review of medical school curricula found that one-third of medical schools did not address the needs of LGBT patients in clinical training, and those that did dedicated a median of five hours to training on LGBT issues (mainly focused on HIV), the quality of which varied significantly.[89] The study

[9] This section describes how legal discrimination against LGBT individuals by insurance companies, healthcare providers, and employers affect healthcare for LGBT people. Pages 37-41 examine how lack of family recognition affects LGBT families' access to family health insurance coverage.

Elderly Lesbian Couple Faces Separation and Medical Crisis

Doris on a race horse

Rita riding

Doris and her partner of 23 years, Rita, live in a small, rural Southern town. Doris and Rita have always lived fiercely independent lives. They owned their own business and land and were two of the first female jockeys to race horses. They competed in rodeo competitions, raced and trained horses, and traveled the world together. To protect their relationship as much as possible, they spent their hard-earned money on an attorney to establish one another as healthcare surrogates.

But when Rita was taken from their home and placed in a hospice facility, expensive legal documents proved inadequate in helping reunite the couple. For two weeks, the state refused to tell Doris where Rita had been placed. Doris and her friends made frantic calls to every hospital and facility they could think of, only to be told that Rita was not there. Doris finally contacted attorneys with the National Center for Lesbian Rights (NCLR). Within days, they were able to locate Rita and reunite the women.

Rita's medical records reveal a shocking level of disrespect for Doris and Rita's relationship, as well as serious medical abuses. For example, the facility intentionally admitted Rita as a "Jane Doe" patient in order to hide her from Doris, who supplied the legal documentation showing she was Rita's healthcare surrogate and had the authority to make medical decisions. After Rita made repeated requests to go home and be reunited with Doris, the facility forcibly medicated her with a strong anti-psychotic drug. The facility kept her in a drug-induced near-constant stupor to stifle the anguish she was experiencing being away from Doris. One doctor described this medication as having the effects of a "chemical lobotomy."

A hospice worker, in an ongoing attempt to justify their actions, also filed a court petition claiming that Rita was incompetent and needed a guardian. NCLR lawyers and a local attorney convinced the court that Rita is competent and that she and Doris should be free to make their own decisions. As a result, Doris remains Rita's healthcare surrogate. The good news is that in her current facility, Rita now receives physical therapy and has total access to Doris, who takes her home most afternoons and evenings.

What's more, they both continue to have control over their lives. Without the help of NCLR and the resources to hire a local attorney, other couples may find themselves in a much different situation.

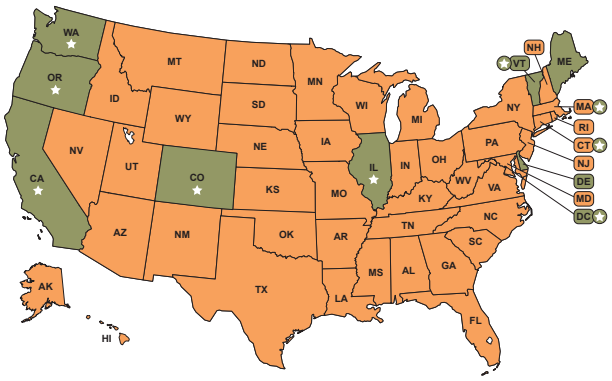
Adapted with permission from the National Center for Lesbian Rights.

affirms that providers are often under-equipped to meet the needs of LGBT people in a clinically and culturally competent manner. Adding to the problem, awareness in LGBT communities about the lack of appropriate training available to providers contributes to fear and skepticism about accessing healthcare as well as hesitancy about being out, which may result in inadequate and inappropriate care. According to Lambda Legal's study, 50% of lesbian, gay, and bisexual people and nearly 90% of transgender people expressed concern that there are not enough health professionals adequately trained to care for them.[90]

Discriminatory healthcare policies that target transgender people. As a result of the Affordable Care Act (ACA), it is against the law for any health program *that receives federal funding or is administered by a federal agency* to discriminate on the basis of sex, among other characteristics. This prohibition against sex discrimination has been interpreted by the U.S. Department of Health and Human Services to include gender identity and sex stereotypes.[91]

Figure 15: State-Level Insurance Nondiscrimination Laws

State-Level Insurance Nondiscrimination Laws



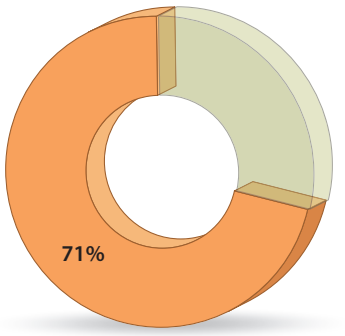
Transgender exclusions in health insurance service coverage prohibited (8 states + D.C.)

Law prohibits health insurance discrimination based on sexual orientation and gender identity (8 states + D.C.)

Law prohibits health insurance discrimination based on sexual orientation (0 states)

No law providing LGBT inclusive insurance protections (42 states)

Percent of LGBT People Living in States Without Protections From Exclusions



Source: Movement Advancement Project, "LGBT Equality Maps: Non-Discrimination Laws."

Federal regulations implementing the Affordable Care Act further incorporate broad protections for LGBT people in insurance coverage. Plans offering "essential health benefits"[h] are prohibited from designing these benefits in a manner that discriminates on the basis of sexual orientation and gender identity.[92] In addition, plans sold through the health insurance marketplaces (also referred to as health exchanges) in every state are prohibited from discriminating against LGBT people in any of their activities.[93]

Despite these important protections, most insurance companies in the majority of states continue to exclude coverage for transition-related care. These exclusions deny transgender people coverage for a range of vital, medically necessary services (including hormone replacement therapy, mental health services, and reconstructive surgeries) even when the same services are covered for non-transgender people. Until May 2014, Medicare, which provides health insurance to older adults and people with disabilities, refused to cover transition-related care, including surgery.[94] Now, Medicare will consider transition-related care on an individualized basis, as it does for other services.

Insurance laws that explicitly prohibit gender identity-based discrimination in health insurance are on the books in only eight states and the District of Columbia, as shown in *Figure 15*. Similarly, insurance regulators in only eight states and D.C. have issued guidance explicitly prohibiting discrimination against transgender people and requiring insurance companies to remove anti-transgender exclusions from their plans.[95] The overwhelming majority of states have no such protections.

Discriminatory leave policies for transgender workers. Employers may deny transgender workers personal medical leave available under state or federal law for leave related to transition-related healthcare. A frequently stated (and incorrect) reason for denying such care is that transition-related health issues do not constitute a "serious medical condition." These claims are made despite the overwhelming consensus of major medical professional organizations that gender dysphoria is a serious medical condition, and that care related to gender transition is medically necessary for many transgender people.[96] As a result, transgender workers may have to put their jobs at risk to care for themselves or make do without leave and put their health in jeopardy.

[h] Benefits include doctor visits, hospital stays, prescription drugs, mental and behavioral health care, laboratory tests, emergency care, maternal and newborn care, prevention and wellness services and chronic disease management, rehabilitative and rehabilitative services, and pediatric services.

THE IMPACT OF HEALTHCARE DISCRIMINATION:

Delayed (and more costly) medical care. Research shows that LGBT people are more likely to delay medical care (see *Figure 16*). In a 2012 survey of Californians, 23% of lesbian and gay respondents had delayed medical care, compared to 28% of bisexual respondents and just 15% of heterosexual respondents.[97] The National Transgender Discrimination Survey found that 28% of transgender and gender-nonconforming people postponed or avoided medical treatment when they were sick or injured, and 33% delayed preventive care, because of discrimination by health providers.[98] LGBT women are nearly twice as likely as non-LGBT women to lack a personal doctor (29% vs. 16%).[99] Half of transgender respondents (50%) delayed preventive care because of cost. A 2014 survey found that 40% of LGBT people with incomes at or below 400% of the federal poverty level had put off medical care in the past 12 months because of cost, including 46% of bisexual people, 52% of transgender people, and 50% of uninsured LGBT people.[100] A 2014 survey by Gallup found that 25% of LGBT adults did not have enough money to pay for healthcare during the past year compared to 17% of non-LGBT people.[101] Ultimately, a lack of timely access to prevention and treatment services results in poorer health outcomes and added costs by opening the door to life-threatening consequences such as advanced-stage cancer diagnoses, HIV infection, and serious complications of conditions such as heart disease or diabetes.[102,103]

Higher out-of-pocket expenses for crucial medical care. The costs of transition-related care or other care for transgender people can be substantial. For example, it costs approximately $1,000 annually for hormone treatments and lab tests, and more than $17,000 for transition-related surgery.[104] When health insurance doesn't cover these costs, many transgender people forgo needed care or delay care because they are unable to afford it. Alternatively, many dig into savings to pay for these services out-of-pocket.

Out-of-pocket costs also can be substantial for lesbian, gay and bisexual people whose healthcare needs are not commonly covered by insurance. For instance, many lesbian couples starting a family may have to pay out-of-pocket for assisted reproductive services and treatments that may be covered for heterosexual couples seeking the same services and treatments. Alternatively, insurers may require that a lesbian who is trying to get pregnant pay for a number of fertility treatments on her own before receiving coverage.[105]

Lost productivity and more time away from work. As described later on pages 44-46, the federal Family and Medical Leave Act (FMLA) allows eligible workers to take up to 12 weeks of unpaid, job-protected leave upon the birth or adoption of a child, or because of the serious illness of an employee or a spouse, child, or parent.[106] However, transgender workers may be denied FMLA-covered,

Unable to Find Work and Left to Purchase Medicine From Out of the Country

Ksaa Zair, a transgender woman living in Baton Rouge, Louisiana, struggles to find work because of her gender identity. She lives with her best friend, who helps cover her share of the rent. "We actually have the cheapest place in this city…We effectively live in one of the top five ghettoes in Baton Rouge." Because her Medicare coverage doesn't cover hormone therapy, she spends $100 a month on hormones purchased via the internet.

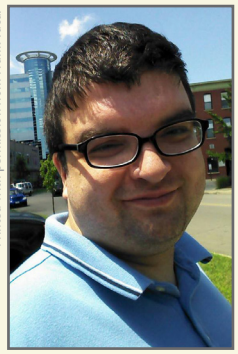
Adapted from Michael K. Lavers, "LGBT Louisianans: 'We're family'," Washington Blade, July 14, 2014; Michael K. Lavers, "Transgender Southerners face rampant discrimination, poverty," Washington Blade, July 23, 2014.

Figure 16: Discrimination Results in Delayed Medical Care for LGBT People

% of Respondents Who Experienced Delayed Medical Care

Source: Lambda Legal, "When Health Care Isn't Caring: Lambda Legal's Survey of Discrimination Against LGBT People and People with HIV," 2010; National Center for Transgender Equality and the National Gay and Lesbian Task Force, "National Transgender Discrimination Survey Report on Health and Health Care," October 2010.

Spending More Time Educating Physicians Than Receiving Care



Printed with permission from Frank Vaca.

As a gay Latino with a disability, I navigate the healthcare system, including Medicaid, Medicare, and Supplemental Security Income (SSI). I work with a case worker and have regular doctor's appointments with my primary care physician and specialists. When I come out as a gay man, I have to spend a lot of time educating my healthcare providers about what it means to be LGBT. Sometimes, I feel like I'm spending more time during my appointments explaining gay issues instead of getting quality healthcare and the doctor's full attention. Sometimes, I hide who I am so I can be treated for my chronic health conditions. I shouldn't have to be closeted in order to get the same level of healthcare as other patients.

— Frank Vaca

job-protected time off of work for transition-related care. These workers are left with a wrenching choice: take time off anyway and risk losing a job; or put off vital care and be less productive at work.

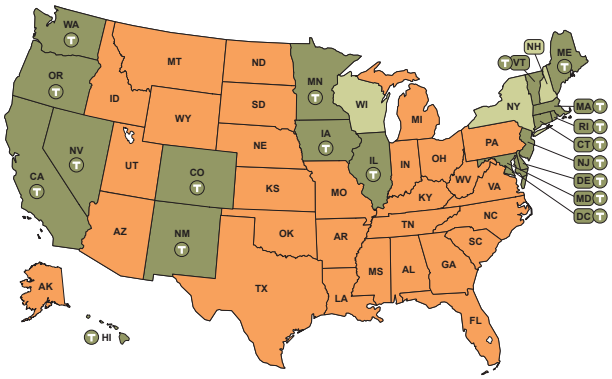
CREDIT DISCRIMINATION

The ability to access credit is a crucial component of financial security. Access to credit helps millions of Americans each year as they purchase a car to get to and from work, secure a mortgage to purchase a home, take out student loans to attend college, or obtain a business loan to jumpstart a growing company. Federal and state fair lending laws ensure that people have access to credit based on their qualifications as borrowers and not on unrelated characteristics such as race, religion, national origin, sex, age, source of income (such as from public assistance), or marital status. However, no federal law prohibits lenders from discriminating on the basis of sexual orientation or gender identity. As shown in *Figure 17*, only 21 states and the District of Columbia have such protections covering sexual orientation, and 18 states and D.C. have such laws covering gender identity.[107]

Particularly for transgender people, credit discrimination can be a serious problem. For example,

Figure 17: State-Level Credit Nondiscrimination Laws

State-Level Credit Nondiscrimination Laws

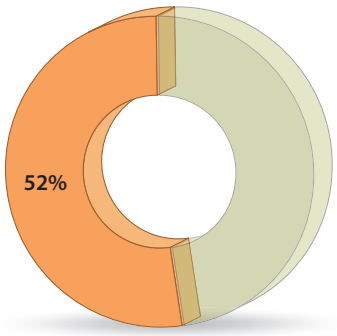


Credit nondiscrimination law covers sexual orientation and gender identity (18 states + D.C.)

Credit nondiscrimination law covers only sexual orientation (3 states)

No credit nondiscrimination law covering sexual orientation or gender identity (29 states)

Percent of LGBT People Living in States Without State Level Credit Protections



Source: Movement Advancement Project, "LGBT Equality Maps: Non-Discrimination Laws."

a lender conducting a credit check may learn that an applicant previously went by another name and gender. This information has no bearing on the applicant's creditworthiness, but the lender may decide to refuse to extend credit solely based on this information—and in most states across the country, this is not against the law. Similar challenges could face a same-sex couple when they apply jointly for credit and are turned down or given unfavorable loan terms because of their sexual orientation. Mortgage brokers, for example, may be reluctant to allow both members of a same-sex couple on a mortgage application together, so the couple may not qualify for a lower interest rate or more competitive terms.

When LGBT people experience credit discrimination, it takes a financial toll. Not only do they have less access to capital for important business and life purchases, but they also can face higher borrowing costs or have to put their savings at risk because they can't get a loan.

Bank Pays Penalty for Denying Mortgage to Lesbian Couple

In 2013, HUD settled a claim against Bank of America for its refusal to provide mortgage financing to a lesbian couple. This was the first action taken against a lender based on a recent regulation ensuring that HUD-funded and -insured housing programs remain free from discrimination against all people based on sexual orientation, gender identity, or marital status.

In this case, HUD claimed Bank of America denied a loan to a lesbian couple seeking a federally insured mortgage because of their sexual orientation and marital status. One of the two women was not employed, but the couple provided her mother as a co-applicant on the loan. The day before closing, Bank of America denied the mortgage application, stating that the bank did not consider the primary loan applicant and the co-applicant directly related because the two partners were not legally married. In addition to paying $7,500, Bank of America must inform its residential loan originators, processors and underwriters of the conditions of the settlement agreement with HUD, and revise its fair lending training program to include compliance information with HUD's rule.[108]

THE IMPACT OF CREDIT DISCRIMINATION:

Unfavorable, more expensive lending. LGBT people may be subject to unfair, predatory lending practices such as higher interest rates or shorter loan terms than are made available to similarly situated non-LGBT borrowers. As a result, many LGBT people face higher credit costs while those who decide credit is too expensive are forced to raid individual or family savings to find the resources to pay for major life expenses.

Difficulty obtaining credit. LGBT people may be unfairly turned down when they apply for a mortgage, student loan, credit card, business or other type of loan. Lenders are generally free to deny loans to someone because of their sexual orientation or gender identity. This means LGBT people often do not have access to credit that could support them to get an education, start a business, or take other steps to try and build a better future.

Legally Married Same-Sex Couples Can be Denied VA Mortgages

The U.S. Department of Veterans Affairs' (VA) Home Loan program gives veterans and active-duty military personnel assistance and very competitive terms for mortgages. Currently, military personnel and veterans in same-sex couples are only eligible to apply for these loans if the couple is legally married and currently lives in a state that recognizes their marriage.[109] In addition, veterans in same-sex couples face other challenges accessing these benefits even if they are legally married.

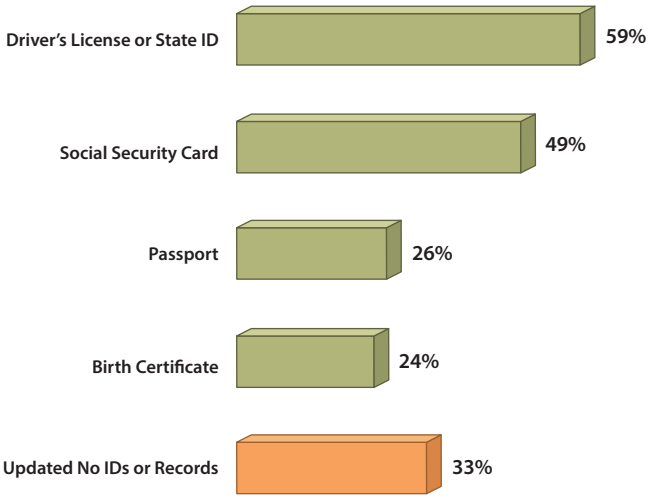
For example, a Navy veteran and his nonmilitary spouse, who were legally married in Maryland but currently live in Virginia, applied for a VA home loan. Just weeks before the closing date on their home purchase, they were notified that the loan had been denied because the nonmilitary spouse's income could not considered. As a result, the couple had to seek traditional mortgage financing, resulting in higher monthly mortgage payments and higher costs over the life of the mortgage.[110]

OBSTACLES TO OBTAINING IDENTITY DOCUMENTS THAT REFLECT THE GENDER OF A TRANSGENDER PERSON

As noted above, transgender people are more likely than the broader population to have college or graduate school degrees, yet they earn less money and are more likely to be unemployed. In addition to the discriminatory practices described above that can prevent transgender people from finding and keeping good jobs, they also face an ongoing struggle to obtain identity documents that match their lived gender. Having official, government-issued identity documents is crucial to many aspects of everyday life, including driving a car, paying with a credit card and boarding a plane. Laws that make updating identity documents more difficult create barriers for transgender people when applying for jobs, loans and more.

According to the National Transgender Discrimination Survey, only one-fifth (21%) of transgender people who had transitioned were able to update all of their identification documents and records with their new gender, and one-third hadn't updated any of their documents (see *Figure 18*).[111]

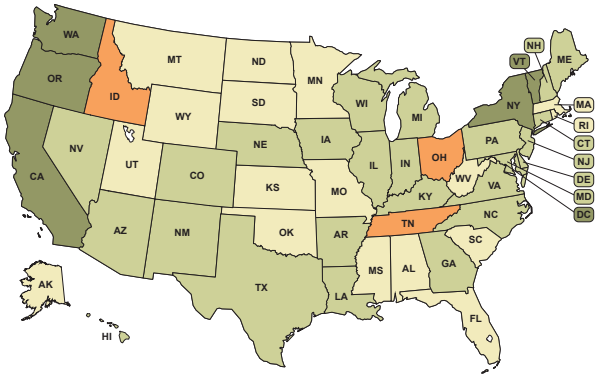
Figure 18: Percent of Transgender People Who Have Successfully Updated Identity Documents



Source: Jaime M. Grant, Lisa A. Mottet, Justin Tanis, Jack Harrison, Jody L. Herman, and Mara Keisling, Injustice At Every Turn: A Report of the National Transgender Discrimination Survey, National Center for Transgender Equality and National Gay and Lesbian Task Force, 2011.

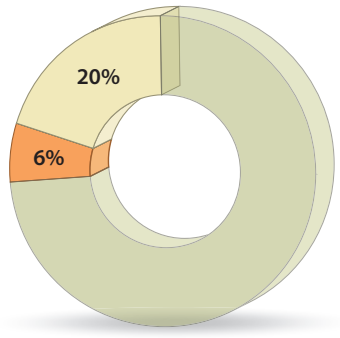
Figure 19: State Birth Certificate Policies

State Birth Certificate Policies



- State issues new birth certificate and does not require sex reassignment surgery (5 states* + DC)
- State requires proof of sex reassignment surgery to issue new birth certificate (25 states)
- State requires proof of sex reassignment surgery to amend birth certificate (17 states)
- State does not issue new birth certificate or amend existing documents (3 states)

Percent of LGBT People Living in States That Do Not Issue New Birth Certificates



*Note that New York City has its own policy in place
Source: Movement Advancement Project, "LGBT Equality Maps: Birth Certificate Laws."

The processes by which one can change one's name legally and update Social Security documents, passports, birth certificates, and driver's licenses are onerous, often requiring substantial fees and proof of medical care. Each state has its own policy on issuing new birth certificates and driver's licenses. As shown in *Figure 19* on the previous page, 30 states and the District of Columbia allow transgender people to obtain a new birth certificate, while 17 states only provide an amended birth certificate.[112] The problem with the latter approach for transgender people is that an amended birth certificate may make any gender marker changes clearly visible. Three states will not change gender markers on birth certificates.

