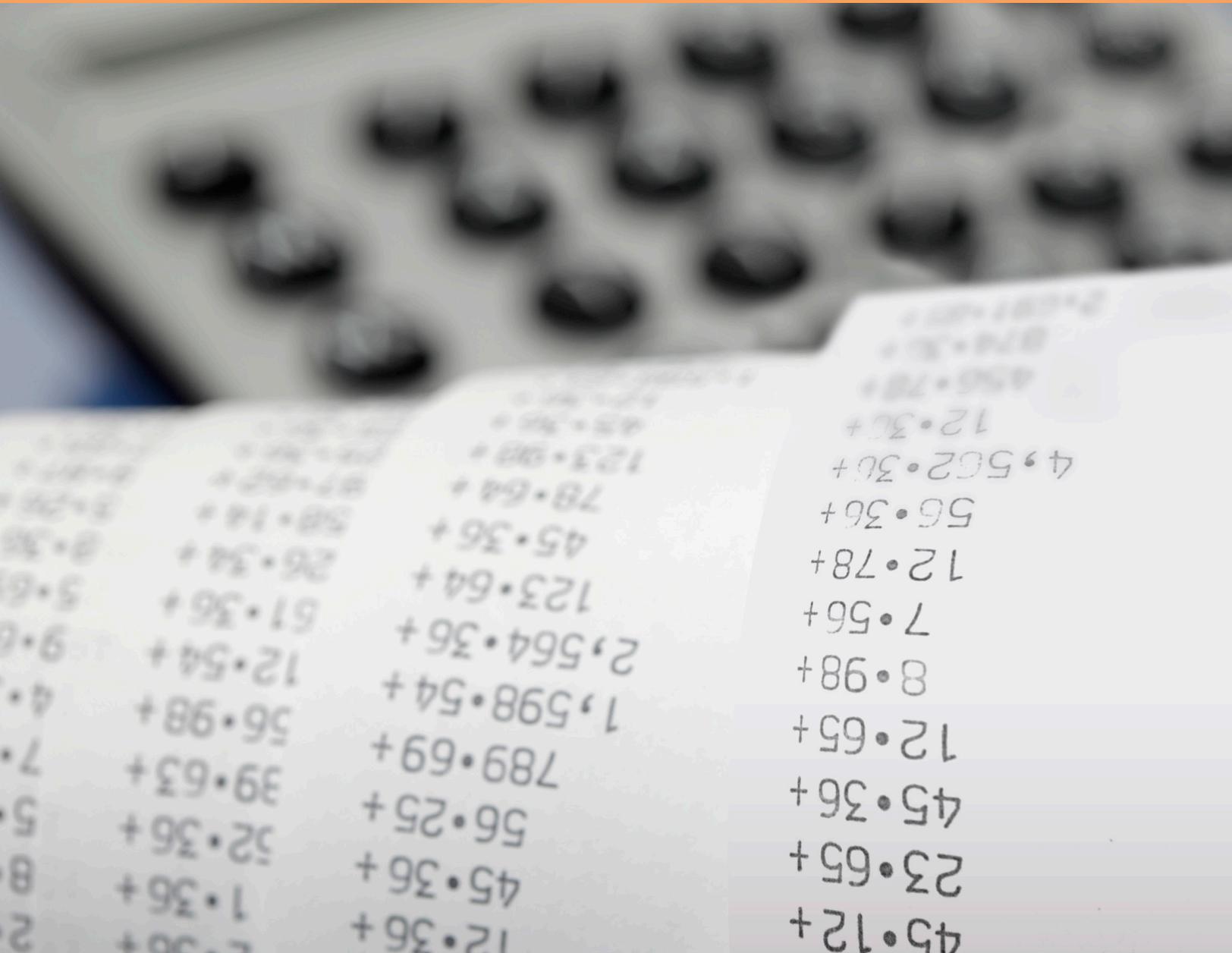


PAYING AN UNFAIR PRICE

The Financial Penalty for Being LGBT in America

Condensed Version

September 2014; Updated November 2014



Center for American Progress



movement advancement project ▶

Authors



Partners

This report was authored by:

Center for American Progress

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Movement Advancement Project

The Movement Advancement Project (MAP) is an independent think tank that provides rigorous research, insight and analysis that help speed equality for LGBT people. MAP works collaboratively with LGBT organizations, advocates and funders, providing information, analysis and resources that help coordinate and strengthen efforts for maximum impact. MAP's policy research informs the public and policymakers about the legal and policy needs of LGBT people and their families.

