



End discrimination based on sexual orientation and gender identity

Statement of Thomas Witt
Neutral Statement on SB 410
Senate Committee on the Judiciary
February 11, 2016

Good morning Mr. Chairman and members of the committee.

I am Thomas Witt, Executive Director of Equality Kansas, which works to eliminate discrimination based on sexual orientation and gender identity. We are taking a neutral position on SB410, the CARE family pilot program for foster care.

First, some statistics on same-sex parenting in the United States:

- Researchers estimate the total number of children nationwide living with at least one gay parent ranges from 6 to 14 million.¹
- An estimated two million LGBT people are interested in adopting.²
- As of 2007, gay and lesbian parents were raising four percent of all adopted children in the United States.³
- More than 16,000 same-sex couples are raising an estimated 22,000 adopted children in the United States.³
- Same-sex parents in the United States are four times more likely than different-sex parents to be raising an adopted child. Among couples with children under the age of 18 in the home, 13% of same-sex parents have an adopted child, compared to just 3% of different-sex parents.³

As introduced, SB410 sets forth a number of requirements for participation in the CARE family pilot program. While we are not taking a position on the bill as a whole, there is one requirement that we find concerning.

In New Section 1(b)(1), the bill stipulates that CARE family applicants be “married for at least seven years.” As we are all aware, same-sex couples were unconstitutionally prohibited from marrying, or having our out-of-state marriages recognized, in Kansas until mid-2015.

We believe the seven-year standard may violate equal protection provisions of both the Kansas and United States constitutions. Not only will opposite sex couples be able to immediately enjoy this particular benefit of marriage, but same-sex couples married out of state seven or more years ago will also meet this standard. Meanwhile, native Kansans in committed, long-lasting relationships, who waited patiently for the years – in many cases decades – for marriage equality will be denied access to the benefits of SB410.

With the advent of full marriage equality, we expect even more same-sex couples to start families. We urge you to ensure their fair treatment, avoid the potential for costly litigation, and correct the unequal standard in SB410.

¹ Overview of Lesbian and Gay Parenting, Adoption and Foster Care. American Civil Liberties Union, New York, NY.

² Gary J. Gates, M.V. Lee Badgett, Kate Chambers, Jennifer Macomber, Adoption and Foster Care by Gay and Lesbian Parents in the United States. The Williams Institute, Los Angeles, CA. 2007.

³ Gary J. Gates. LGBT Parenting in the United States. The Williams Institute, Los Angeles, CA. 2013.