THE IMPACT OF THE STRUGGLE FOR ACCURATE IDENTITY DOCUMENTS:

Higher costs to obtain accurate identity documents. Filing and processing fees associated with updating identity documents accumulate and can add up to hundreds or thousands of dollars. Transgender people are forced to bear these costs or struggle with the consequences of not having accurate documents, which in itself can be costly.

Judge Denies Woman's Request for a Name Change and Filing Fee Waiver

In December 2013, Mikell Puglisi applied to a court in Niagara County, New York, to have her name legally changed–a first and necessary step to obtain accurate identity documents. Local police had recently harassed Mikell because her documents still reflected her name and gender assigned at birth. Because of medical issues, Mikell wasn't working and lived on a very tight monthly budget. She applied to the court for a fee waiver. The court initially denied her request, saying that fee waivers could not be granted for name-change requests.

With advocacy from the Transgender Legal Defense & Education Fund, the Supreme Court of Niagara County reversed its decision and granted Mikell both a fee waiver and a name change.

"I'm so relieved that I can finally bring my legal documents in line with who I am," said Mikell. "Living on a limited income, I could not meet the financial burden associated with changing my name. I appreciate the court reconsidering its previous decision and granting me the fee waiver so that I can move forward with my life."

Adapted from Transgender Legal Defense & Education Fund, "Transgender Woman Secures Name Change After Judge Initially Denies Filing Fee Waiver Request," May 5, 2014.

Refused a Driver's License

Trudy Kitzmiller

Kristen Skinner

Printed with permission from the Transgender Legal Defense & Education Fund.

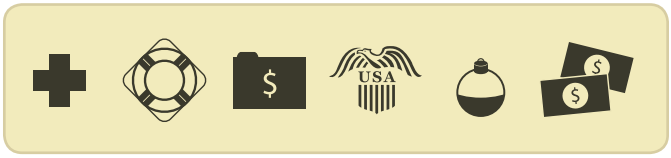
Two women in West Virginia were denied new driver's licenses because the staff at the Division of Motor Vehicles told them they had to remove their makeup. Trudy Kitzmiller was called "it" by the staff and told that she had to take off her makeup, jewelry, and wig before she could receive a new license. "As a transgender woman, I have overcome a lot of obstacles to become my true self," Trudy explained. "The DMV staff not only denied me the right to appear in my license photo as myself, they dehumanized me. I left the DMV depressed and I still have my old driver's license with an incorrect name and a photo that doesn't even look like me." Kristen Skinner had a similar experience at another DMV in the state.

The Transgender Legal Defense & Education Fund is working with the women to make sure they have driver's licenses that allow them to accurately express who they are. Without accurate documentation, transgender people can struggle to obtain employment and access programs and services.

Adapted from Tony Merevick, "West Virginia DMV Refused to Photograph Two Transgender Women Until They Removed Makeup," *Buzzfeed*, July 7, 2014.

Employment and public assistance challenges without accurate documents. Transgender people already experience substantial and pervasive discrimination when applying for jobs. Transgender workers also face the fear that a prospective employer may discover an applicant's transgender status by checking identification documents as part of routine employment verifications. In addition, low-income transgender people who lack accurate identity documents might be reluctant to seek public assistance in the form of job training or other benefits because of the fear of discrimination. As a result, transgender people may struggle to find employment and have lower incomes.

Failure #2: Lack of Recognition of LGBT Families



When Americans pay taxes and make contributions to Medicaid and Social Security, they do so with the understanding that the government uses these dollars to help fund everything from K-12 education to Social Security payments for older Americans to safety-net programs that help families facing poverty and unemployment. Some of these government programs, like Social Security, are earned benefits, meaning the amount one contributes over a lifetime determines the amount one receives during retirement. LGBT families, however, are asked to contribute more in tax dollars on average than non-LGBT families, plus the same amount in Social Security, and receive less in return. The reason for this disparity, which is explored in this section of the report, is that many laws and programs governing worker benefits, taxation, safety-net programs, and family intestacy use a narrow definition of family that excludes many LGBT families.

In particular, LGBT families are financially penalized by the lack of marriage and parental recognition.

Marriage. Many government programs and laws affecting families require that couples be legally married, but same-sex couples are barred from marriage in many states.[113] As shown in *Figure 20* on the next page, a number of states have constitutional amendments[i] prohibiting same-sex couples from marrying or preventing the state from recognizing the marriages of same-sex couples.[114] When couples cannot marry, they may be treated as "legal strangers" when it comes to everything from counting dependents to determining death benefits. As explained in this section, a key consequence of this lack of recognition for same-sex couples is that it can result in both dramatically lower incomes and higher costs for LGBT people—making it much more difficult for them to provide for themselves and their families.[j]

Parental Recognition. Adding to the challenges for same-sex couples, many laws and government programs require parents to have a legal parent-child relationship with their children. Since legal parenting ties flow largely from either marriage or biological ties, this creates problems for same-sex couples raising children. The reason: most same-sex couples are barred from marriage and their families typically include at least one non-biological parent. Because most laws and policies simply do not recognize people who are raising children but who are not legal parents, this means that one LGBT parent may be a legal stranger to a child even when that parent has helped raise the child from birth.

The requirement that parents have a legal relationship to their child or children may be impossible for LGBT families to meet. As shown in *Figure 21* on page 35, many states do not allow same-sex couples to jointly adopt children, leaving just one parent as a legal parent.[115] Same-sex couples also face barriers to obtaining second-parent or stepparent adoptions, through which a parent's partner can secure legal ties to the child they are parenting together. For example, when a lesbian couple uses donor

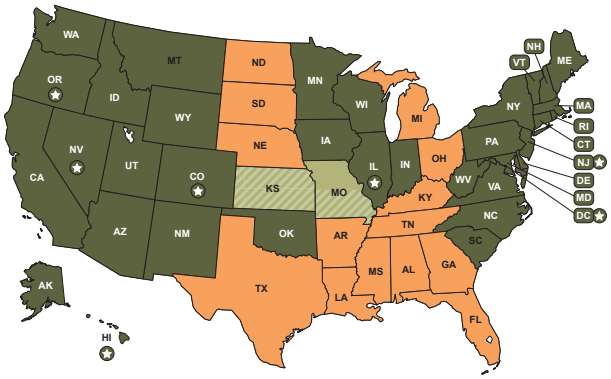
The Changing American Family

Families in the United States are diverse. Current research finds that only one in five U.S. households (20%) include a married opposite-sex couple raising children.[116] Rather, many households include single people, unmarried couples of all ages, couples with children, grandparents or aunts raising children, foster parents, or married couples without children. LGBT people and their families are similarly diverse.

[i] Legal challenges to marriage bans in all states where couples cannot marry are making their way through federal and state courts. For an update on these cases, visit Lambda Legal, "Pending Marriage Equality Cases."
[j] A growing number of states, particularly in the midwest, mountain west, and southern regions of the United States allow couples to marry but lack other vital legal protections, as shown in the infographic on page 9.

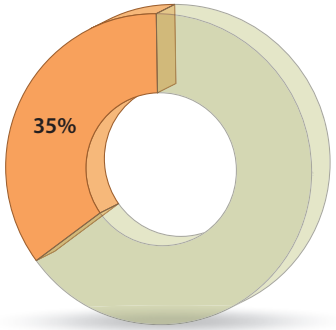
Figure 20: State Marriage and Relationship Recognition Laws

State Marriage and Relationship Recognition Laws

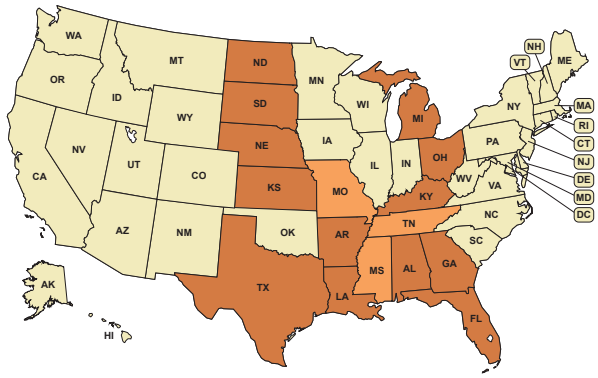


- Marriage equality for same-sex couples (34 states + D.C.)
- Comprehensive civil union or domestic partnership law (6 states + D.C.)
- Ruling in favor of marriage equality from appellate courts. Marriage available to same-sex couples pending further action (2 states)
- Limited relationship recognition law (1 state)
- No legal recognition for same-sex couples (14 states)

Percent of LGBT People Living in States Where Couples Cannot Marry

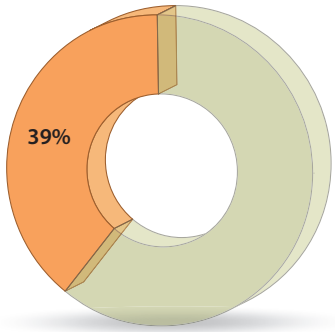


State Laws Prohibiting Marriage



- Constitutional amendment bans marriage and other forms of relationship recognition similar to marriage for same-sex couples (13 states)
- Constitutional amendment bans marriage for same-sex couples (3 states)
- Statute bans marriage and other forms of relationship recognition similar to marriage for same-sex couples (3 states)
- Statute bans marriage for same-sex couples (13 states)
- No legal ban on marriage or relationship recognition (34 states + D.C.)

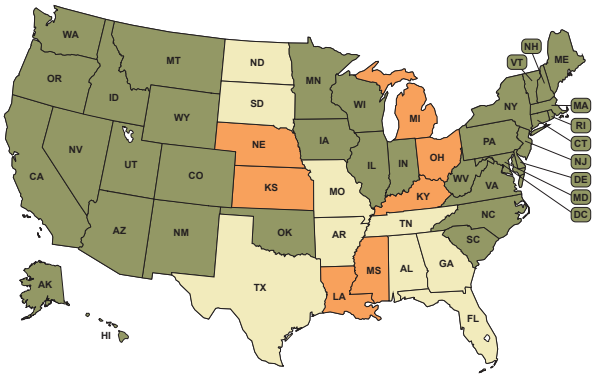
Percent of LGBT People Living in States With Statutes or Amendments Banning Marriage



Source: Movement Advancement Project, "LGBT Equality Maps: Marriage & Relationship Recognition."

Figure 21: State Adoption Laws

State Joint and Second-Parent Adoption Laws

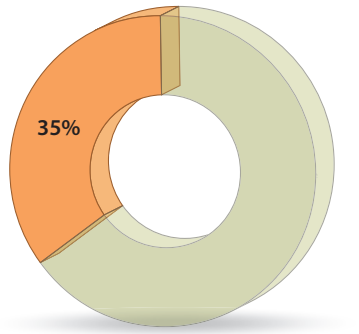


LGBT parents can petition for joint or second-parent adoption statewide (34 states + D.C.)

LGBT parents face legal restrictions when petitioning for joint or second-parent adoption (7 states)

Availability of joint or second-parent adoption is uncertain (9 states)

LGBT People Living In States Where Joint Or Second-Parent Adopt Is Unavailable Or Uncertain



Source: Movement Advancement Project, "LGBT Equality Maps: Foster and Adoption Laws."

Asked to Pay Thousands to Adopt Their Own Child

Mikyla and Katie Miller were married in California in 2008. When they moved to Nevada in 2010, their marriage wasn't recognized.[k] Despite registering as domestic partners, they felt the immediate shift in legal recognition.

Shortly after moving to Nevada, Mikyla had chest pains and rushed to the hospital. When she asked for Katie to join her in the exam room, hospital staff refused. In the middle of her health crisis, Mikyla was put in the position of advocating for her spouse to be by her side. Fortunately, a doctor intervened and the couple was allowed to be together.

This experience hovered over them as they planned for the birth of their daughter. Because of patchwork legal protections, Katie wouldn't be recognized as a parent when they welcomed their daughter into the world—which wouldn't have been the case in California where their marriage was honored. As they decorated the nursery and took birth classes, they also interviewed hospitals to ensure that Katie would be permitted to be by her wife's side during the birth.

In addition to the emotional toll of worrying how their family would be respected at the hospital, they needed to establish parentage by having Katie's name on the birth certificate, something that required a great deal of advocacy with the hospital. The hospital staff informed them that in order for Katie to be listed on the birth certificate—which was a requirement for their baby to be covered on Katie's insurance policy—Katie needed to formally adopt their baby at a cost of thousands of dollars. Once again, the couple was put in the stressful position of advocating for the most basic recognition of their family. After involving the hospital's legal department, they were able to list Katie on the birth certificate. Still, they were forced to provide extra paperwork and jump through hurdles in order to enjoy one of the most important events of their lives—becoming mothers.

In Katie's words, "Because of the marriage ban, I [felt] like my voice [did] not matter. I [felt] like other people who have decided that my relationship with Mikyla does not deserve to be considered a marriage [were] controlling my fate. I want to be in control of my own destiny by being recognized as married to the woman I love."

Adapted with permission from Lambda Legal. For more information, see Lambda Legal, *Sevcik v. Sandoval*.

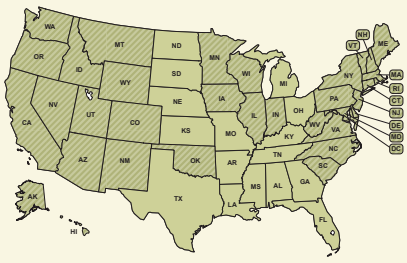
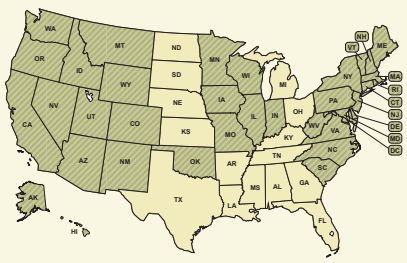
[k] Nevada began allowing same-sex couples to marry and recognizing out-of-state marriages in October 2014.

When Is a Same-Sex Couple Considered Married by the Federal Government?

In June 2013, the U.S. Supreme Court struck down Section 3 of the Defense of Marriage Act (DOMA), which had prevented the federal government from recognizing the legal marriages of same-sex couples. As a result of this ruling, the federal government has worked to implement policies recognizing legally married, same-sex couples for the purposes of federal law and programs. It remains the case, however, that same-sex couples can only marry in a minority of states,[l] so the extent to which the Supreme Court decision results in the federal government treating a same-sex couple more fairly depends on where that couple lives.

Despite the Supreme Court's DOMA ruling and the federal government's explicit intention to extend it as broadly as possible, there are still some federal rules and regulations that do not recognize legally married same-sex couples who are currently living in states without marriage equality.[117] As shown below in *Table 3*, a majority of programs recognize the marriages of same-sex couples based on the "state of celebration." However, there are a minority of programs that utilize the narrower "state of residence" standard," which only recognizes the marriages of same-sex couples who currently live in states where those marriages are valid. Finally, there remain some government programs where the standard for recognizing same-sex couples' marriages remains uncertain. A breakdown of some of the major federal laws and programs, and their treatment of same-sex couples, is shown in *Table 3*. Although not all of the federal programs in the table are discussed in this report, page numbers are provided for those programs analyzed in greater detail later.

Table 3: Recognition of Married Same-Sex Couples by Various Federal Agencies and Programs

Agencies Using State of Celebration	Agencies Using State of Residence	Agencies That Are Uncertain
		
Federal laws and regulations using this standard recognize legally married same-sex couples no matter where they live. This gives the couple federal protection even if their state of residence refuses to recognize their marriage, so long as their marriage was valid where it was celebrated.	Under this more limited policy, federal laws and regulations using this standard recognize a legally married same-sex couple only if they currently live in a state with marriage equality.[m]	Because many programs are governed by both federal and state law, the federal government has deferred to states to determine whether to recognize legally married same-sex couples. This means that in some instances, legally married same-sex couples will be recognized while in other states they will not. At the very least, legally married same-sex couples living in states with marriage equality should be treated as married.
• Employee Retirement Income Security Act (ERISA) (page 56) • Federal taxes (pages 49-52) • Free Application for Federal Student Aid (FAFSA) (pages 63-65) • Immigration (for the purposes of spousal visas) • Military benefits • National Guard benefits • Employee benefits for civilian federal employees and their spouses	• Family and Medical Leave Act (FMLA), except for federal employees for whom the state of celebration standard applies (pages 44-46) • Supplemental Security Income (SSI) (page 48) • Social Security (pages 51-55) • Veterans' benefits (page 55)	• Family health insurance benefits (pages 37-41) • Medicare (pages 41-42) • Medicaid (pages 42-44) • Temporary Assistance for Needy Families (TANF) (page 47) • Bankruptcy

[l] For up-to-date information about where same-sex couples can marry, see Movement Advancement Project, "LGBT Equality Maps: Marriage & Relationship Recognition."

[m] In October 2014, Missouri began recognizing the legal marriages of same-sex couples conducted in other states. Same-sex couples cannot currently marry statewide in Missouri, however.

insemination, most states have no mechanism for the non-biological mother to become a legal parent of her child.[n]

The denial of marriage and legal parenting ties takes a tremendous emotional toll on LGBT families. But these failures in law can also have more tangible, financial impacts. As discussed in this section of the report, these impacts can include: higher healthcare costs or the unfair denial of health insurance; lack of access to safety-net programs; higher taxes; the inability to access Social Security retirement and disability programs; challenges in saving for retirement; exclusion from intestacy laws governing inheritance; and more.

LACK OF ACCESS TO HEALTH INSURANCE THROUGH AN EMPLOYER

Earlier, this report described how legal discrimination in healthcare treatment and coverage can impact the physical, mental and financial well-being of individuals who are LGBT. This section describes how the lack of family recognition means that LGBT families can be unfairly denied health insurance or required to pay additional taxes on their health benefits, often totaling thousands of dollars per year.

The majority of Americans receive health insurance through an employer, a spouse's employer, or the employer of a parent.[118] While an employer cannot exclude LGBT workers from health insurance if it offers insurance to all employees, many employers do not have to offer health insurance to the spouses or partners of LGBT employees, or to children who are not legally related to an LGBT worker. Lack of consistent access to employer-sponsored coverage results in substantially higher costs and less income for same-sex couples, both married and unmarried.

Coverage for unmarried partners. No federal or state law uniformly requires all employers who offer health insurance to legally married couples to offer it to unmarried couples. As a result, an LGBT worker who is unable to marry is also often unable to access health insurance through an employer for his same-sex partner. Data from 2012 finds that only 31% of employers offer health insurance to the unmarried same-sex partners of their employees.[119] In a study of Californians prior to marriage equality in the state, partnered gay men were less than half as likely as married heterosexual men to receive employer-sponsored dependent coverage, and partnered lesbians were less than one-quarter as likely as married heterosexual women to have coverage through a partner.[120] Even when coverage for same-sex spouses or partners is theoretically available, accessing it can be a challenge. A 2013 national survey of LGBT people at or below 400% of the federal poverty level (approximately $46,000 for a single person) found that three-quarters of lesbian, gay and bisexual people who had attempted to secure employer-based family coverage for a same-sex partner experienced discrimination in the process.[121]

WHAT ABOUT MARRIED SAME-SEX COUPLES?

Whether an employer is required to offer health benefits to the same-sex spouse or legally recognized partner of an employee is complicated and evolving. In large part, the answer is determined by where a couple lives and the type of employer.

As shown in the infographic on the next page, employers that sponsor their own insurance, known as "self-insured" employers, are not currently required to offer benefits to the same-sex spouses of employees, although they may risk violating federal and state nondiscrimination laws if they offer these benefits only to opposite-sex spouses.

Employers that purchase insurance through an insurance company, known as "fully insured" employers, must comply with all applicable state insurance laws in the states where they purchase insurance. In most states with marriage equality or relationship recognition for same-sex couples, legally recognized same-sex couples must be treated the same as married opposite-sex couples under state insurance law.

Under federal law, as of January 1, 2015, if health insurance companies are selling group or individual insurance plans through the state or federal health insurance marketplaces that cover married opposite-sex spouses, then they also must offer coverage for same-sex spouses who are legally married, regardless of where the couple lives or where the insurance policy is offered, sold, issued, or renewed.[122] Federal law does not require, however, that employers purchasing insurance must select plans that have coverage for same-sex spouses.

[n] For more about the challenges faced by LGBT parents in securing legal ties, see Movement Advancement Project, Family Equality Council, and Center for American Progress, "All Children Matter: How Legal and Social Inequalities Hurt LGBT Families," October 2011.

WHEN DO EMPLOYERS HAVE TO OFFER HEALTH INSURANCE TO MARRIED SAME-SEX COUPLES?

IS THE EMPLOYER SELF-INSURED?*

NO

DOES THE EMPLOYER PURCHASE INSURANCE IN STATE WITH MARRIAGE OR RELATIONSHIP RECOGNITION?

YES

NO

YES

EMPLOYER IS REQUIRED TO OFFER BENEFITS

EMPLOYER IS NOT REQUIRED TO OFFER BENEFITS,
BUT MAY VIOLATE STATE AND FEDERAL LAW BY NOT OFFERING BENEFITS.**

* Self-insured employers offer their own insurance, rather than purchasing it as "fully-insured" employers do.