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This report was developed in partnership with:

Center for Community Change

The Center for Community Change's mission is to build the power and capacity of low-income people, especially low-income people of color, to change their communities and public policies for the better. Its focus areas include jobs and wages, immigration, retirement security, affordable housing, racial justice and barriers to employment for formerly incarcerated individuals. The Center empowers the people most affected by injustice to lead movements to improve the policies that affect their lives. For more information, visit www.communitychange.org.

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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.



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.^a 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.

^a This analysis was conducted using data collected in 2013 and counts only the 21 states and DC that had marriage or comprehensive relationship recognition at that time.

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.

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.

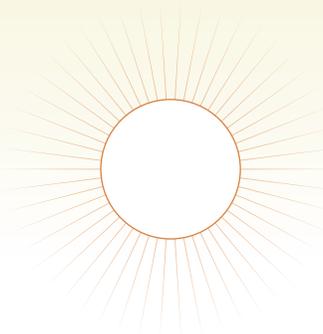
NOTE ABOUT THIS CONDENSED REPORT

This is a shorter version of the full report, *Paying an Unfair Price: The Financial Penalty for Being LGBT in America*, available online at www.lgbtmap.org/unfair-price, or through any of the co-author or partner websites.

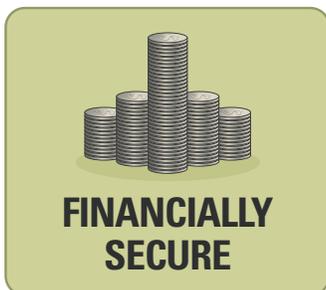
This report focuses on the impact of financial penalties on LGBT people, including vulnerable populations. In addition to the introduction, this condensed report details the core argument that LGBT people are forced to pay an unfair price for being LGBT - and one that jeopardizes their economic security. It also offers high-level recommendations.

The full report, in contrast, provides detailed policy analyses and an exploration of the financial penalties facing LGBT people as a result of three primary failures of law: 1) lack of protection from discrimination; 2) lack of family recognition; and 3) hostile educational environments. The full report also includes personal stories and detailed recommendations.

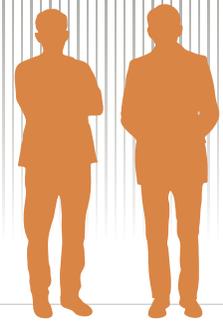
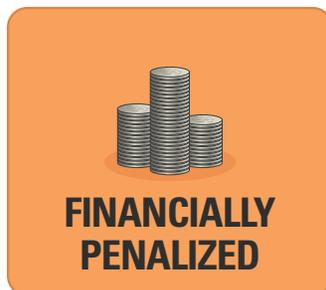
THREE FAILURES OF LAW FINANCIALLY PENALIZE LGBT PEOPLE



HETEROSEXUAL
AVERAGE INCOME



LGBT
AVERAGE INCOME



LGBT
LOW INCOME



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

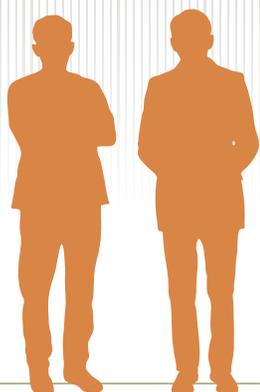
Employment Discrimination		✓
Housing Discrimination	✓	
Healthcare Discrimination	✓	✓
Credit Discrimination	✓	✓
Refusal to Issue Appropriate Identity Documents to Transgender People	✓	✓

#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

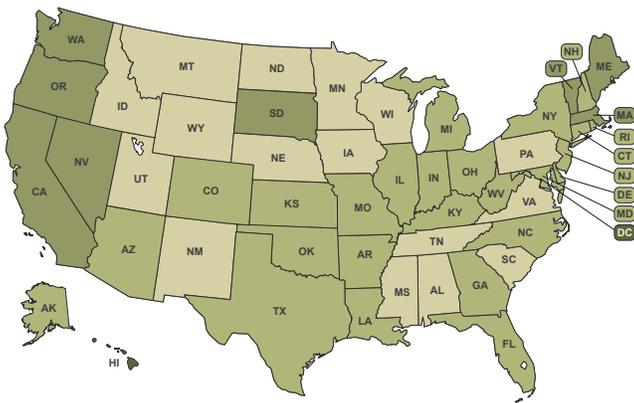
Among LGBT people of color, the poverty data mirror broader societal trends. For example, the Williams Institute finds that African Americans in same-sex couples are more than twice as likely to live in poverty as African Americans in married opposite-sex couples; African American same-sex couples also 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