** Beginning in 2015, insurers must make available spousal benefits for same-sex partners, but employers will not be required to purchase plans with such benefits.

Coverage for non-legally recognized children. Employers can choose whether their insurance plans provide coverage for dependents, including children, and how to define the relationship between a worker and a child for eligibility. Some employers, particularly those that do not offer coverage to the same-sex spouses or partners of employees, may not allow an employee to sign up a spouse's or partner's children if the employee does not have a direct legal tie to the child, such as through adoption or biology.

THE IMPACT OF UNEQUAL ACCESS TO EMPLOYER-SPONSORED FAMILY HEALTH BENEFITS:

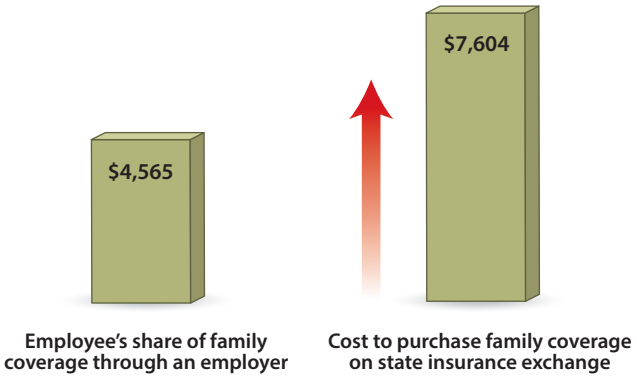
Higher insurance costs. As discussed earlier on pages 25-29, not being able to access affordable health insurance has significant health and financial consequences for LGBT people. Research finds that LGBT people are less likely to have health insurance; in a 2013 national survey, 34% of LGBT people with incomes up to 400% of the federal poverty level (around $46,000 per year for an individual) did not have health insurance[123] compared to 21% of the general adult population.[124] (In 2014, this number dropped to 26.1% for LGBT people, likely as a result of the Affordable Care Act and expanded coverage for low- and middle-income people.[125]) The disparity in insurance coverage between LGBT and non-LGBT people is due, in large part, to the fact that significant numbers of LGBT individuals and families lack access to employer-sponsored coverage. In the same survey, 43% of LGBT respondents had coverage through an employer compared to 58% of the general population.[126]

When same-sex couples and their families are denied access to employer-sponsored health insurance, they must purchase coverage on their own or risk their health and financial security by trying to get by without coverage. As shown in *Figure 22*, the average LGBT worker denied equal family healthcare benefits in 2013 would pay around $3,000 more each year for family health insurance than a colleague in an opposite-sex married couple who can access employer-provided coverage.[127]

Other added costs due to federal penalties, higher out-of-pocket expenses and more expensive care. When people lack health insurance, not only does their health suffer because they do not receive preventive care or treatment for more serious medical conditions,[128] but they also face added costs when they access medical care. One study found that out-of-pocket care costs 35% more than insured care. Additionally, people who are uninsured are twice as likely as people with insurance to have trouble paying their medical bills,[129] which puts them at greater risk for adverse credit action and bankruptcy. In fact, three in five U.S. bankruptcies are related to medical debt.[130] A 2013 survey found that nearly four in ten uninsured LGBT people with incomes at or below 400% of the poverty line (approximately $46,000 for a single person) had medical debt, as shown in *Figure 23*.[131] In that survey, even among insured LGBT people, 26% were in debt because of healthcare costs.[132] In the 2014 update to the survey, 29% had unpaid medical bills, including 37% of bisexual people and 35% of women.[133]

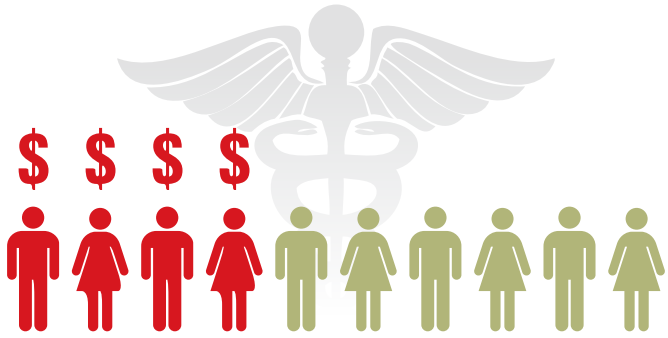
Figure 22: Family Health Insurance Costs

Average Costs for a Family of Four



Source: Assumes two 40-year-old, non-smoking adults and two minor children living in Illinois select the "silver plan" through their state insurance exchange. Calculated using The Henry J. Kaiser Family Foundation, "Subsidy Calculator." Kaiser Family Foundation and Health Research & Educational Trust, "2013 Employer Health Benefits Survey," August 20, 2013.

Figure 23: Nearly Four in Ten Uninsured LGBT People Carry Medical Debt



Source: Laura E. Durso, Kellan Baker, and Andrew Cray, "LGBT Communities and the Affordable Care Act," Center for American Progress, October 10, 2013.

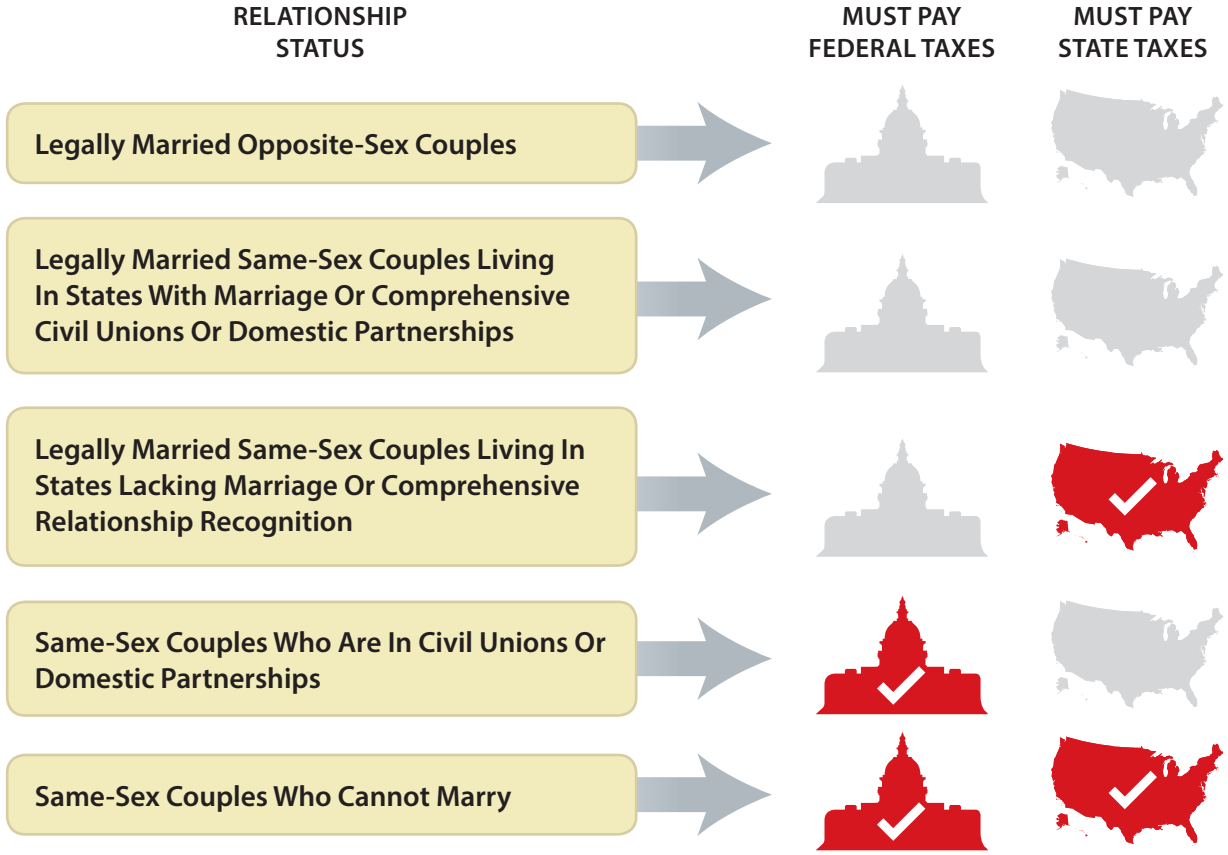
Another financial consequence of being uninsured, as of 2014, is a federal "shared responsibility payment" under the Affordable Care Act on individuals without minimum essential health insurance.[134] The penalty is $95 per person per year (plus another $47.50 per child, up to a family total of $285) or 1% of an individual or family's yearly household income, whichever is greater. The maximum penalty is $285 per family, but it is not assessed on low-income individuals.[135] For more on the Affordable Care Act's subsidies and tax credits designed to offset the cost of health insurance and how LGBT families are recognized, see pages 41-42.

Added taxes on health insurance benefits. An unmarried LGBT employee who enrolls a partner or a partner's child/children in an employer-sponsored health insurance plan will pay more for family coverage than a legally married colleague because of added federal and state taxation. First, the value of health insurance for a partner and a non-legally recognized child is added to the employee's taxable income (even though the employee does not receive any additional salary). LGBT workers must then pay federal and state income and payroll taxes on this additional amount. Not only does this taxation reduce an LGBT worker's overall income relative to other employees, but the fact that the LGBT employee now has a higher taxable income may push her into a higher tax bracket.

In addition, LGBT employees who enroll a partner in employer-sponsored health insurance must pay the employee portion of the premium with post-tax dollars, while legally married workers can pay for these premiums using pre-tax dollars. Again, this means that the LGBT employee receives less take-home pay. As shown in *Figure 24*, some same-sex couples must pay taxes on health benefits, while others do not.

Take the case of two workers, each earning $50,000 and receiving $6,901 in family health benefits for a spouse (or partner) and child paid by their employer.[136] One employee is legally married to an opposite-sex spouse; the other has a same-sex partner and a child with whom she doesn't have a legal rel-ationship and whom

Figure 24: Which Couples Have To Pay Taxes On Health Benefits?



she cannot claim as a dependent. Unequal taxation of family health benefits costs the LGBT worker $3,417 in income and payroll taxes.[o]

LIMITED ACCESS TO GOVERNMENT HEALTH INSURANCE PROGRAMS

American families struggling with unemployment or underemployment can run into trouble when it comes to paying for health insurance. Not only do most of these families lack access to employer-sponsored health insurance, but they also may not be able to afford to pay for insurance out-of-pocket. Public programs such as Medicaid and the Children's Health Insurance Program (CHIP) provide health-related benefits targeted toward low-income individuals and children as well as older Americans. But because of anti-LGBT discrimination and restrictive family definitions, LGBT people who are struggling financially can be denied access to these crucial programs.

Medicaid and the Children's Health Insurance Program

The Affordable Care Act opened new opportunities for millions of low-income Americans to receive affordable health coverage through Medicaid and CHIP.

Medicaid and CHIP are "means-tested programs," meaning eligibility is primarily based on income, assets, and family size. Beginning in January 2014, the law required states to expand their Medicaid programs to ensure eligibility for all adults under age 65 with incomes at or below 138% of poverty level, although implementation varies state-by-state with some states opting not to expand their Medicaid programs.[p],[137]

Since larger families have higher day-to-day living expenses, they are eligible for assistance up to a higher household income ceiling than smaller families. For example, in a state that expanded its Medicaid program, a three-person family would qualify for Medicaid as long as the family's total household income was $27,310 or less, while a two-person family would qualify if their total household income was $21,707 or less.[138]

The challenge for LGBT families is that most states only include legal spouses and legally recognized parents in the household count. Unmarried partners and non-legally recognized LGBT parents in most states are not included in the household size when calculating Medicaid eligibility or establishing a child's eligibility for CHIP.

Depending on a family's unique circumstances, this inaccurate household count can result in an unfair denial of benefits or a reduction in benefits. Take the example of a family consisting of a same-sex couple, one of whom has a very low income, and the couple's child. An accurate count would see this family as a three-person household consisting of two parents and one child supported by one income. But, if the couple's relationship is not recognized by the state administering the program and only the parent with the higher income is able to establish a legal parent-child relationship, the family appears as a single parent and child supported by the same income. Thus the

WHAT ABOUT MARRIED SAME-SEX COUPLES?

Access to Medicaid and CHIP for same-sex couples and LGBT families is complicated because federal and state governments jointly administer these programs. Though the federal government has issued guidance to states, it does not require them to treat married same-sex couples and their children in a uniform manner for the purposes of Medicaid or CHIP eligibility.[139]

In states that allow same-sex couples to marry: States will treat legally married same-sex couples as married for the purpose of determining eligibility for Medicaid and related health programs.

In states that do not allow same-sex couples to marry, including those that offer civil unions or domestic partnerships: The Centers for Medicare & Medicaid Services suggest that states treat couples who were legally married out-of-state as married when assessing eligibility for federal health benefits, but the federal government does not require states to do so. States also have discretion in how to treat couples who are in civil unions or domestic partnerships. This means that many same-sex couples, even legally married couples who moved to another state, can be denied access to benefits because states are not counting all family members.

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[o] The employer-paid value of benefits (excluding the value of individual employer-paid benefits for which both employees are treated equally) is $6,901, which would be added to the LGBT employee's taxable income. Additionally, the LGBT employee would be unable to use pre-tax dollars to pay for the employee's share of her family's premiums, again excluding the premiums she pays for individual benefits ($3,566). As a result, the total difference in taxable income between the two employees is $10,467. Assuming a 25% marginal tax rate and a 7.65% payroll tax rate, this amounts to $3,417 more in taxation paid by the LGBT employee.

[p] In a 2013 survey of LGBT people, 48% of respondents lacking insurance lived in a state that was not expanding Medicaid. Laura E. Durso, Kellan Baker, and Andrew Cray, "LGBT Communities and the Affordable Care Act," Center for American Progress, October 10, 2013.

child and the lower-income parent are both likely to be excluded from Medicaid and CHIP coverage–particularly in states that have not expanded their Medicaid programs under the Affordable Care Act.

It is important to note that for some LGBT families a lack of relationship recognition may mean that the family's financial means are undercounted and they could get a higher level of benefits than comparably situated non-LGBT families. For example, if the non-legally recognized partner has an income that would otherwise increase the family's overall income over the threshold for qualifying for assistance, the family may still receive benefits because the partner's income is not counted. In this situation, some members of the family may qualify for assistance for which they would otherwise not be eligible. Nevertheless, the combination of the uneven patchwork of state-level relationship recognition and adoption laws, the lack of strong federal guidance on the issue of Medicaid recognition for same-sex couples, and many states' refusal to expand their Medicaid programs leave many low-income same-sex couples and their children in precarious circumstances.

THE IMPACT OF UNEQUAL ACCESS TO GOVERNMENT HEALTH PROGRAMS:

Costlier healthcare. When low-income people cannot obtain health insurance through Medicaid or CHIP, they may not be able to afford to purchase insurance on their own. As noted above, the average annual cost to purchase health insurance for a family of four through a health insurance marketplace would be $7,604[140]—an impossible sum for many struggling families.

The Affordable Care Act contains several provisions designed to help offset the cost of insurance for people who do not have access to employer-provided insurance and do not qualify for Medicaid or CHIP. For example, some low-income people qualify for cost-sharing assistance, where they pay reduced copayments and deductibles.[141] Low- and middle-income people (with incomes between 100-400% of the federal poverty level) may qualify for tax credits to offset health insurance premiums for insurance purchased through state health insurance marketplaces.[142]

Because eligibility for Medicaid, CHIP, and the subsidies and tax credits for purchasing private insurance are based on income and household size, LGBT families may be unable to qualify because of lack of federal recognition of their family. If a family isn't able to accurately reflect their household size, they may be unable to qualify for lower-cost plans and tax credits designed to reduce insurance costs for low- and middle-income families. For example, if a same-sex couple is not legally married–and therefore cannot file a joint federal tax return–they will not be considered a family for the purposes of determining eligibility for the federal tax credits offsetting health insurance premiums. Rather, they will have to qualify as individuals, which may be more difficult depending on their individual incomes. As a result, families may go without health insurance and put off needed healthcare. They also may have to pay a penalty to the government for not having insurance.

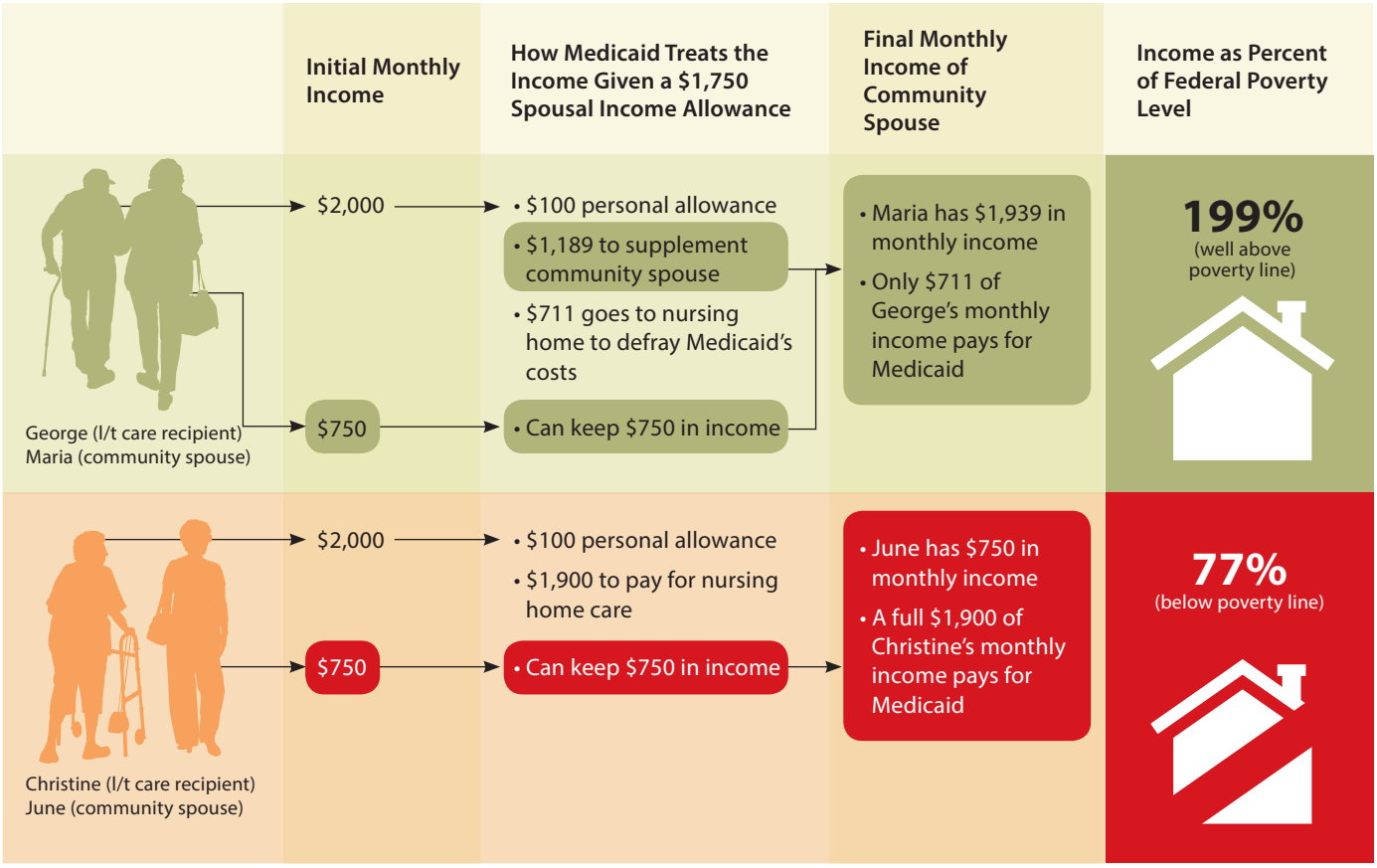
Limited Access to Long-Term Care Assistance Through Medicaid

Many Americans are unable to retire, working late into their lives with good jobs increasingly unavailable as they age. To help offset both the financial and the health challenges associated with aging, most older adults are eligible for Medicare, the federal health insurance program. But Medicare has very limited skilled nursing and long-term care coverage (usually limited to just 100 days), creating a significant financial burden for many older Americans.[143]

The costs of institutional or home-based care for older adults are extraordinary, and most Americans are ill-prepared for such costs. Only 27% of Americans report feeling confident that they can afford the long-term care they will need as they age.[144] A study of LGBT baby boomers found that nearly one in three respondents (31%) were unsure how they would afford long-term care.[145] Yet most Americans will need some form of long-term care in their later years; 70% of Americans who reach age 65 will need long-term care for an average of three years.[146]

For low-income older adults, Medicaid provides additional supplemental long-term care coverage through a joint federal-state program. In fact, Medicaid is the largest funder of long-term care in the United States. The program finances 40% of all long-term care spending. Medicaid also covers the nursing home costs of 63% of the 1.6 million people living in such facilities,[147] and another 2.8 million Americans receive Medicaid assistance to pay for home- and community-based care.[148] Because Medicaid's long-term care coverage is a means-tested program, individuals

Figure 25: How Medicaid Income Rules Can Impoverish Same-Sex Couples



must have limited assets and income in order to qualify. For married opposite-sex couples, Medicaid has "spousal impoverishment rules," or exemptions so that a healthy spouse does not have to sell a shared home or live in poverty to pay for the other spouse's costly long-term care. However, these protections do not apply to most unmarried same-sex couples.

In determining eligibility for Medicaid-supported long-term care (either in a nursing facility or at home through a community- or home-based service[149]), federal and state governments look to an individual's (or a couple's) assets and income. A certain amount of a married couple's combined resources are protected for a healthy spouse, frequently called the "community spouse." In assessing eligibility, Medicaid typically pools the assets of the married couple and allows the community spouse to keep the couple's home, household goods, a car, and at least $23,448 or 50% of the couple's assets up to $117,240.[150] The spouse receiving care must have no more than $1,500 in assets to qualify for Medicaid, but the community spouse may keep her own income plus a portion of her spouse's income necessary to bring her income to $1,939 per month.[151] For the spouse receiving care, all but a very small portion of the income (frequently less than $100) must go toward care costs.

However, if a couple is not married, none of these protections apply. The healthy unmarried same-sex partner of a person applying for Medicaid's long-term care coverage is not entitled to keep any assets, property, or income from the person receiving care.

In 2011, the Centers for Medicare & Medicaid Services granted states discretion in determining eligibility for long-term care and extending some economic protections to the same-sex partners of an individual entering long-term care. States may treat unmarried same-sex couples, including those in civil unions and domestic partnerships, as they do married opposite-sex couples–that is, they may allow a same-sex partner to stay in the couple's home and to maintain some level of assets and income as outlined above.[152] However, while states have the discretion to treat same-sex couples as married, they are not required to do so—and given that most states ban same-sex couples from marriage, it is unlikely that those states will take advantage of this flexibility.[153]

When same-sex couples cannot qualify for Medicaid's long-term care assistance–either because of incorrect calculations of a family's income and assets, or because a couple is forced to reduce their income and assets beyond what is required for opposite-sex couples–the financial impact is substantial. Not having access to this assistance can make the difference between financial stability and increased poverty, instability, and economic distress during old age.

THE IMPACT OF UNEQUAL ACCESS TO LONG-TERM CARE THROUGH MEDICAID:

Unequal protection from poverty and less income for a same-sex partner or spouse. In 2012, a year of long-term nursing home care averaged $81,030 for a semi-private room[154]—more than three times the median income of men ages 65 and older and more than five times the median income of women ages 65 and older.[157] Unequal access to long-term care assistance through Medicaid means that when one partner in a same-sex couple needs long-term care, the healthy partner can be left with no income and no home, as shown in *Figure 25* on the previous page. In contrast, a recognized "community spouse" in an opposite-sex couple would be permitted to keep up to $1,939 of the other spouse's monthly income for her expenses and up to $117,240 of the couple's shared assets.

WHAT ABOUT MARRIED SAME-SEX COUPLES?

Access to Medicaid's long-term care coverage is complicated for same-sex couples because these programs are joint federal-state programs. The federal government has issued guidance to states, but in some instances states still have discretion in their treatment of same-sex couples.

Legally married same-sex couples living in states with marriage equality: For Medicare's limited skilled nursing benefits, legally married couples must be treated as married.[155] For Medicaid's long-term care benefit, if a legally married couple lives in a state that allows couples to marry, states will treat them as married.

Legally married same-sex couples living in states without marriage equality: In determining eligibility for Medicare's limited skilled nursing benefits, legally married couples must be treated as married regardless of where they reside.[156] Because Medicaid's long-term care assistance is a joint federal-state program, the Centers for Medicare & Medicaid Services *suggest* that states treat couples who were legally married out-of-state as married. However, states have discretion to determine whether they will consider these couples married, as well as how to treat couples who are in civil unions or domestic partnerships.

Unequal Treatment Under Federal and State Medical Leave Laws

Workers frequently need time off work to care for a sick spouse, child or parent. But LGBT people often do not have the same ability to take job-protected leave as their non-LGBT coworkers. This can create stark financial consequences for LGBT people: lose a job because you choose to be there for a sick loved one, or pay for in-home care and stay at work.

Federal law and many state laws allow workers to take job-protected leave to care for a loved one. The federal Family and Medical Leave Act (FMLA) allows eligible workers to take up to 12 weeks of unpaid, job-protected leave upon the birth or adoption of a child, or because of the serious illness of the employee or a spouse, child, or parent.[158] Forty-one percent of all workers, however, are ineligible for federal FMLA leave because they work for a small employer, may not work enough hours, or may not have been on the job long enough to qualify.[159] Workers who are covered by FMLA and are eligible for job-protected leave are more likely to be white, have at least a high school diploma, and have higher incomes than workers who are not covered by FMLA or are ineligible for such leave.[160]

State leave laws are often more expansive than the federal FMLA, offering paid time off, covering employees with less job tenure, and/or applying to employees working for small businesses. But federal and state laws generally restrict the list of family members whom a worker can take federal and state leave to care for, limiting it to spouses, children, and parents.

This means that access to FMLA leave is not available to unmarried couples, or couples in civil unions and domestic partnerships (see sidebar on page 45 for more on the rules for legally married same-sex couples). State laws do not offer much in the way of additional protection; 39 states do not have laws allowing workers to take state job-protected leave to care for an unmarried partner.[161]

Widower Left Heartbroken and Destitute

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Clay Greene and Harold Scull lived together for 20 years and had executed wills and mutual powers of attorney for medical and financial decisions naming each other as beneficiaries.

One evening, Harold fell down the front steps of their Sonoma County, California home and was rushed to the hospital. Based on their medical directives alone, Clay should have been consulted in Harold's care from the first moment. Tragically, county and health care workers instead refused to allow Clay to see Harold in the hospital. The county then ultimately went one step further by isolating the couple from each other, placing the men in separate nursing homes.

Without authority and without determining the value of Clay and Harold's possessions accumulated over the course of their 20 years together, or making any effort to determine which items belonged to whom, the county took everything Harold and Clay owned and auctioned off all of their belongings to pay for their medical care. The county workers then terminated Clay and Harold's lease and surrendered the home they had shared for many years to the landlord.

Three months after he was hospitalized, Harold died in the nursing home. Because of the county's actions, Clay missed the final months he should have had with Harold. Compounding this tragedy, Clay lost everything from the home he had shared with Harold. The only memento Clay has is a photo album that Harold painstakingly put together for Clay during the last three months of his life.

Represented by the National Center for Lesbian Rights, Clay reached a settlement of $600,000 to compensate for the damages the couple suffered due to the County's discriminatory and unlawful conduct. In addition to agreeing to pay a substantial sum, and as a result of the lawsuit, the County has changed or modified a number of important policies in its Public Guardian's Office, including requiring County employees to follow protocols before seizing private property, preventing County employees from relocating elders or others against their will, and prohibiting County employees from backdating information in their guardianship database. Without the legal help provided by NCLR, other couples may face similar emotional and financial devastation.

Adapted with permission from the National Center for Lesbian Rights.

For LGBT parents, regardless of marital status, the picture is a little brighter when it comes to leave. As of 2010, workers can take FMLA leave to care for a child even if the worker does not have a legal tie to the child.[162] But, unlike federal FMLA, few states offer such leave to LGBT parents who may lack a legal tie to their children.[163]

WHAT ABOUT MARRIED SAME-SEX COUPLES?

Legally married same-sex couples living in states with marriage equality: Workers can take job-protected leave under FMLA to care for an ill spouse.

Legally married same-sex couples living in states without marriage equality: The Department of Labor has proposed a regulatory change to FMLA to allow an employee to take leave to care for a same-sex spouse, regardless of where the couple lives.[164] However, as of September 2014, the FMLA uses the "state of residence" standard for recognizing same-sex spouses, so legally married same-sex couples in states without marriage equality cannot take FMLA to care for an ill spouse.[165]

THE IMPACT OF UNEQUAL LEAVE LAWS:

Higher costs for care. When an LGBT worker cannot take time from work to care for a sick partner or spouse, he may be forced to pay for a home health aide or nurse to provide care. On average, employees taking FMLA leave are away from work for 10 days. Without access to leave, this can mean that an LGBT worker may have to spend $2,100 to provide care for a sick spouse.

Possible job loss. LGBT workers may not be able to take job-protected leave to care for a sick partner or spouse. As a result, they are at greater risk of being fired or forced to quit a job when a partner becomes ill. As explained above, job loss and time out of the labor force result in less earning power and difficulty finding future work.

LIMITED ACCESS TO OTHER SAFETY-NET PROGRAMS

In times of crisis, families may turn to federal, state, and local government programs that provide basic assistance to help Americans make ends meet. These programs provide food assistance, rental assistance, cash assistance, and other limited benefits. However, not all government programs use the same definition of family in determining eligibility for benefits. As a result, LGBT families may be unable to obtain vital assistance during times of economic strain, simply because they are LGBT.

In determining eligibility for means-tested safety-net programs, applicants must provide information about their family's composition, income and assets. Some government programs define eligibility broadly by looking at the day-to-day functioning of a family or household. For example, food assistance through the Supplementary Nutrition Assistance Program (SNAP) relies on a definition of household based on the number of individuals who share food and eat together. Programs like this do not require that couples be married, nor do they require that those raising children be legal parents when determining a child's eligibility for assistance. Other programs, however, have more narrow definitions of family that ignore the realities of many families, including LGBT families. For example, eligibility for Head Start and Early Head Start child education programs is based on the financial resources of parents or guardians who are legally related to a child–including stepparents.[166] *Table 4* on the next page describes the most common means-tested safety net programs, how these programs define family, and how LGBT people and their families may be impacted.

WHAT ABOUT MARRIED SAME-SEX COUPLES?

Most safety-net programs, like Medicaid, are joint federal-state programs. So, recognition of legally married same-sex couples varies by state. Though the federal government uses a "state of celebration" standard for recognizing the marriages of same-sex couples, states have discretion in their recognition of couples. In addition, states may refuse to recognize a same-sex couple's marriage or their connection to children in their home (as stepparents, for example) when considering eligibility for programs.

THE IMPACT OF UNEQUAL ACCESS TO SAFETY-NET PROGRAMS:

Higher costs for basics like childcare. Many government safety-net programs provide access to critical services at a reduced cost through vouchers or reduced fees. For example, families eligible for federal Child Care and Development Fund programs pay some portion of their childcare, but receive subsidies valued at $717 each month, on average, for infant care and $549 each month for preschool care.[167] When the law does not recognize an LGBT family as a family, they may be unfairly denied that assistance. This only adds to the financial strain the family may experience by forcing them to pay more for basic necessities.

Fewer resources for LGBT people and their families facing times of need. When LGBT people cannot accurately report who is a part of their families, they can lose out on vital assistance that is designed to help families when they are economically distressed. Particularly for low-income families and families of color, who may lack formal legal ties and are more likely to rely on safety-net programs, the lack of recognition can leave them even more vulnerable. For example, the inability to receive cash assistance from the Temporary Assistance for Needy Families (TANF) program could mean the loss of anywhere from $170 (in Mississippi) to $789 (in New York City) per month for a family of three, depending on where they live.[168]

Table 4: How Means-Tested Safety Net Programs Treat LGBT Families Differently[q]

Program & Average Amount of Assistance	About The Program	Definition of Family	How the Program's Definition of Family Impacts LGBT Families
Temporary Assistance for Needy Families (TANF) **$170-789 monthly in cash[169]**	• TANF provides cash assistance, childcare, work training programs and other services for low-income families. • The program serves 1.8 million families including 3.3 million children, who are primarily families of color (68%).[170] *Single low-income lesbian and bisexual women with children are enrolled in TANF at higher rates than single heterosexual low-income women with children (37% vs. 24%).*[171]	Only legal parents of children (regardless of marital status) are considered part of the "assistance unit," the group of people whose resources are counted when determining eligibility. TANF also requires single parent applicants to identify the other legal or biological parent as a means to assist with child support collection.	• Depending on family circumstances, could result in unfair denial of benefits/reduced benefits OR family could receive benefits it would be denied were the entire family recognized. • Assumption that applicants can identify second legal or biological parent creates challenges for LGBT and single parents who adopt, use reproductive assistance, or who cannot otherwise identify an opposite-sex second parent. • TANF also includes inflexible work requirements that can be particularly difficult for LGBT parents, who often face employment discrimination.
Food & Nutrition Assistance (SNAP, School Lunch & WIC) **$497 monthly in food assistance for family of three[172]**	• Three federal programs offer millions of low-income "food-insecure" families financial assistance, school lunches and nutrition education: Supplemental Nutrition Assistance Program (SNAP), National School Lunch Program, Special Supplemental Nutrition Program for Women, Infants and Children (WIC). *In 2012, 29% of LGBT adults were food-insecure compared to 18% of non-LGBT adults.*[173]	Eligibility is based on household size and economic resources, defining households as a group of people who live, buy food, and make meals together, regardless of whether applicants are related legally or by blood.	• Eligibility guidelines for food assistance programs reflect the genuine household configurations of all families, and can serve as models for more narrowly-defined programs. • However, only citizens and permanent residents qualify, creating barriers for binational LGBT families because they cannot sponsor partners or non-legally related children for immigration.
Public Housing & Housing Assistance (Public Housing & Section 8 Vouchers) **90-110% of fair market rent in an area; in Chicago, for example, $690-$1,325 for a two-bedroom unit[174]**	• Two federal programs (Public Housing Program and the Section 8 voucher program) help vulnerable people obtain safe and affordable housing through affordable rental housing or subsidized rent.	The definition of family includes two or more persons who live together in a stable relationship and share resources, regardless of legal relationship.	• Definition of family covers many different living situations and accurately counts LGBT families. • However, even when LGBT families qualify for assistance, discrimination and a lack of legal protections can make it difficult to secure stable housing, particularly for LGBT families of color, and families headed by transgender parents.

[q] For more information about safety net programs and LGBT families, see Movement Advancement Project, Family Equality Coucil, and Center for American Progress, "All Children Matter: How Legal and Social Inequalties Hurt LGBT Families," October 2011.

Table 4: How Means-Tested Safety Net Programs Treat LGBT Families Differently (Continued)			
Program & Average Amount of Assistance	**About The Program**	**Definition of Family**	**How the Program's Definition of Family Impacts LGBT Families**
Medicaid & Children's Health Insurance Program (CHIP) **$197 monthly in health benefits**[175]	 • Two programs provide free or low-cost health insurance to vulnerable children and low-income adults. Medicaid provides healthcare coverage to poor older adults, people with disabilities, pregnant women, children and eligible families. CHIP specifically assists children in low-income families. • Together, Medicaid and CHIP insure 64.6 million people, including half of all low-income children in the United States.[176]	 Only legal parents (regardless of marital status) are considered for income and household size calculations. States where same-sex couples can legally marry must recognize couples as married. Other states have the flexiblity to expand eligiblity to recognize married same-sex couples, but they are not required to.	 • Depending on family circumstances, could result in unfair denial of benefits/reduced benefits OR family could receive benefits it would be denied were the entire family recognized.
Supplemental Security Income (SSI) **$537 monthly in cash assistance**[177]	 • Provides stipends to low-income children and adults who are blind or disabled (and low-income adults over age 65). • In 2014, 1.3 million children and 7.1 million adults received SSI assistance based on blindness or disability.[178]	 For minor applicants, only legal parents (regardless of marital status) are considered for income and household size calculations. For adult applicants, only legally married same-sex couples living in states with marriage and couples in civil unions and domestic partnerships will be treated as married; and both spouses' incomes will be considered in determining eligibility.	 • Depending on family circumstances, could result in unfair denial of benefits/reduced benefits OR family could receive benefits it would be denied were the entire family recognized.
Child Care and Early Education: Child Care and Development Fund (CCDF) and Head Start/Early Head Start **$549-717 monthly in child care assistance**[179]	 • Several government programs help low-income families obtain child care and early education. CCDF helps low income families with children ages 0-13 pay for child care. Head Start/Early Head Start provides early childhood education services for poor children, ages 0-5, and their families. • In 2012, CCDF served more than 1.5 million children in an average month[180] and Head Start/Early Head Start served more than 1.1 million children.[181]	 CCDF allows states to define families for the purposes of determining eligibility. Head Start/Early Head Start considers the economic resources of all persons living in the same household who are supported by the income of the child's parent or guardian as determined by blood, marriage, or adoption.	 • Depending on family circumstances, could result in unfair denial of benefits/reduced benefits OR family could receive benefits it would be denied were the entire family recognized.

LGBT Families Face Unique Obstacles in Applying for Government Assistance

LGBT people and their families may not receive vital assistance from government programs when they need it–even when they qualify.

First, families simply may not be aware that they are eligible for this assistance. The reason: confusion about the recent changes in the federal government's recognition of same-sex couples and frequently changing state laws around relationship recognition. Plus, the inconsistent definition of family and household across government programs means that families may be eligible for some programs and not others. As a result, families may incorrectly believe that if they are not eligible for one program, they are automatically not eligible for another.

LGBT people may also worry about coming out to staff as part of the application process for these programs. This may be of particular concern in smaller communities and for transgender people, for whom identity documents may not match the way they live their lives. And, government employees may not be aware of recent changes in the ways federal and state programs recognize LGBT families. These concerns may be justified in many cases, as there is no guarantee that frontline staff has received cultural competency training and have been made aware of program changes so they are able to effectively and courteously serve LGBT people.

UNFAIR TAXATION

LGBT people often end up paying more in taxes than other Americans simply because they are LGBT. The most obvious—and egregious—way in which this happens is when tax laws and regulations do not recognize the spouses or children of LGBT taxpayers. For example, unmarried couples and those in domestic partnerships or civil unions are not able to file joint federal tax returns. As a result, these taxpayers are denied many of the substantial tax credits and deductions that are available to married couples. The intended purpose of these tax credits and deductions is to reduce the costs of raising a family, or to support a couple in which one person has limited or low income.

Same-sex couples who cannot file joint state tax returns include those who live in states without marriage or comprehensive relationship recognition and those who live in states that do not recognize out-of-state marriages, as shown in *Figure 26* on the next page. The impact of this unfair treatment is substantial. A 2009 study by the Tax Foundation found that an average-income American family receives approximately $16,781 in benefits each year from the federal government—much of it in the form of tax credits and deductions. As a result, even if a lesbian, gay, bisexual, or transgender person has the same income as a non-LGBT coworker or relative, the LGBT person may end up paying thousands of dollars more in taxes, leaving her with less to provide for herself and her family.

WHAT ABOUT MARRIED SAME-SEX COUPLES?

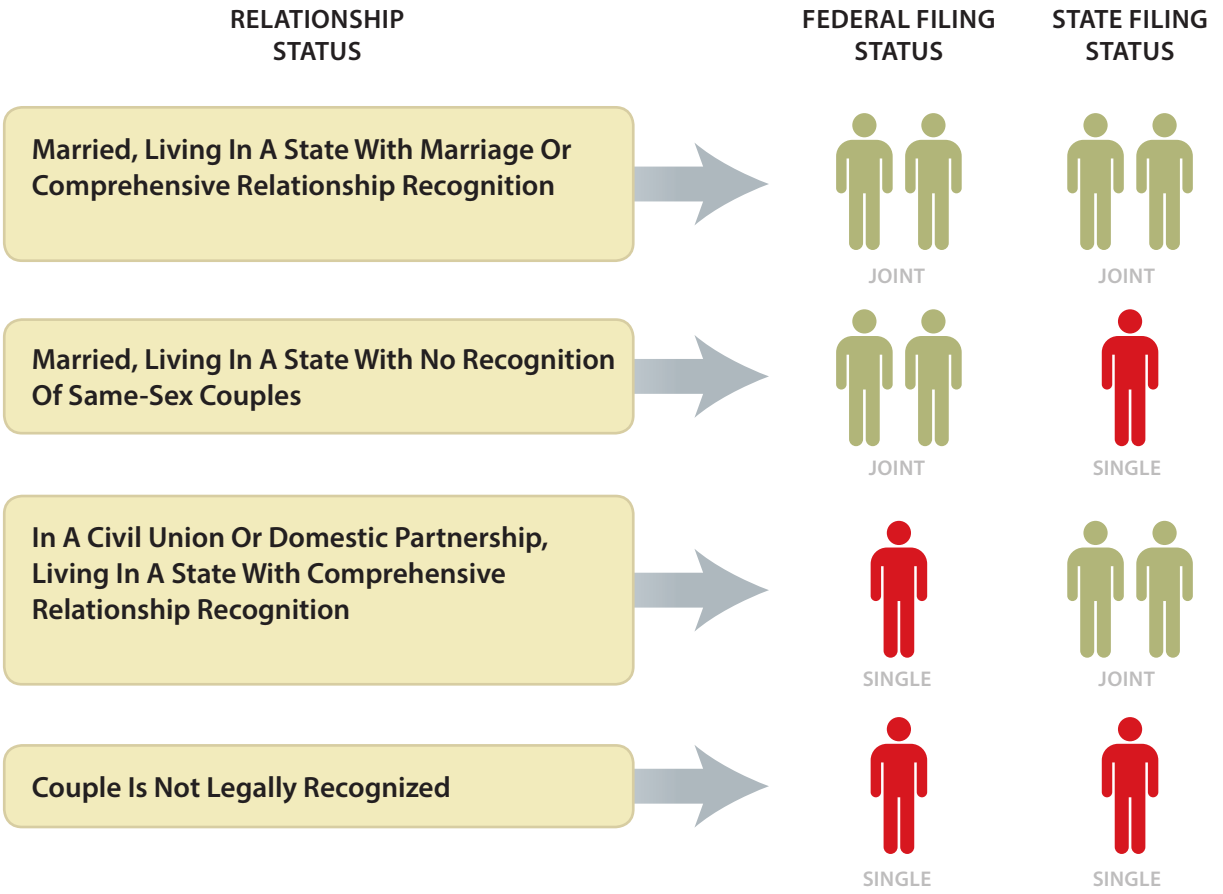
Legally married same-sex couples living in states with marriage equality can file joint federal and state tax returns.

Legally married same-sex couples living in states without marriage or comprehensive relationship recognition can file a joint federal tax return but not a joint state return.

THE IMPACT OF UNFAIR TAXATION:

Higher costs for tax preparation. Many same-sex couples and LGBT families have to run multiple tax scenarios to determine which parent should "claim" their children for exemptions, credits and deductions. And depending on where a couple lives, they may have to prepare as many as five tax returns in order to comply with federal and state laws. For example, a same-sex couple who is married, but lives in a state that does not recognize their marriage, must file *jointly* for their federal return (one return) and as single for their state tax returns (two more returns). Because the state return is often based on a federal return, the couple must also create two "dummy" single federal returns. Many free or low-cost tax preparation websites or software programs are not

Figure 26: When Can Couples File A Joint Tax Return?



designed for this type of added work, so LGBT people must often find accountants who are well-versed in the complexities of filing taxes as an LGBT family or risk filling out the returns themselves and making costly errors. The added cost of this specialized professional help for LGBT families can be up to $1,000 or more, depending on a family's situation.[182]

A higher tax burden for same-sex couples. Federal and some state tax codes use different tax rates for married couples filing jointly and for single filers.[r] When filing a joint tax return, a married couple's income is combined and deductions and credits are taken together. In most cases, a married couple will pay less tax when filing jointly than they would when filing as single. This is especially true for couples with just one earner or couples in which there are large differences in earnings between spouses. Same-sex couples who cannot legally marry must file as "single"; or if they meet narrow criteria they can file as "head of household." This means that some unmarried same-sex couples will pay more in taxes than similarly situated married couples.

For example, consider a same-sex couple who cannot marry in their state. One partner earns $60,000 per year and the other has no income because she stays home with the couple's children. The partner earning $60,000 would face a marginal tax rate of 25%, for a tax burden of approximately $10,856.[183] But if this couple could file as married, they would face a marginal tax rate of 15%, for a tax burden of approximately $8,092.[184] Simply because of their inability to marry, this couple must pay roughly $2,760 more in taxes.

[r] Married couples who file separately and single filers who are "head of household" also have varying tax rates.

A higher tax burden for LGBT families with children. Over the years, the U.S. government has adopted a range of policies aimed at easing the costs of raising children. Of total federal spending on children in 2012, 39% fell into the category of child-related tax credits and deductions.[185] But LGBT parents often are denied access to these vital government programs that are available to other parents. For example, only taxpayers who have a "qualifying child" can claim child-related credits or deductions.[s] The definition of "qualifying child" is limited to the taxpayer's legal child or stepchild, foster child, minor sibling or stepsibling, or a descendent of any of these, such as a grandchild. For LGBT parents who cannot establish a legal tie to their children, these credits and deductions are largely unavailable, meaning their family has to pay more in taxes than similarly situated non-LGBT families (see *Table 5* on the next page).[t]

Adding Up the Impact of an Unequal Tax Code

The effects of the unequal taxation of LGBT families can be seen in the case of two couples raising children, as shown in Table 5 on the following page. One is a same-sex couple that is unable to marry in their state (Manuel and Jason); the other is a married opposite-sex couple (Jonah and Brie). The wage earner in each couple earns $49,398 a year. Also, in each household, the spouse of the primary wage earner works part-time and earns $7,500 per year.

Jonah and Brie, as a married couple, realize all of the benefits of the family's joint filing status and family-related exemptions, deductions and credits, so they owe only $1,469 in taxes. Manuel and Jason, who are not recognized as legally married, owe $5,286 in taxes. That means Manuel and Jason have $3,817 less for necessities, college savings for children, and more.

DENIAL OF SOCIAL SECURITY BENEFITS

Social Security is a vital program for many Americans, including older adults, workers who have been disabled on the job, and children. Almost all older adults in the United States (86%) receive income from Social Security,[186] as do more than 4.4 million children.[187] In 2012, Social Security benefits lifted more than 22 million Americans out of poverty–including 15.3 million seniors and 1 million children.[188] Without Social Security, 44% of older Americans would be in poverty, compared to just 9% who live in poverty today.[189]

Social Security benefits are earned benefits, meaning that eligibility and benefit amounts are based on how much workers contribute to Social Security through mandatory payroll taxes throughout their working lives. Benefits for individual workers with similar earnings and job histories will be similar. Yet many LGBT workers' families get shortchanged and do not receive the full value of their benefits based on what they have paid. The reason is the federal government's refusal to recognize the families of LGBT people when it comes to

WHAT ABOUT MARRIED SAME-SEX COUPLES?

Married same-sex couples living in states with marriage: The Social Security Administration is currently paying spousal and survivor benefits to legally married same-sex couples who reside in states with marriage equality (see page 36 for a deeper discussion of federal recognition of same-sex couples).

Married same-sex couples living in states without marriage: The Social Security Administration cannot, by statute, recognize legally married same-sex couples living in states that do not allow or recognize same-sex marriages. Legislation is needed to permit recognition of couples based on the state of celebration standard (see page 36). The exception is that legally married same-sex couples who file for benefits while living in a state with marriage will be able to continue those benefits even if they later move to a state without marriage.

Same-sex couples living in states with domestic partnership or civil unions: The Social Security Administration will recognize a person as married if under state law the person can inherit on the same terms as a spouse. This means that in states with comprehensive relationship recognition but not marriage, such as Nevada and Oregon, or limited relationship recognition, such as Wisconsin, as long as a partner can inherit as a spouse, he can file for benefits in the same way that a married person can.[190]

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[s] Child-related credits and deductions include the dependency exemption, the child tax credit, the earned income tax credit, the child and dependent care credit, the education credit, and the adoption credit, among others.

[t] In limited circumstances, it may be possible for an LGBT parent caring for a child with whom they lack a legal tie to claim the child as a "qualifying relative." In this case, a parent may be able to access the dependency exemption, the child and dependent care credit, and some education-related deductions.

Table 5: A Tale of Two Federal Tax Returns: Tax Inequities Multiplied

Two Working American Families Jonah and Manuel both work at Good Employer, Inc. and earn the same wages. Jonah is heterosexual and Manuel is gay. • Jonah and Brie are married. Manuel and Jason live in a state where they cannot marry. • Both couples have two children (though Manuel is prevented from becoming a legally recognized parent under state law).	**Jonah & Brie** 	**Manuel & Jason** 	
Two Tax Filing Statuses Jonah and Brie: • Can file as "married filing jointly" and combine their wages on one tax return. • Can also claim both children as "qualifying children." Manuel and Jason: • Manuel must file as "single" and is unable to claim his children as dependents. • Jason must file as "single" and claims both children as "qualifying children."[u]	**Jonah & Brie File Jointly & Jointly Claim Children** 	Jason Files as "Single" and Claims Children 	Manuel Files as "Single" with No Dependents 
Income			
Initial salary of primary breadwinner[v]	**$49,398**		**$49,398**
Spouse's salary Both Brie and Jason work 20 hours per week making minimum wage ($7.25 per hour) while their children are at school.	**$7,500**	**$7,500**	
Total Income	**$56,898**	**$7,250**	**$49,398**
Standard Deduction[w]	**-$12,200**	**-$6,100**	**-$6,100**
Personal/Spousal Exemption[x]	**-$7,800**	**-$3,900**	**-$3,900**
Dependency Exemptions[y]	**-$7,800**	**-$7,800**	**$0**
Net Taxable Income	**$29,098**	**$0**	**$39,398**
Tax Based on Taxable Income[z] Jonah and Brie file as "married filing jointly" and have lower marginal tax rate than Manuel, who files as "single."	**$3,469**	**$0**	**$5,773**
Child Tax Credit (nonrefundable) Reduces income tax due by $1,000 for each child. Since Jason did not owe any tax, he was unable to access this credit.	**-$2,000**	**$0**	**$0**
Earned Income Tax Credit (refundable)[aa] Provides assistance to low-income filers. The credit is "refundable," so it can generate a refund when no tax is owed. Only Jason's income was low enough to qualify since Jonah and Brie filed jointly.	**$0**	**-$487**	**$0**
Tax Owed/Refund	**Household Owes $1,469**	**Refund $487**	**Owes $5,773**
		Household Owes $5,286	
The Bottom Line	*Ability to file as married and claim both children on one tax return reduces taxes to $1,469.*	*Manuel and Jason are forced to file as single and carve up their family resulting in $3,817 more taxes—just because they are gay.* **$3,817 in unfair additional tax burden.**	

[u] Jason cannot file as "head of household" because he did not pay more than half the costs of keeping up a home in this tax year.
[v] Median earnings in 2012 for men working full-time, year round. Census Bureau, "Income, Poverty, and Health Insurance Coverage in the United States: 2012," September 2013.
[w] The 2013 standard deduction was $12,200 for "married filing jointly" and $6,100 for "single."
[x] In 2013, filers could deduct $3,900 for each personal exemption claimed. "Married filing jointly" filers can claim one exemption for themselves and one for their spouse. Single filers can claim just one personal exemption.
[y] In 2013, filers could deduct $3,900 for each dependent exemption claimed. Jonah and Brie were able to claim both children as "qualifying child" dependents for a total dependency exemption of $7,800. Since Jason is the legal father of the couple's two children, Jason can claim them as dependents using the "qualifying child" status. Because Manuel is not a legally recognized parent, he cannot claim the children as "qualifying children." And, since the children are the "qualifying children" of another filing taxpayer (Jason), Manuel cannot claim them as dependents.
[z] Tax calculated using the 2013 Tax Table, accessed June 26, 2014, http://www.irs.gov/pub/irs-pdf/i1040tt.pdf.
[aa] Earned Income Tax Credit calculated using 2013 table, accessed June 26, 2014, http://apps.irs.gov/app/vita/content/globalmedia/earned_income_credit_table_1040i.pdf.

extending spousal and survivor benefits. These valuable benefits are generally unavailable to the unmarried partner of an LGBT worker, often exclude partners in civil unions and domestic partnerships, and generally also exclude any non-legally recognized children of an LGBT worker. Being denied Social Security spousal benefits and other retirement benefits adds to the unique financial challenges facing LGBT families—and can make retirement impossible for low-income households.[bb]

Less income during retirement for a spouse of an LGBT worker. The Social Security spousal benefit allows a current or former spouse of a retired worker to receive up to 50% of the worker's earned Social Security benefit if that amount is higher than the benefit the spouse is entitled to herself. The main purpose of this benefit is to support spouses who cannot work or who chose to forgo paid work during the couple's prime earning years–often to care for children. For example, a married woman who has never worked outside the home may nonetheless claim $500 monthly in Social Security benefits if her husband receives $1,000 monthly in Social Security benefits. An unmarried same-sex partner, however, receives no such benefits. The lack of spousal benefits can cost a retired same-sex couple up to $15,852 a year in lost benefits.[cc]

Less income for a spouse of a deceased LGBT worker. A surviving spouse may receive the greater of her individual Social Security benefit or 100% of her deceased spouse's benefit. Not having access to this benefit can cost a surviving LGBT partner who was not legally allowed to marry up to $31,704 a year in lost benefits.[191,dd] This means that, for two families who contributed equal amounts to Social Security, a heterosexual widow who has never worked outside the home would receive $31,704 annually upon her husband's death, while a similarly situated lesbian widow would receive nothing.

As shown in *Table 6* on the next page, a lesbian widow can face poverty as a result of the lack of recognition by Social Security.

Less income for a surviving child of a deceased LGBT worker. When a parent dies or is permanently disabled, families are shaken emotionally and financially. Most families, however, can rely on Social Security benefits to help ease the financial toll associated with the death or disability of a parent. More than 3.8 million children of deceased or disabled parents receive vital cash assistance through Social Security, and African American children are disproportionately likely to receive such benefits.[192] The average monthly Social Security benefit for a child of a disabled worker is $342[193] while the average monthly benefit for a child of a deceased worker is $816.[194]

But these benefits often are not uniformly available to the children of LGBT parents. Social Security relies on a definition of child similar to that used by the Internal Revenue Service. That is, a child must be the legal child or stepchild of the retired, disabled, or deceased parent to receive benefits. As noted earlier, parenting rights are determined by state law, so there are wide disparities in whether and how LGBT parents can establish legal ties to their children. For example, if a non-legally recognized lesbian parent of a child cannot obtain a second-parent adoption and she passes away, her child cannot access Social Security survivor benefits—even if the deceased parent has cared for the child since birth and was the primary or only breadwinner.

No assistance with funeral or other death-related expenses. Social Security usually provides a surviving spouse or child with a one-time "death benefit" of $255, which is designed to help offset funeral-related expenses. Only spouses are eligible for this benefit, meaning same-sex couples who cannot marry do not qualify.

[bb] See pages 56-58 for a more in-depth discussion of retirement plans.

[cc] Assumes retirement in 2014 at age 65 with earnings at the maximum level since age 22, receiving the maximum monthly Social Security benefits ($2,642), and the partner does not qualify for a spouse's benefit due to lack of legal recognition of their relationship.

[dd] Assumes one partner retired at age 65 and earned the maximum monthly benefit and the other is not recognized as a spouse and had no Social Security earnings.

Table 6: A Tale of Two Retired Families: Social Security for One, Fear-Filled Financial Future for the Other

	Married Heterosexual Couple		Married Lesbian Couple Living in a State Without Marriage Equality	
				
	George	**Maria**	**Christine**	**June**
Individual Monthly Social Security Benefit[ee]	**$1,298** (average benefit for a retired worker)	**$365** (based on sporadic work history at lower income)	**$1,298** (average benefit for a retired worker)	**$365** (based on sporadic work history at lower income)
Monthly Social Security with Spousal Benefit	**$1,298**	**$649** (half of George's benefit)	**$1,298**	**$365** (denied spousal benefit)
Combined Social Security Benefit	**$1,947/mo ($23,364/yr)**		**$1,663/mo ($19,956/yr)**	
George and Christine both die at age 75—Social Security for Maria and June	**$1,298** (Maria's Social Security increased to George's amount)		**$365** (June is denied Social Security survivor benefits)	
Social Security Benefit for Surviving Spouse	**$1,298/mo ($15,576/yr)**		**$365/mo ($4,380/yr)**	
THE BOTTOM LINE	 **Income at 133% of the poverty line**[ff]		 **Income at 38% of the poverty line. Received $223,920 less in Social Security over 20 years**	

[ee] The average Social Security benefit for a retired worker in April 2014. U.S. Social Security Administration, "Monthly Statistical Snapshot, April 2014," accessed June 26, 2014, http://www.ssa.gov/policy/docs/quickfacts/stat_snapshot/2014-04.html.

[ff] 2014 Federal Poverty Guidelines are $11,670 for one person.

Military Widow Fights To Receive Survivor Benefits

Military service members rely on the U.S. government to provide for their families in the event of their death—on duty or later. However, service members and veterans who are legally married but not living in a state that recognizes their marriage cannot, under current law, receive benefits.[195] This is despite the fact that service members may not have a choice about where they or their families are stationed.

The tide may be turning for military families, however. In a surprising turn of events for one lesbian widow, the Department of Veterans Affairs has processed a claim for survivor benefits for a spouse living in a state that does not recognize the marriages of same-sex couples.[196] On October 1, 2012, Staff Sgt. Donna Johnson was killed in Afghanistan. Earlier that year, Donna and her wife Tracy were legally married in the District of Columbia and returned to their home in North Carolina, near Fort Bragg. After Donna's death, Tracy applied for survivor benefits totaling $1,233 per month. After nearly a year-and-a-half in delays, Tracy was notified that her claim had been approved, even though North Carolina does not recognize same-sex marriages.

Adapted from Chris Johnson, "Benefits for lesbian widow may signal change in VA policy," *Washington Blade*, May 18, 2014.

Married Couple Together For 56 Years But Denied Social Security Spousal Benefits

In general, only surviving spouses who were married for nine months or more are eligible to receive Social Security survivor benefits after a spouse dies. This restriction poses a challenge for same-sex couples–particularly those who live in states that have only recently allowed them to marry.

Take, for example, the story of Lawrence Schact, who spent 56 years with his husband, Russell Frink Jr. The couple finally was able to marry five months before Russell passed away. Lawrence's claim for Social Security survivor benefits was denied by the Social Security Administration because the couple had not been married for nine months. The denial means that Lawrence will not receive the $255 benefit for death-related expenses, nor will he receive an additional $147 per month in spousal survivor benefits that would be available to him if only he and Russell had been able to marry sooner.

Adapted from: Ron Lieber. "After 58 Years in a Couple, a Spouse Fights for Benefits," *The New York Times*, March 21, 2014.

INEQUITABLE ACCESS TO RETIREMENT SAVINGS

While Social Security provides benefits to most older adults, those benefits by themselves are rarely sufficient to ensure economic security for people after they retire. Many Americans participate in employer-sponsored retirement plans, which can provide additional income during retirement to supplement Social Security. However, for LGBT people, planning for a secure retirement is more difficult because of unequal access to these plans.

Employer-sponsored retirement plans come in two main categories: defined-benefit plans, often called "pension plans"; and defined-contribution plans, such as 401ks.

Defined-Benefit Plans

Defined-benefit plans usually allow a retired employee to receive a set level of benefit payments (usually monthly) over the course of his or her retirement. Nearly one-third of retirees age 65 and older (31%) receive some income from pension plans.[197] Under federal law, pension plans automatically extend financial protection to a worker's spouse should the worker die. A Qualified Joint and Survivor Annuity (QJSA) makes the pension payable (albeit with a smaller monthly payment) over the lifetimes of both the worker and his or her spouse. A Qualified Pre-Retirement Survivor Annuity (QPSA) allows the worker's surviving spouse to receive the pension if the worker dies before retiring.

For unmarried couples and couples in civil unions or domestic partnerships, employers are not required to make QJSAs nor QPSAs available for same-sex partners (though many employers still elect to do so). The lack of recognition of same-sex couples has wide-reaching and detrimental impacts.

WHAT ABOUT MARRIED SAME-SEX COUPLES?

Legally married same-sex couples, regardless of where they live, are eligible for pension benefits. In September 2013, the Department of Labor issued guidance to plan administrators regarding pension plans and other employee benefit plans governed by the Employee Retirement Income Security Act of 1974 (ERISA).[198] Under the guidance, the term "spouse" in pension plan documents should be inclusive of the same-sex spouses of employees regardless of where they live, using the "state of celebration" standard. As such, same-sex spouses of employees should automatically receive a Qualified Joint and Survivor Annuity and a Qualified Pre-Retirement Survivor Annuity to protect their benefits in the event of the death of a spouse.

Surviving Husband Struggles to Make Ends Meet After Being Denied Spousal Pension Benefits

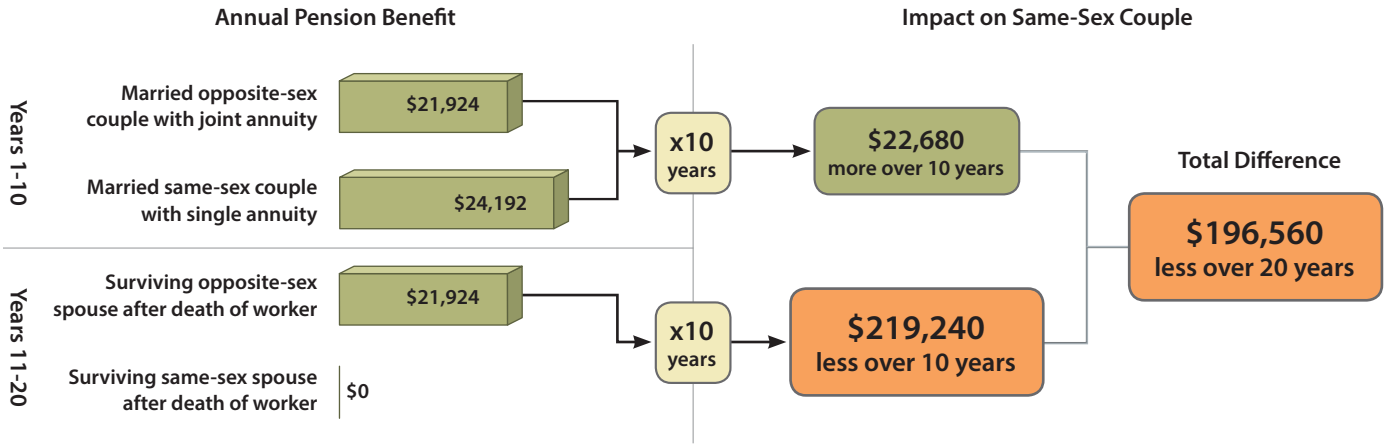
Jerry Passaro II married Tom Buckholz in Connecticut in 2008 after the couple spent 13 years together. Tom worked for Bayer, the drug company, for more than 20 years and contributed to the company's pension plan. Just two months after the couple married, Tom passed away.

Jerry completed the paperwork to request spousal benefits available through Bayer's pension plan, amounting to approximately $1,000 a month. Jerry applied for these benefits twice—once before the Supreme Court ruled that the federal government must recognize same-sex marriages and once afterwards. Both times, Bayer refused to recognize Jerry as a surviving spouse despite the fact that the Department of Labor issued guidance stating that legally married couples–regardless of where they live–should receive spousal pension benefits under federal law.

Without the pension benefits that Jerry is entitled to as a legal spouse of a Bayer employee, Jerry has had difficulty paying property taxes and meeting other expenses. In July 2014, after legal filings by Gay & Lesbian Advocates and Defenders (GLAD) and calls from *The New York Times*, Bayer issued a statement that it would "voluntarily pursue an agreement that would offer the spousal death benefit" to Jerry.

Adapted from GLAD. The complaint can be read here on GLAD's website. Tara Siegel Bernard, "Gay, Widowed and Fighting for What They're Due," *The New York Times*, July 2, 2014.

Figure 27: Lack of Joint Survivor Options for a Same-Sex Partner Creates Significant Financial Hardship



Assumes both employees retired at age 65 with 20 years of service and a salary of $50,000. An employee with a joint life annuity would receive $1,827 per month through the death of either spouse, while an employee with a single life annuity would recieve $2,016 per month through the death of the worker. Calculations using University of California Retirement Human Resources and Benefits, "UC Retirement Plan Benefit Estimator," accessed June 26, 2014, http://atyourservice.ucop.edu/applications/ucrpcalc/estimator.html.

THE IMPACT OF UNEQUAL ACCESS TO DEFINED-BENEFIT RETIREMENT PLANS:

Substantial reduction in income for a surviving same-sex partner. When a surviving partner of an LGBT employee cannot receive pension benefits, she can experience a substantial loss of income after the death of the employee. Consider a worker who retired at age 65 with 20 years of service and a salary of $50,000. As shown in *Figure 27*, a joint life annuity (QJSA) might pay a married couple $1,827 per month ($21,924 annually). If the worker died and his opposite-sex spouse lived another decade, the surviving spouse would receive $219,240 in additional pension income—income that would be denied an unmarried same-sex partner.[199]

401(k)s, IRAs, and Other Defined-Contribution Plans

Defined-contribution plans, such as 401(k)s, simple IRAs, or stock or profit-sharing plans, are the most common form of employer-sponsored retirement plans for employees in the private sector. Employees–and sometimes employers–contribute money to the accounts, and the amount available when an employee retires depends on contributions and investment performance over time. If a worker with a spouse dies, the funds in these plans go to the spouse tax-free–and then are treated as the spouse's for purposes of taking distributions. This means that a spouse can leave the account to grow tax-free until he reaches the age of 70 ½ years. A same-sex partner, however, must begin taking these distributions immediately.

WHAT ABOUT MARRIED SAME-SEX COUPLES?

Legally married same-sex couples, regardless of where they live, must be treated as spouses for defined-contribution plans.[200]

However, an unmarried same-sex partner may not "rollover" a deceased partner's accounts into his own accounts. A same-sex partner (who can only be designated as a "non-spousal" beneficiary) is required to immediately start drawing down and paying taxes on the funds. The minimum required annual withdrawals are dictated by the IRS and vary based on the amount in the account and the life expectancy of the beneficiary. However, a partner must begin taking distributions immediately. This difference results in a substantial penalty for same-sex partners–both in terms of taxes paid now and income during retirement.

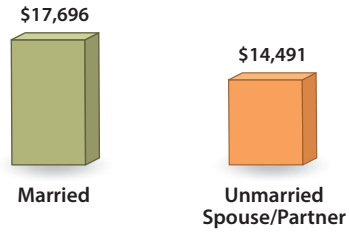
THE IMPACT OF UNEQUAL TREATMENT OF DEFINED-CONTRIBUTION PLANS:

Higher taxes on immediate distributions. When a same-sex partner is required to take distributions from a deceased partner's defined-contribution retirement plan immediately, she is often in a higher income tax bracket than she will be later in life, particularly if her partner passed away while still working.

Less income during retirement, when the money is really needed. Same-sex partners who have to take an immediate distribution cannot do what married spouses often do: allow the balance of a spouse's retirement accounts to grow, tax-free, until the surviving spouse reaches retirement or otherwise needs the money. As a result, surviving unmarried same-sex partners will have less income during retirement, when they really need it. For example, if an unmarried same-sex partner inherits a partner's 401(k) at age 39 ½, the partner could lose $3,205 in annual retirement income between the ages of 65 and 80 compared to a married spouse in the same situation (see *Figure 28*).

Figure 28: Difference In Annual Retirement Income From $50,000 Inherited IRA

Annual Income From Inheritance Drawn Down At Age 65*



*Account inherited at age 39 1/2.
Sources: Movement Advancement Project Analysis; U.S. Department of the Treasury, Internal Revenue Service, "Publication 590: Individual Retirement Arrangements (IRAs)," 2012.

Wife of Transgender Man Turns To Food Stamps After Being Denied Pension Benefits

Transgender workers and their spouses (or workers and their transgender spouses) may face added challenges in ensuring that a surviving spouse receives earned pension benefits. The reason: Employers and pension boards may claim that a couple's marriage is invalid because one member of the couple was born the same sex as his spouse.

Consider the case of Nancy and Michael, who were married for nearly 30 years. Michael, a transgender man, worked for a major car manufacturer. Prior to his death from terminal lung cancer in 2012, Michael contacted his employer's benefits administrator to make sure that Nancy would be taken care of after he died and would receive pension income and health insurance.

After Michael passed away, Nancy was notified that her claims for pension benefits were being denied because Michael was transgender and they were considered to be in a same-sex marriage. The company relied on Michael's birth certificate, which indicated that he was born female, even though Michael legally changed his name, his driver's license, and his death certificate while he was still alive, and his employer changed Michael's employment records to indicate that he was male. Without the $1,345 monthly benefit, Nancy was forced to turn to food stamps, government cash assistance, and Medicaid health benefits while she appealed this decision.

After legal advocacy by the Transgender Legal Defense & Education Fund, the company approved Nancy's claim for spousal pension benefits. Nancy also received pension benefits for the time it took to process her claim–a backpayment already totaling more than $20,000.

Adapted from: Transgender Legal Defense & Education Fund, "Victory! Transgender Man's Surviving Spouse Wins Pension Benefits," April 7, 2014.

LGBT Family Limits Trips To The Pool After Being Denied A Family Pass

As described throughout this section, lack of recognition for LGBT families has serious economic impacts on families, threatening their ability to pay bills and save for the future. Many LGBT families face minor, daily inconveniences as well, as a result of the lack of recognition. Forms must be altered and assumptions have to be corrected.

Take the case of an Ohio family headed by Melody Mohn and her partner, Hela Young. Along with their four young children, the family was denied a family pass for the local public swimming pool. They were told that family passes were only available to families with a mother, father, and child and that they, as two women, could not receive such a pass. Without the discounted season pass, the family will have to limit trips to the pool.

Adapted from: Tanisha Mallett,"Same-Sex Couple Denied 'Family-Pass' At Galion Pool," WBNS-10TV, July 9, 2014.

INABILITY TO INHERIT

The death of a loved one causes enormous grief and emotional turmoil for surviving family members. It also can be a time of economic uncertainty as a family tries to figure out how to keep paying the bills, especially if the deceased was a primary earner. For LGBT families, the uncertainty can be even greater because many inheritance laws favor married couples and children with legal ties to their parents.

In general, when someone dies, any property held in his or her name is distributed according to a will or living trust. But only half of Americans have a will or living trust.[201] In the absence of such documentation, property is distributed according to state intestacy law, ensuring that those closest to the deceased–often spouses, children, and other family members–are provided for.

However, in states that do not recognize same-sex couples, if an individual dies without a will, a same-sex partner and non-legally recognized children generally would inherit nothing—even when the deceased has been caring and providing for the children since their birth. Rather, any assets would be distributed to surviving siblings, the deceased's parents and other relatives.

Even when LGBT families have undertaken estate planning, it is possible that surviving biological family members, such as parents or siblings, could argue that the relationship between the surviving partner and children was not "real," and a court could ignore the wishes of the deceased. While this is a rare occurrence, when it happens, it can be particularly traumatizing for surviving family members.

THE IMPACT OF UNEQUAL INHERITANCE LAWS:

Higher expenses for estate planning to protect LGBT families. To ensure that their wishes are honored, particularly for families living in states without relationship recognition and/or ways to establish legal parent-child relationships, LGBT families often spend anywhere from $300 to $6,000 trying to replicate the legal protections taken for granted by other families.[202]

Loss of inheritance and risks to family home and savings. In addition to the devastation of losing a partner and parent, LGBT families may face the reality that they are at the mercy of the deceased partner's relatives when it comes to ensuring that they receive an inheritance. Families denied inheritance benefits may be forced to leave their homes, forfeit possessions, and lose any financial security that they had obtained over the years as a family.

Failure #3: Educational Barriers and Unsafe Schools

Studies show that the ability to graduate from high school and pursue a two- or four-year degree is a key indicator of an individual's future earning power.[203] For too many LGBT people, however, unsafe and unwelcoming schools, combined with unequal access to financial aid, can make completing high school and pursuing a higher education more difficult.

UNSAFE SCHOOL ENVIRONMENTS

Research finds that LGBT youth report staggering rates of bullying, harassment, and violence in America's schools. There are also studies showing that unsafe school environments are directly liked to poorer educational outcomes for LGBT students, including lower grades, absenteeism, dropping out of school, and homelessness.

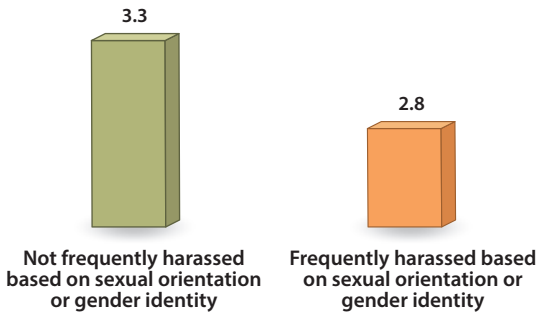
When students feel unsafe at school, they are more likely to skip class or stay home. Nearly one in three LGBT students (30%) reported missing an entire day of school in the past month because they felt unsafe or uncomfortable (see *Figure 29*).[204] Among LGBT students of color, 57% reported skipping school in the past month as a result of harassment because of their sexual orientation *and* race.[205]

Missing classes and skipping school, of course, can make it more difficult to perform academically and eventually graduate. For example, students who were frequently harassed about their sexual orientation or gender identity had lower grade point averages than students who were less frequently harassed (2.8 vs. 3.3), as shown in *Figure 30*.[206] As shown in *Figure 31*, research also finds that LGBT youth who have experienced high levels of harassment and violence were half as likely to aspire to attend college compared to youth who experienced less violence and harassment.[207] Unlike their non-LGBT peers who report being primarily concerned about classes and grades, college and career plans, and the financial aspects of college, LGBT youth say they are most worried about non-accepting families, harassment and bullying at school, and coming out to their family and friends.[208]

Figure 29: One In Three LGBT Students Stayed Home From School Because Of Bullying And Harassment

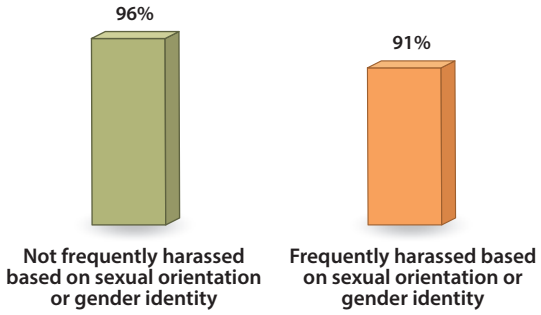
Source: Joseph G. Kosciw, Emily A. Greytak, Neal A. Palmer, and Madelyn J. Boesen, "The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools," GLSEN, 2014.

Figure 30: Grade Point Average (GPA) Reported By LGBT Youth



Source: Joseph G. Kosciw, Emily A. Greytak, Neal A. Palmer, and Madelyn J. Boesen, "The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools," GLSEN, 2014.

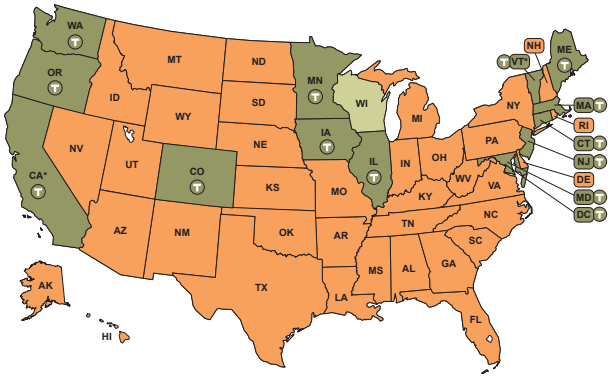
Figure 31: Percent of LGBT Students Aspiring to Attend College



Source: Joseph G. Kosciw, Emily A. Greytak, Neal A. Palmer, and Madelyn J. Boesen, "The 2013 National School Climate Survey: The Experiences of Lesbian, Gay, Bisexual and Transgender Youth in Our Nation's Schools," GLSEN, 2014.

Figure 32: Safe School Laws

School Nondiscrimination Laws



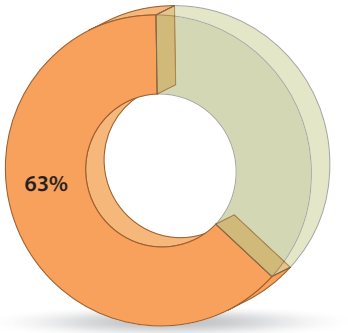
Law prohibits discrimination in schools based on sexual orientation and gender identity (13 states + D.C.)

Law prohibits discrimination in schools based on sexual orientation only (1 state)

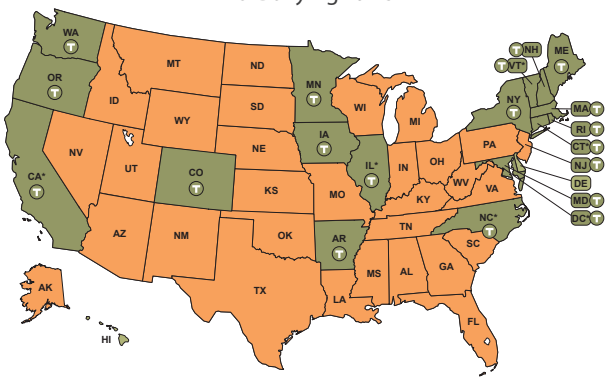
* Law prohibits discrimination in schools based on association with someone with a listed characteristic (2 states)

No law protecting LGBT students (36 states)

Percent of LGBT People Living in States Without School Nondiscrimination Laws



Anti-Bullying Laws



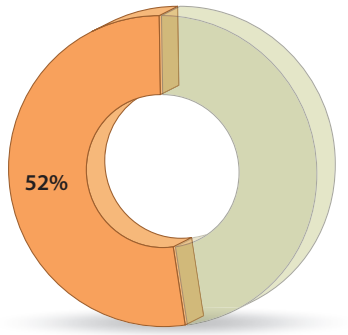
Law prohibits bullying based on sexual orientation and gender identity (18 states + D.C.)

Law prohibits bullying based on sexual orientation only (0 states)

* Law prohibits bullying based on association with someone with a listed characteristic (5 states + D.C.)

No law protecting LGBT students (32 states)

Percent of LGBT People Living in States Without Anti-Bullying Laws



Source: Movement Advancement Project, "LGBT Equality Maps: Safe Schools Laws."

Even at the college level, LGBT students report feeling unsafe, hiding their sexual orientation or gender identity. A study of college students in Oregon found that more than half of LGBT students hid their sexual orientation or gender identity because they worried about their physical safety, discrimination or rejection.[209] The cumulative effect of unwelcoming and unsafe education environments was that these students were more likely to miss class, take a prolonged break from their studies, or not graduate on time.[210]

A variety of federal laws prohibit discrimination in education based on race, color, national origin, language, sex, religion, and disability. However, federal law does not explicitly protect LGBT students from discrimination based on sexual orientation or gender identity/expression. In addition, no federal law explicitly prohibits bullying of LGBT students.

One sign of possible progress for transgender students is recent guidance from the Department of Education making clear that Title XI's prohibition on sex

discrimination in education includes a prohibition on discrimination based on gender identity or failure to conform to gender stereotypes.[211] The Office of Civil Rights within the Department of Education will now investigate claims based on gender identity discrimination occurring in public schools and universities.

Despite this change, the federal government still largely ignores the unique challenges facing LGBT students. And it is not alone; the vast majority of states also lack laws protecting LGBT students from discrimination and bullying. As shown in *Figure 32* on the previous page, only 13 states and the District of Columbia have passed state nondiscrimination laws protecting students from discrimination based on sexual orientation and gender identity, while another state, Wisconsin, has such a law covering only sexual orientation. In addition, only 18 states and the District of Columbia have laws prohibiting bullying in education based on sexual orientation or gender identity, and five states and the District of Columbia include protections based on association with someone who may be LGBT (such as youth who have LGBT parents).

THE IMPACT OF UNSAFE SCHOOL ENVIRONMENTS:

Higher costs for LGBT students seeking safer learning environments. In some schools, the climate for LGBT students and students with LGBT parents is not only unsupportive but also dangerous. When a family can't change schools or school districts, the only other educational option available may be a private school. And, there is no guarantee that a private school will be a better learning environment. Yet geographic and financial constraints mean that many parents cannot send their children to another school. The average private-school tuition is more than $10,000 annually and even more costly ($16,000 annually) for non-religious private schools.[212]

Parents with more economic resources or those who live in areas with multiple schooling options have greater flexibility in choosing a school or moving to a district where harassment may be less likely to occur. But for most LGBT families, this is not an option. In a survey of LGBT parents, only 11% of parents with students in public school reported choosing the school their child attends because it had a reputation of being welcoming of LGBT families. In contrast, 46% of LGBT parents who send their children to private, non-religiously affiliated schools reported that this was a top reason for choosing that school.[213]

Reduced graduation rates, diminished job prospects and lower earnings. Research has shown a direct connection between completing high school and some higher education and one's earning potential. Individuals lacking a high school diploma, on average, earn $7,840 less per year than high school graduates and a staggering $27,390 less than college graduates.[214] Additionally, workers lacking higher education or job training are less likely to find jobs that offer health insurance[215] and are at greater risk for unemployment, particularly during recessions.[216] In addition to these impacts, individuals who leave or are pushed out of the education system before finishing high school experience higher rates of incarceration and homelessness.[217]

School-to-Prison Pipeline Pushes Too Many LGBT Youth Out of Schools

Not only do LGBT youth frequently contend with unsafe school environments, they also face punitive discipline systems that frequently push students into the "school-to-prison pipeline." This happens when students are suspended, expelled, or otherwise removed from school settings—often for relatively minor offenses—and pushed into the juvenile justice and broader correctional systems.[218] LGBT youth of color are disproportionately likely to interact with law enforcement in schools; in a 2012 survey of LGBT people, 69% of African American LGBT youth had been sent to detention in middle or high school compared to 56% of non-African American students, while 31% of African American LGBT students had been suspended compared to 18% of other students.[219] And research finds that students of color receive more disciplinary action than white students even when controlling for the type of offense.[220]

When students are forced out of schools and into the juvenile justice and correctional systems, they are less likely to receive the education needed to compete for good jobs. What's more, a criminal record or past interactions with law enforcement make it difficult to pass routine background checks required for many jobs.

When LGBT students attend schools that are unwelcoming and unsafe, it has adverse effects now and well into the future. Experiences of bullying and harassment as a child can result in higher rates of depression and anxiety, increased economic disparities, and a decreased sense of satisfaction over the course of one's life. In a groundbreaking study of adults who had been bullied as children, researchers found disparities not just in the subjects' mental and physical health, but also in their financial security at age 50–more than 35 years after they experienced harassment in school.[221] For example, men who were frequently bullied as youth were significantly more likely to be unemployed or to make less money at age 50 than those who were not bullied.

DIFFICULTY ACCESSING FINANCIAL AID

Higher education is expensive and the cost of attending a college or university continues to rise. In 2012, 71% of graduating college seniors had student loans; the average debt load for these students was $29,400.[222] While earning power is directly linked to receiving a postsecondary degree, high college costs mean that more Americans are struggling with the choice between entering the workforce now to start making money or pursuing an expensive college education based on the promise of higher future earnings. As higher education costs have risen and the job market has improved since the Great Recession, the number of high school graduates pursuing higher education has declined.[223] In 2013, only 66% of high school graduates went on to enroll in a college or university,[224] the lowest rate since 2006.

Pursuing a higher education can be more difficult if one cannot access financial assistance through grants, loans, and work-study opportunities. In 2012, average financial aid for undergraduate students totaled $22,745 in combined federal, state, and local grants; institutional grants; and student loans.[225] LGBT students face unique challenges in applying for and receiving financial aid, including often-strained relationships with parents and difficulties related to identification documents for transgender students. For children with LGBT parents, similar challenges can arise when trying to accurately reflect a family's financial reality. As a result, LGBT students and students from LGBT families may not receive the aid they are entitled to, which can make pursuing a higher education more difficult.

LGBT Family Can't Afford To Send Son To Accepting Preschool

"I would like to have more options for preschool and early childhood education. In my town the only preschools are church-based, and not churches that are friendly toward our family. In [a nearby city] where my partner works and we do most of our business, there are more options for good, supportive preschools, but they all seem to be very expensive. I want my son to attend a school that will not undermine his self-worth or our family, and I want him to get a good education, but I struggle to see a way we can afford those things."

Source: Ramona Faith Oswald and Elizabeth G. Holman, "Rainbow Illinois: How downstate LGBT communities have changed (2000-2011)," February 8, 2013.

Family's Commitment To Granddaughter's Education Proves Costly

Six-year-old Alex is being raised by her grandparents in Michigan. One day, she told them that "she was born with a boy's body but a girl's brain." Based on their years raising her, her grandparents knew they needed to allow Alex to be who she really was. They contacted Alex's school, but they were told the school would continue treating Alex like a boy.

Alex's grandfather explained, "We finally found a school in Ann Arbor that would treat Alex as the girl she was and only a few administrators would know. To the rest of the staff and student body, Alex was just another girl. The problem was that Ann Arbor was an hour-and-a-half drive back and forth so my wife and I were spending three hours a day driving to Ann Arbor and back. Losing three hours a day was hard, but the mileage and wear and tear on the vehicles plus all of the gasoline that we were using at four dollars a gallon was more than we could bear. After one year at the new school, we decided that we would, as a family, have to sell our beautiful home in our great neighborhood and move closer to Ann Arbor."

Quoted in Michigan Department of Civil Rights, "Report on LGBT Inclusion Under Michigan Law," January 28, 2013.

Barriers for LGBT Students in Obtaining Financial Aid

The federal government and most colleges and universities require students applying for financial aid to complete the Free Application for Federal Student Aid (FAFSA). FAFSA applicants are required to complete information about themselves and their families, which can cause a number of unique problems for LGBT students.

Aid forms may be difficult to complete for transgender students. A transgender student may not have completed the legal and medical processes required by her state to legally obtain a new birth certificate and Social Security card. (As discussed above on pages 31-33, this is a difficult and costly process, especially for a young person.) Because the information on the FAFSA must match the information on one's Social Security card, transgender applicants may be forced to reflect their sex at birth, rather than the gender they live every day, in order to complete the form. And, because the FAFSA is sent to colleges, completing the FAFSA using a student's sex at birth as opposed to their lived gender may "out" a transgender student to college staff.

When a transgender student fills out application forms with her lived gender as opposed to her sex at birth, the inconsistencies in identification can mean a student's application is rejected outright or there can be delays in processing, which can result in a reduction in aid or not receiving any aid at all.

Tough relationships with parents can prevent LGBT students from filling out aid forms. When youth reveal their LGBT status to their parents, many are kicked out of their families and their homes.[226] As a result, these young people may not be able to count on their families to help pay for college. What's more, applications for financial aid require information from parents to calculate a student's eligibility for grants, loans, and work-study opportunities. While students may apply without their parents' information, it is a more difficult process and in some cases, students may not receive the aid they need to make affording college a possibility. To omit parental information and still be able to apply for financial aid, applicants must receive permission from a financial aid administrator at a college. This is usually limited to students who are homeless or cannot obtain information about their parents. With appropriate documentation, such as letters from social workers, clergy, educators, or other information explaining a student's situation, students may not need to include their parents' information, but this can require a lot of extra work and can create insurmountable barriers for some students. In addition, LGBT youth may not be aware that they can file an application without their parental information, so they may not even consider it.

LGBT students can have problems accurately reflecting their family situation on aid forms. Students who are married and/or have children are not required to provide information about their parents. However, these students are asked to provide information about their spouse and/or children.[227] Because the federal government only recognizes the legal marriages of same-sex couples, those LGBT applicants who are unable to marry cannot provide information on their FAFSA about an unmarried partner. In most cases, omitting this information means the applicant may qualify for *more* aid, but this may not always be the case, especially when the student's partner has very little income. In addition, LGBT applicants are at a clear disadvantage in applying for financial aid when they are parenting a child but cannot secure a legal tie to that child. By not being able to include the child as a member of his family and thereby present an accurate picture of his household size and true financial obligations, the LGBT applicant likely will not receive as much aid as a similarly situated applicant who is recognized as the legal parent of a child.

Barriers to Financial Aid for Children of LGBT Parents

Children with LGBT parents, regardless of their sexual orientation or gender identity, face their own challenges in accessing financial aid. As noted above, applicants must provide detailed information about their parents' income and financial situation to determine eligibility and the applicant's "expected family contribution."

For applicants with two legally recognized parents who are living together–regardless of their parents' marital status–recent changes in the FAFSA mean that both parents' information can be listed.[228] The 2014 FAFSA is gender-neutral, meaning it asks questions about one's "parents" instead of one's mother and father. It also includes a box that allows an applicant to indicate that his or her parents are "unmarried and both parents living together" or "never married" in addition to "married or remarried." Because of the Supreme Court decision striking down Section 3 of DOMA, couples who are legally married–regardless of where they live–are recognized as married for the purposes of the FAFSA.

However, in many states, parents cannot secure legal ties to the children for whom they are caring. In these situations, only a child's legal parent can be the listed on the FAFSA, unless the child's parents are married. Given that states lacking marriage equality also are the most likely to lack parental recognition for LGBT parents, it is highly likely that many children with LGBT parents may not be able to include information about both parents.

In most cases, excluding a non-legally recognized parent on a FAFSA means a child will receive more financial aid, because that parent's income is not considered in estimating the student's "expected family contribution." There are instances, however, when the inability to accurately reflect a family's size can result in a student receiving less aid than a student from a family where both parents are legally recognized.[229] This is particularly true if the non-legally recognized parent has minimal income and the legally recognized parent is the primary wage-earner. In this situation, a family would be expected to pay more for a child's education despite the fact that they have higher costs than are reflected on their application for aid.

Less financial aid. When LGBT students cannot accurately complete financial aid applications and cannot reflect their family's financial reality, they may miss out on valuable financial aid (averaging a total of $22,745 annually) designed to make college more affordable.[230] This in turn, can lead to any of a number of adverse outcomes: a student is simply unable to afford college; a student attends college but struggles to make ends meet; and/or a student has less time to focus on education because he or she is also working many hours each week to try and cover tuition and other expenses.

Rejected By Family, Ending Up On The Street

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I was two years old when I came to the United States. My visa expired and I didn't know I was undocumented. I only realized once I saw all my friends had their driver's licenses and I couldn't get one. I'm working on getting my work permit so I can finally work. I don't let it bring me down whatsoever.

I come from a really closed-minded town in Pennsylvania. It's a really small town based on tradition and culture. I lived with my mother, and when I finally came out to her it went downhill. I decided it was time to leave. I came to Las Vegas to meet my dad's side of the family. I was 18, about to be 19. I wanted a change in my life.

I love being in Las Vegas. I've never been in a city full of diversity. You can go out in the city with a pink tutu and pink sunglasses. But things didn't work out with my dad's other family. I felt like they gave up on me so soon, but since I didn't really know them I couldn't cry over that. I'm not going into details of my situation, but I had a hard time. I had to leave and sleep in the streets for one night. It was nothing I was used to whatsoever.

I went to McDonald's to use their Wi-Fi on my phone and posted on Facebook about what I was going through. My aunt in Pennsylvania saw it and found a program in Las Vegas for homeless youth, and I started receiving services from them. Now I'm in their independent living program. My life turned for the better. I started going to the LGBT center in Vegas. I've made a ton of friends there, and I met someone I dated for two and a half, maybe three months. We did fall in love. It was my first serious relationship. It was one of the best times of my life. He was in college. I was just barely finishing high school. It was two different stages of life. I wasn't ready for the real world yet.

The best thing that ever happened to me was being in that relationship. I didn't think I was capable of love. It made me realize I want more with my life. I've decided marriage is an option for me. It's changed my point of view on life and marriage and children.

I'd like to focus my degree on homeless youth and just help them out. I'd do that for five or six years and then learn how to own a hair salon and do makeup for movies and celebrities. I've learned stuff from YouTube. I've done females' nails. It's something I'd really like to do. Plan B would be to go to school to be a social worker because of everything that's happened to me.

— Julius

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One Family's Journey To Find Employment, Health, and Support

My husband and I have been together for 25 years, and we were married in Massachusetts in 2008. In 2012, we decided to make a big change and I accepted a position with a sporting goods company. We relocated our family to a small Midwestern city, where our teenage son enrolled in high school and my husband opened an antiques store. We were excited to live in a small and family-oriented community.

Despite coming out during the recruitment and hiring process, I quickly learned that the company was not supportive of its LGBT employees. I was unable to add my husband to my health insurance and the corporate culture was not inclusive. We made a few friends, but it was clear that we wouldn't have the same sense of community as we did in Massachusetts. Our son has always done well in sports, so we took comfort when he made the football team. Our new town was small, so small that Friday night high school football games were the main event. We sat in the bleachers with the other families and tried to feel at home as much as possible.

I was doing well at my job, exceeding my goals and building a good team. However, my supervisor said that some employees didn't feel comfortable working with me because I'm gay. There are many differences between Massachusetts and the Midwest, but I didn't anticipate that I could lose my job simply for being gay. Even though I was very successful in my position, I was terminated and due to the lack of nondiscrimination laws, there was nothing I could do.

We were determined to stay in the town though. We didn't want our son to have to change schools again, and my husband still had his shop. After word got out that we were gay and I was fired, my husband's store suffered and he had to close it. My son experienced some name-calling at school. We realized that even though we moved to the Midwest because we thought it would be best for our family, we needed to move again.

I found a new job, but it was in another state. We've been unable to sell our house, so my husband and our son still live there. My new employer is very supportive, but given how stretched we are financially, I can't fly back often. I have only been able to be back home twice since taking my current position. Our son spent a week with me once school got out for summer. When he visited, he asked several times if the people I worked with now are comfortable with our family. I know he worries that what happened at my last job could be repeated. I assured him that my new company has a policy that not only protects me, but recognizes our marriage.

Our situation has taken a toll. I suffered a heart attack this winter. My husband flew to the hospital the day after I had my heart attack. When I came back to the recovery room, he was there. I missed three weeks of work and I'm grateful to my new employer, who was understanding and sympathetic toward me and my family. My husband spent a week with me while I recovered and got my new healthy habits in order. It was difficult when he left, but I try to see our situation as temporary. Eventually, we will sell the house and live together again.

—Paul

CONCLUSION AND RECOMMENDATIONS FOR CHANGE

Many Americans are struggling financially as the U.S. economy continues to emerge from the Great Recession. Like other Americans, LGBT people work hard to put food on the table, pay the rent, and put their children through college. But, among other inequities, LGBT people are asked to pay more in taxes and get less in return than their non-LGBT counterparts. Reducing poverty and increasing economic opportunity for all Americans will require significant and far-reaching changes at all levels of society, but those changes are not the focus of this report. Rather, the report focuses on the financial penalty imposed on LGBT Americans because of three key failures in the law.

Anti-LGBT laws and a lack of legal protections create higher levels of poverty among LGBT people across the country, but particularly within states that have the lowest levels of legal equality. Not only that, the lack of legal protections hits poor LGBT people the hardest. Families with children, LGBT people of color and older LGBT people are particularly hard hit. For these and other LGBT Americans, it is not uncommon to wrestle with tough financial decisions about where to put your money. Should it go to rent, groceries and college savings? Or should a gay man scrimp on necessities and put his financial future at risk by shelling out for legal fees to secure parenting rights to a child he has raised, or should a transgender woman empty her bank account to pay for unfairly excluded but medically-necessary healthcare?

It is time to put an end to the financial penalties that LGBT Americans face simply because they are LGBT. As described in this report, action is needed on three main fronts. First, policymakers at all levels need to update laws to prohibit discrimination against LGBT people in areas from hiring to housing and credit. Second, policymakers need to update how laws and regulations define family so that LGBT families have access to the same protections and benefits that are available to other families. And last but not least, it is time for action to make America's schools safer and more welcoming for LGBT students and the children of LGBT parents so they can have the same opportunities as everyone else to get the education they need to build successful and rewarding lives.

The high-level recommendations offered in *Table 7* on the following pages are designed to alleviate these three fundamental failures in the law. These recommendations are purposefully broad. They are designed to serve as guiding principles for achieving legal equality for LGBT people in the areas of nondiscrimination, family recognition, and education. For more detailed information about various ways to achieve these goals, please see the Appendix.

Addressing the failures of law that financially penalize LGBT Americans simply requires that LGBT people and their families be treated equally. It is a step we have to take now—before more children and more families have to pay an unfair price.

Table 7: High-Level Recommendations for Change

Action Needed	Details	To Address Legal Failures		
		#1 LEGAL DISCRIMINATION	#2 LACK OF FAMILY RECOGNITION	#3 HOSTILE EDUCATIONAL ENVIRONMENTS
Create policy solutions and social change allowing all people to achieve economic security, regardless of race or ethnicity, sexual orientation, gender, gender identity, or other characteristics	Addressing poverty and the barriers to economic security for all people in the United States requires a complex and multi-faceted approach.[99] Central to achieving this goal are: 1) creating and supporting jobs that pay adequate wages and offer good benefits; 2) providing quality educational opportunities that allow people to obtain good jobs; 3) strengthening the safety net to provide vital assistance to people during times of crisis; and 4) supporting families.	Employment Discrimination Housing Discrimination Healthcare Discrimination Credit Discrimination Refusal to Recognize Gender of Transgender People	Lack of Health Insurance Through Employer Limited Access to Gov't Health Insurance & Programs Limited Access to Safety-Net Programs Unfair Taxation Denial of Social Security Benefits Inequitable Access to Retirement Savings Inability to Inherit	Unsafe Schools Difficulty Accessing Financial Aid
Update laws and policies to prohibit discrimination against LGBT people	Federal, state, and local policymakers should update nondiscrimination laws to explicitly include sexual orientation and gender identity in the areas of employment, housing, healthcare, insurance, credit and education. Federal, state, and local agencies should adopt nondiscrimination policies within all their programs and services. Government agencies should update administrative procedures and processes to address barriers to updating identity documents for transgender people. Employers, housing providers, healthcare facilities, educational institutions, and others should adopt nondiscrimination policies.	Employment Discrimination Housing Discrimination Healthcare Discrimination Credit Discrimination Refusal to Recognize Gender of Transgender People		

[99] The Center for American Progress's Half in Ten campaign provides detailed recommendations for achieving the goal of cutting in half the poverty rate in the United States. For more, visit http://www.halfinten.org.

Table 7: High-Level Recommendations for Change (continued)

Action Needed	Details	To Address Legal Failures		
				
Update definitions of family to be inclusive of LGBT families and other diverse families	Policymakers should change federal law–specifically in the areas of Social Security and Veterans Affairs–to recognize the legal marriages of same-sex couples regardless of state of residence. Federal, state, and local governments should expand who is eligible for spousal benefits to allow a permanent same-sex partner to access vital benefits and programs, particularly for couples who cannot legally marry in their states. States should allow same-sex couples to marry and ensure that parentage laws allow LGBT parents to be legally recognized as parents.[hh] Federal and state governments should recognize families regardless of marital status or legal status of parent-child relationships.		Lack of Health Insurance Through Employer Limited Access to Gov't Health Insurance & Programs Limited Access to Safety-Net Programs Unfair Taxation Denial of Social Security Benefits Inequitable Access to Retirement Savings Inability to Inherit	
Address hostile and unsafe educational environments for LGBT youth	Federal, state, and local governments and boards of education should pass legislation protecting students and educators from discrimination, harassment and bullying on the basis of sexual orientation and gender identity.[ii] Schools should implement innovative programs designed to reduce bullying and discrimination while simultaneously working to address the school-to-prison pipeline.[jj]			Unsafe Schools Difficulty Accessing Financial Aid

[hh] For more information about the needed changes to state parenting laws, see "Securing Legal Ties for Children Living in LGBT Families: A State Strategy and Policy Guide" published by MAP, Family Equality Council, and the Center for American Progress.

[ii] For example, GLSEN offers model policies for state governments, school districts, and schools. http://glsen.org/learn/policy/model-laws-policies.

[jj] The National Education Association, for example, has an initiative and toolkit designed by educators for educators entitled "Bully Free: It Starts With Me," http://www.nea.org/home/neabullyfree.html. The GSA Network has created a GSA Advisor Handbook for use by educators looking to support students through Gay Straight Alliances, http://www.gsanetwork.org/resources/adults-and-advisors.

Table 7: High-Level Recommendations for Change (continued)

Action Needed	Details	To Address Legal Failures		
				
Educate and provide cultural competency training to front-line professionals, including government workers, healthcare providers, educational staff, and more	As part of professional training and ongoing education, front-line professionals should receive education and cultural competency training about LGBT people.[kk] Improved understanding of LGBT people and their lives will allow front-line professionals to better serve LGBT people and reduce the barriers experienced by LGBT people in accessing vital programs and benefits.	Employment Discrimination Housing Discrimination Healthcare Discrimination Credit Discrimination Refusal to Recognize Gender of Transgender People	Lack of Health Insurance Through Employer Limited Access to Gov't Health Insurance & Programs Limited Access to Safety-Net Programs Unfair Taxation Denial of Social Security Benefits Inequitable Access to Retirement Savings Inability to Inherit	Unsafe Schools Difficulty Accessing Financial Aid
Expand understanding of LGBT people by improving data collection	Government agencies and researchers should include questions about sexual orientation and gender identity on surveys. The absence of these questions limits understanding of the experiences of LGBT people across a wide range of topics. By including these questions, government agencies and researchers will be better able to gauge the impact of discrimination and anti-LGBT laws on LGBT people–as well as measure progress in improving the lives of LGBT people.	Employment Discrimination Housing Discrimination Healthcare Discrimination Credit Discrimination Refusal to Recognize Gender of Transgender People	Lack of Health Insurance Through Employer Limited Access to Gov't Health Insurance & Programs Limited Access to Safety-Net Programs Unfair Taxation Denial of Social Security Benefits Inequitable Access to Retirement Savings Inability to Inherit	Unsafe Schools Difficulty Accessing Financial Aid

[kk] For example, GLSEN offers professional development materials, webinars, and workshops designed for educators. http://glsen.org/educate/professional-development/toolkits.

APPENDIX

While the recommendations provided on pages 69-71 offer big-picture, high-level strategies for eliminating the economic disparities LGBT people experience because of who they are or whom they love, this appendix provides more detailed recommendations. While it is not an exhaustive list, these recommendations are intended to provide policymakers, advocates and communities with ideas for addressing the laws, policies, and structures that result in added financial burdens for LGBT people.[ll]

Table 8: Detailed Recommendations Table

Action Needed	To Address Legal Failures		
	#1 LEGAL DISCRIMINATION	#2 LACK OF FAMILY RECOGNITION	#3 HOSTILE EDUCATIONAL ENVIRONMENTS
Federal, state, and local policymakers should pass legislation prohibiting discrimination based on sexual orientation and gender identity in employment, housing, public accommodations, insurance, and credit.	Employment Discrimination Housing Discrimination Healthcare Discrimination Credit Discrimination		
FEDERAL SOLUTIONS • **Congress should ban public and private employment discrimination nationwide on the basis of gender identity/expression and sexual orientation.** • **Congress should increase protections against wage discrimination nationwide.** For example, Congress should amend the Fair Pay Act or pass complementary legislation to expand existing protections against wage discrimination to include sexual orientation and gender identity/expression. • **The federal government and its agencies should ensure efficient case processing by the U.S. Equal Employment Opportunity Commission (EEOC), including complaints alleging discrimination based on gender identity and expression.** The EEOC and the Department of Labor have issued guidance clarifying that "sex" discrimination encompasses discrimination against transgender people. Now, the EEOC should continue to investigate complaints of discrimination based on sexual orientation and issue similar guidance.[mm] • **The federal government and its agencies should expand research and data collection on LGBT people.** Including questions about sexual orientation and gender identity on surveys and other data collection tools will contribute to better understanding of the demographics and experience of LGBT people.	Employment Discrimination		

[ll] The Movement Advancement Project's website offers detailed recommendations designed to address legal and social inequality experienced by LGBT people, including recommendations for improving the lives of LGBT older adults, LGBT families, LGBT workers, and transgender people: http://www.lgbtmap.org/policy-and-issue-analysis. The Center for American Progress, along with the partner organizations for this report, also have many resources available on their websites focused on addressing not only the topics covered in this report but for addressing economic insecurity for all people in the United States.

[mm] EEOC Commissioner Chai Feldblum, for example, has argued that discrimination based on sexual orientation is, by definition, discrimination rooted in sex stereotypes, which are prohibited under Title VII's prohibition of sex discrimination. "If you have a stereotype that women should be sexually involved with men, that's a sex stereotype," she explained in Chris Johnson, "Living Through History," *Washington Blade*, April 9, 2014, accessed August 13, 2014, http://www.washingtonblade.com/2014/04/09/hunt-feldblum-seeks-case-affirming-ban-gay-discrimination.

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
STATE & LOCAL SOLUTIONS • **State lawmakers should ban employment discrimination in states without current protections for gender identity/expression and/or sexual orientation.** • **In the absence of nationwide and state-level protections, local governments should take action to prohibit workplace discrimination based on sexual orientation and gender identity/expression.** • **State governors should mandate that state and local government employers and contractors prohibit discrimination on the basis of gender identity/expression and sexual orientation.** • **State and local lawmakers should ensure nondiscrimination laws include mechanisms for swift and effective claims processing.** • **State lawmakers should increase protections against wage discrimination affecting LGBT workers.** • **State lawmakers should expand research and data collection on LGBT workers.** **EMPLOYER RECOMMENDATIONS** • **Employers should craft LGBT-inclusive nondiscrimination policies and procedures designed to significantly reduce hiring bias, foster welcoming and inclusive work environments, and reduce discrimination.** This includes simple procedures like using hiring panels instead of individual reviewers during hiring processes or ensuring wage equity for all individuals. Nondiscrimination and anti-harassment policies should explicitly mention sexual orientation and gender identity/expression. • **Employers should ensure support for transgender employees.** For example, employers should consider specific activities to support transgender employees, such as developing unique transition plans for employees addressing areas such as name change policies and restrooms. The Human Rights Campaign's "Workplace Gender Transition Guidelines" provide specific recommendations for creating a supportive work environment for transitioning transgender workers, http://www.hrc.org/resources/entry/workplace-gender-transition-guidelines. • **Employers should include LGBT workplace-related issues and concerns as a routine part of employer-provided or employer-sponsored diversity and cultural competency training.** Trainings should address issues common to most LGBT workers, but should include a focus on issues faced by bisexual workers, transgender workers, and LGBT workers of color, in particular. For one example, see Out & Equal's "Building Bridges Toward LGBT Diversity" training, http://outandequal.org/BuildingBridgesTraining.	Employment Discrimination		

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
FEDERAL SOLUTIONS • **Congress should ban housing discrimination nationwide on the basis of gender identity/expression and sexual orientation.** For example, the Fair Housing Act should be amended to include sexual orientation and gender identity/expression as protected characteristics and expand "familial status" to be inclusive of modern family arrangements. • **The Department of Housing and Urban Development should enforce its prohibition on discrimination in federally funded housing programs on the basis of sexual orientation and gender identity.** • **Congress should amend the Runaway and Homeless Youth Act to provide explicit protections for LGBT homeless youth, including prohibiting grant recipients from discriminating against LGBT youth.** • **Congress should pass legislation to reduce homelessness among all youth, such as the Reconnecting Youth to Prevent Homelessness Act.** Such legislation would improve training, educational opportunities, and permanency planning for older foster care youth. • **Governments and foundations should provide more funding for research on LGBT youth homelessness. Researchers and advocates should include LGBT youth in their research to better understand the development needs, health disparities, and educational and workplace challenges facing LGBT youth.** • **Federal, state, and local lawmakers should pass legislation to provide support to families with LGBT children.** This includes supporting programs that provide counseling services for LGBT youth and families in which a child comes out as LGBT. For example, the federal Reconnecting Youth to Prevent Homelessness Act would advance interventions to help LGBT youth and to help families understand the importance of supporting their children. **STATE & LOCAL SOLUTIONS** • **State lawmakers should ban housing discrimination in states without current protections for gender identity/expression and/or sexual orientation.** States should also include protections against discrimination based on income source, so that low-income people receiving housing assistance are not unfairly turned away. • **In the absence of nationwide and state-level protections, local governments should take action to prohibit housing discrimination based on sexual orientation and gender identity/expression.** • **State departments charged with enforcing civil rights legislation should actively educate landlords, housing agencies, renters, buyers, and sellers about laws prohibiting discrimination against LGBT people.** These departments should also enforce existing laws and provide appropriate recourse for individuals who have faced discrimination.	Housing Discrimination		

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
COMMUNITY SOLUTIONS • **Fair housing organizations should work to advance housing protections for LGBT people.** For example, staff should be trained on the unique challenges that LGBT people face in accessing housing so these organizations can better assist LGBT people in seeking recourse when they face discrimination. • **Communities should work to expand housing options for LGBT youth.** LGBT youth-specific housing assistance programs in Detroit and New York City provide models for assisting homeless youth and those at risk of homelessness. Mainstream shelter and housing providers should work to ensure they are supportive of LGBT youth. Governments, nonprofits, and foundations should establish cultural competency requirements for grant recipients who work with youth to prevent homelessness and provide shelter for homeless youth. • **Youth-serving organizations, social service organizations, and schools should refer families to resources designed to reduce family rejection.** For example, the Family Acceptance Project publishes research-based resources for families with LGBT children, including "Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual & Transgender Children." • Educators, physicians, social workers, and other practitioners who interact with families should receive training and other continuing education about ways to reduce family rejection. One resource for this work is a guide published by the Family Acceptance Project and the federal Substance Abuse and Mental Health Services Administration, "A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children." • In addition, the Technical Assistance Partnership for Children and Family Mental Health has an LGBTQI2-S Learning Community, which provides resources, a national working group, and a listserv for advocates and practitioners to share best practices, develop materials, and support efforts to improve services for LGBT youth and their families. One resource from the learning community is "A Guide for Understanding, Supporting, and Affirming LGBTQI2-S Children, Youth, and Families," endorsed by the National Association of Social Workers.	Housing Discrimination		

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
FEDERAL SOLUTIONS • **The Department of Health and Human Services (HHS) should continue to clarify and enforce the nondiscrimination protections covering LGBT people under the Affordable Care Act.** These include federal standards for essential health benefits, nondiscrimination protections, and prohibition on arbitrary exclusions. For example, HHS should educate consumers and insurance providers that discrimination on the basis of sexual orientation and gender identity is prohibited by insurance marketplaces and the plans sold through them. • **The Department of Health and Human Services should clarify that the federal Family and Medical Leave Act allows leave for transgender workers seeking transition-related care.** **STATE SOLUTIONS** • **State lawmakers should revise state insurance laws to ensure that LGBT workers can obtain individual health insurance (whether purchased privately or provided through employers) that meets their healthcare needs.** For example, states should pass or amend state insurance laws to ensure coverage parity and nondiscrimination protections for transgender health plan enrollees so that health insurance sold within the state is transgender-inclusive and minimizes exclusions for transition-related diagnoses or treatments. • **States should amend government benefit plans to be transgender-inclusive and include coverage for transition-related care, such as hormone therapy or transition-related surgical procedures.** • **States should pass state-based nondiscrimination laws that: (a) apply to insurance companies and healthcare providers; and (b) provide legal recourse for LGBT workers and their families should they experience discrimination when seeking reimbursement for medically necessary procedures or when seeking/receiving medical care.** • **State lawmakers should revise or pass state medical and family leave laws to explicitly include transgender workers.** **EMPLOYER AND COMMUNITY SOLUTIONS** • **Employers should offer affordable health insurance benefits, including routine and transition-related care for transgender employees.** • **Healthcare providers should receive ongoing education about LGBT people and their unique medical concerns.** Training programs and schools should include information about the unique health issues facing LGBT people. For example, education programs receiving federal funding should be required to incorporate LGBT cultural competency into their curricula. As part of continuing education requirements, providers should be required to complete some number of hours or courses on caring for LGBT people. Hospital administrators and staff should be made fully aware of existing laws surrounding nondiscrimination, family recognition, and visitation. They should receive comprehensive cultural competency training for working with patients who are LGBT.	 Healthcare Discrimination		

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
FEDERAL SOLUTIONS • **Congress should ban credit discrimination nationwide on the basis of gender identity/expression and sexual orientation.** For example, the Equal Credit Opportunity Act should be amended to include sexual orientation and gender identity. • **The Consumer Financial Protection Bureau and its Office of Fair Lending and Equal Opportunity should issue guidance indicating that discrimination against individuals based on sexual orientation or gender identity/expression is prohibited under the existing prohibition on sex discrimination.** **STATE & LOCAL SOLUTIONS** • **State lawmakers should ban credit discrimination in states without current protections for gender identity/expression and/or sexual orientation.** • **In the absence of nationwide and state-level protections, local governments should take action to prohibit credit discrimination based on sexual orientation and gender identity/expression.** • **State agencies charged with enforcing state credit laws should issue guidance to financial institutions in their states advising that discrimination based on sexual orientation and gender identity/expression falls under sex discrimination and is prohibited.**	 Credit Discrimination		
FEDERAL SOLUTIONS • **The federal government and its agencies should work to make it easier for transgender people to update their identity documents to match their lived gender.** The National Center for Health Statistics, for example, should release Model State Vital Statistics standards for gender change on birth certificates. **STATE SOLUTIONS** • **State lawmakers should adopt laws and policies that ensure transgender people can update their identity documents to match their lived gender.** In states that do not already have such laws or policies, state lawmakers should revise the policies of state motor vehicle and vital records offices to allow transgender people to receive an updated driver's license or birth certificate without proof of surgery. For example, the District of Columbia allows transgender people to fill out a form and have it signed by a medical or social service professional indicating they have reached the point in their gender transition where having an updated form of identification is appropriate. States also should adopt the Model State Vital Statistics standards, once they are released by the National Center for Health Statistics.	 Refusal to Recognize Gender of Transgender People		

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
STATE SOLUTIONS • **State lawmakers should extend the freedom to marry to same-sex couples in all states.** State-level marriage for same-sex couples would strengthen family ties and expand access to family-based benefits. • **State lawmakers should pass comprehensive parental recognition laws at the state level to help LGBT parents gain legal ties to their children.** State parentage and adoption statutes should allow joint adoption by LGBT parents; recognize LGBT parents using assisted reproduction in the same manner as non-LGBT parents; and provide avenues such as second-parent adoption and *de facto* parenting to allow children to gain full legal ties to their parents. Such ties would allow families to access a wide range of benefits, including Social Security benefits, health insurance, safety-net programs, and more. **FEDERAL SOLUTIONS** • **Congress should pass legislation allowing married same-sex couples, regardless of where they live, to access Social Security and veterans' benefits.** Currently these programs rely on the "state-of-residence" rule, which means that married same-sex couples living in states that do not recognize their marriages cannot access these benefits. • **Congress should also allow "permanent partners" to access government programs and benefits, including federal tax credits and deductions, health insurance, Social Security, veterans' benefits, and safety net programs.** This would mean that same-sex couples who are not married and do not live in states that permit marriage–including couples who may not be able to afford to travel to states that allow marriage–would be able to receive vital programs and benefits. • **The federal government should implement a consistent, clear and broad definition of family across federal government programs.** Examples include the *in loco parentis* standard used currently for accessing FMLA leave or the definition of family used by the Department of Housing and Urban Development, which relies not on legal relationships but on whether individuals live together as a family and share resources. • **The federal government should provide added guidance and clarification to states regarding the recognition of married same-sex couples living in states without relationship recognition.** These couples should be recognized as married for the purposes of accessing joint federal-state programs. Federal agencies and states should also recognize "permanent partners" including same-sex couples who live in states that do not permit marriage or those in civil unions or domestic partnerships.		 Lack of Health Insurance Through Employer  Limited Access to Gov't Health Insurance & Programs  Limited Access to Safety-Net Programs  Unfair Taxation  Denial of Social Security Benefits  Inequitable Access to Retirement Savings  Inability to Inherit	

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
	#1 LEGAL DISCRIMINATION	#2 LACK OF FAMILY RECOGNITION	#3 HOSTILE EDUCATIONAL ENVIRONMENTS
FEDERAL SOLUTIONS • **Congress should revise federal laws to ensure that self-insured employers provide equal access to family benefits for partners and dependents, regardless of marital status or legal status of parent-child relationships.** The Employee Retirement Income Security Act (ERISA) should be amended to require that self-insured employers extend benefits to an unmarried partner and any children for whom an employee functions as a parent, if such benefits are offered to married spouses and legally-related children. Similarly, all federal employees should have equal access to family health benefits. • **Congress should end unfair federal taxation of family health benefits for LGBT families.** Congress should pass legislation eliminating income and payroll taxation of family health benefits provided to same-sex and opposite-sex domestic partners, other "non-spouse" beneficiaries, and non-legally recognized children. **STATE SOLUTIONS** • **State lawmakers should revise state laws to ensure that fully insured employers provide equal access to family health benefits for all workers' partners and dependents, regardless of marital status or legal status of parent-child relationships.** • **States and localities should provide** all state and local government employees with equal access to family health benefits. • **State lawmakers should end unfair taxation of family health benefits for LGBT workers.** States should eliminate taxation on benefits provided to same-sex and opposite-sex unmarried partners, same-sex spouses (in states that do not recognize marriage), and non-legally related children. **EMPLOYER SOLUTIONS** • **Employers should offer affordable health insurance benefits, including equal family coverage for the partners of all employees and their dependents, regardless of marital status or legal status of parent-child relationships.** • **Employers should "gross up" the salaries of workers who incur an extra tax burden when receiving family health benefits.**		✚ Lack of Health Insurance Through Employer	

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
MEDICAID AND CHILDREN'S HEALTH INSURANCE PROGRAM • **The Department of Health and Human Services should revise definitions and procedures to be inclusive of LGBT families.** The definition of family should include same-sex partners and any child for whom an adult is standing *in loco parentis* to allow adults who are providing substantially for a child to be counted for eligibility purposes. • **States should expand eligibility for Medicaid and CHIP by allowing same-sex couples who are not legally married to apply as a couple.** **LONG-TERM CARE ASSISTANCE** • **Congress should make revisions to the Medicaid Act to extend spousal impoverishment protections to unmarried couples.** For example, unmarried same-sex couples and couples in civil unions or domestic partnerships should be treated as spouses for the purposes of Medicaid spousal protections. • **States should take advantage of federal guidance allowing flexibility in spend-down and cost-recovery rules to protect unmarried couples.** For example, states can allow an individual to qualify for Medicaid without selling and spending down assets including a jointly-owned home. **MEDICAL LEAVE LAWS** • **Federal and state legislatures should expand leave laws** to allow workers to take leave to care for a same-sex or opposite-sex married or unmarried partner, any child for whom the worker acts as a parent, parent-in-law, adult child, sibling, grandparent, or an informal provider of in-home or community care. • **Employers should expand leave beyond existing state and federal mandates.** Employers who are exempt from leave laws should offer FMLA-like leave to employees. All employers should define family broadly to allow employees to take leave to care for unmarried partners and their children as well as to permit transgender workers to take leave for transition-related care.		✚ Limited Access to Gov't Health Insurance & Programs	
• **Federal, state, and local agencies should use consistent, broad definitions of family.** Not only would this allow more families to access benefits – regardless of marital status or legal parent-child relationships – but it would reduce uncertainty and confusion on the part of families applying for assistance and front-line staff assisting them. • **Government forms and application procedures should be updated to make them more inclusive of LGBT people and families.** This includes updating forms to allow diverse families to accurately report who is legally and financially responsible for a child (e.g., Parent 1/Parent 2). Forms should include sex or gender markers only as necessary. • **LGBT organizations and organizations serving low-income** individuals should partner to conduct trainings for front-line staff to ensure they are sensitive to the challenges LGBT people face. Additionally, social service organizations should develop manuals to assist staff in determining eligibility for LGBT people.		Limited Access to Safety-Net Programs	

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
FEDERAL SOLUTIONS • **Congress should provide equal access to federal tax relief for LGBT people and their families.** This includes expanding spousal credits to include "permanent partners" and expanding the definition of "qualifying child" to include children for whom adults are parenting, raising, and providing. **STATE SOLUTIONS** • **State governments should provide equal access to state tax relief for LGBT people and their families.** This includes expanding spousal credits to include "permanent partners" and expanding the definition of "qualifying child" to include children for whom adults are parenting, raising, and providing.		 Unfair Taxation	
FEDERAL SOLUTIONS • **Congress should pass legislation amending Social Security statutes to recognize married same-sex couples regardless of where they live.** This change would allow married same-sex couples living in states that do not recognize their marriages to receive spousal and survivor benefits. • **Congress should pass legislation amending Social Security statutes to allow unmarried couples to access benefits.** For example, "permanent partners" and individuals in civil unions or other forms of relationship recognition should be eligible for benefits. • **Congress should revise federal Social Security laws and policies to allow a child to claim benefits upon the death or disability of an adult who acts as a parent, regardless of the legal relationship between the child and parent.**		 Denial of Social Security Benefits	
FEDERAL SOLUTIONS • **Federal tax law should treat "nonspouse" beneficiaries of inherited IRAs in the same manner as spousal beneficiaries.** This would allow unmarried partners to draw down inherited IRAs on the same schedule as spousal beneficiaries. • **Congress should expand mandates for survivor benefits in pensions/defined-benefit plans to include protections for same-sex partners.**		 Inequitable Access to Retirement Savings	
STATE SOLUTIONS • **States should adopt the Uniform Probate Code's 2009 amendment on inheritance for children born through donor insemination.** This change allows children born to same-sex couples to inherit from both parents, regardless of whether they are both legally recognized as parents. • **States should amend their intestacy laws to allow partners and *de facto* children to inherit without a will.** This would allow a surviving partner or child to inherit in the same manner as a spouse or legally-related child in the absence of a will.		 Inability to Inherit	

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
			
FEDERAL SOLUTIONS • **Congress should pass legislation such as the Safe Schools Improvement Act and the Student Non-Discrimination Act.** Legislation is needed to require that schools implement enumerated anti-bullying policies and require that states provide data to the U.S. Department of Education. Enumerated legislation is needed to prohibit discrimination and bullying in schools and require schools to address harassment and bullying when they occur. **STATE SOLUTIONS** • **States should pass safe schools laws.** Safe schools laws have been shown to increase the safety of LGBT students. These laws should provide model policies for school districts, require prompt action by teachers or other school staff, and offer funding to ensure teacher training. Rather than employing "zero-tolerance" policies, safe schools laws should empower school administrators and give them discretion in addressing incidents and finding solutions that work for individual students. **LOCAL AND COMMUNITY SOLUTIONS** • **School districts should develop comprehensive, tailored anti-bullying programs to be incorporated into curriculum at all levels.** Schools should also adopt inclusive curricula that is reflective of students' diversity. GLSEN offers extensive LGBT-inclusive curriculum on a range of topics, including curriculum that align with Common Core standards, as well as lesson plans focused on bullying, bias, and diversity such as the "ThinkB4YouSpeak Guide for Educators." The "Welcoming Schools" partnership between the Human Rights Campaign and the National Education Association, for example, focuses on K-5 learning environments and addresses family diversity, gender stereotyping, and bullying. • **Schools and districts should increase supportive learning environments through teacher certification programs, school psychologist and counselor programs, and curricular reform.** School personnel should be provided with resources about family diversity and LGBT students. For example, GroundSpark's Respect of All Project has worked with the National Education Association and the National Association of School Psychologists to advance understanding and acceptance of LGBT students and families. • **Governments, school districts, and researchers should include sexual orientation and gender identity questions in surveys about school climate to better assess students' educational experiences.**			 Unsafe Schools

Table 8: Detailed Recommendations Table (continued)

Action Needed	To Address Legal Failures		
	#1 LEGAL DISCRIMINATION	#2 LACK OF FAMILY RECOGNITION	#3 HOSTILE EDUCATIONAL ENVIRONMENTS
FEDERAL, STATE, LOCAL, AND COMMUNITY SOLUTIONS • **Policymakers at all levels should advance policies and initiatives that keep youth from entering the school-to-prison pipeline.** This includes developing and implementing initiatives such as the Federal Supportive School Discipline Initiative, which focuses on improving school safety and safe learning environments while keeping students in school, and offers schools effective alternatives to disciplinary policies that force students into the juvenile justice system and out of schools. • **Districts and schools should review discipline policies to better ensure student safety while working to keep students in school.** For example, educators should be empowered to handle the majority of disciplinary actions, rather than involving law enforcement. Districts should track data on disciplinary actions to identify disparate treatment based on race, ethnicity, and other characteristics.			Unsafe Schools
FEDERAL SOLUTIONS • **The Department of Education should broaden the definitions in the Free Application for Federal Student Aid (FAFSA) to include options for diverse families.** This includes allowing an applicant to list a non-legally recognized parent who provides at least 50% of an applicant's financial support. Applicants with a same-sex partner, who is not married, should be able to list that individual as a partner. **COMMUNITY SOLUTIONS** • Colleges and advocates should offer financial support for LGBT students and students with LGBT parents and train financial aid officers to understand these students' unique situations.			Difficulty Accessing Financial Aid
FEDERAL, STATE, LOCAL, AND COMMUNITY SOLUTIONS • **Staff at government agencies and nonprofit organizations serving the public should undergo cultural competency training.** This training should address the discrimination that LGBT people experience as well as the barriers to family recognition facing LGBT people. Individual caseworkers should undergo training to ensure they are welcoming and affirming of LGBT people who seek assistance. Training should include information about existing nondiscrimination policies and laws as well as other laws that impact LGBT people, including marriage laws, adoption and foster care laws, and school laws.	Employment Discrimination Housing Discrimination Healthcare Discrimination Credit Discrimination Refusal to Recognize Gender of Transgender People	Lack of Health Insurance Through Employer Limited Access to Gov't Health Insurance & Programs Limited Access to Safety-Net Programs Unfair Taxation Denial of Social Security Benefits Inequitable Access to Retirement Savings Inability to Inherit	Unsafe Schools Difficulty Accessing Financial Aid

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