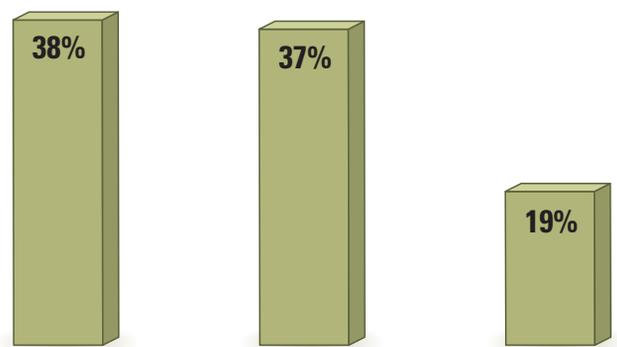
82%
OF SAME-SEX COUPLES



69%
OF MARRIED OPPOSITE-SEX COUPLES



ARE OFTEN RAISING CHILDREN



TRANSGENDER ADULTS WHO ARE PARENTS

LGBT ADULTS WHO HAVE HAD A CHILD

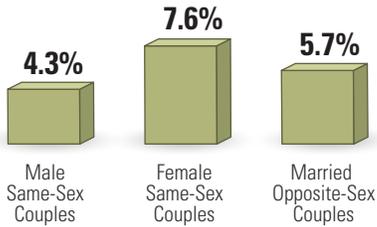
SAME-SEX COUPLES RAISING CHILDREN

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.

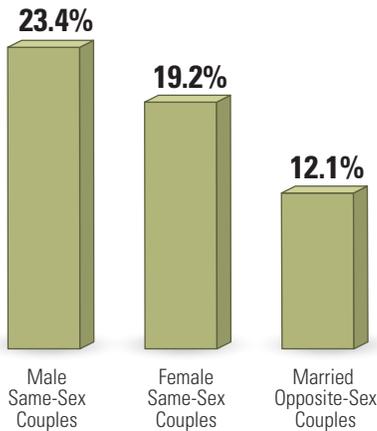
POVERTY IN THE LGBT COMMUNITY

POVERTY RATES

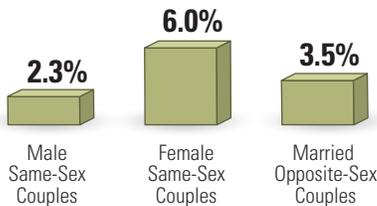
ADULTS IN POVERTY



CHILDREN IN POVERTY RAISED BY...

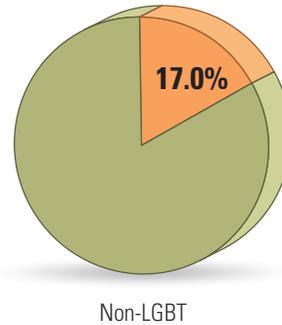
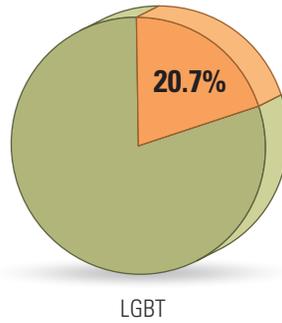


OLDER ADULTS IN POVERTY

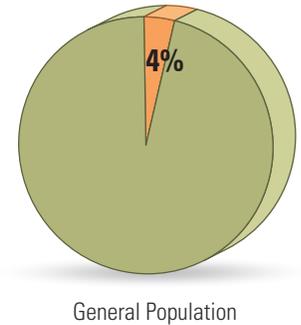
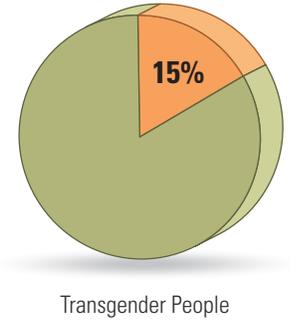


EXTREMELY LOW INCOMES

LESS THAN \$12K PER YEAR

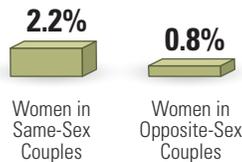


LESS THAN \$10K PER YEAR

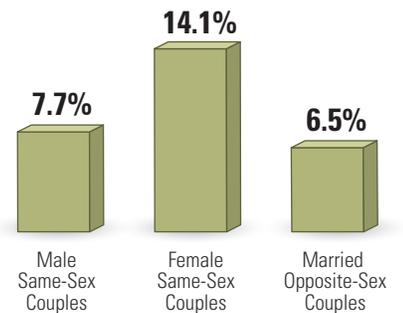


PUBLIC ASSISTANCE

RECEIVE CASH ASSISTANCE (e.g., TANF)



RECEIVE FOOD ASSISTANCE (SNAP)



SINGLE LGBT ADULTS WITH CHILDREN ARE **3x**



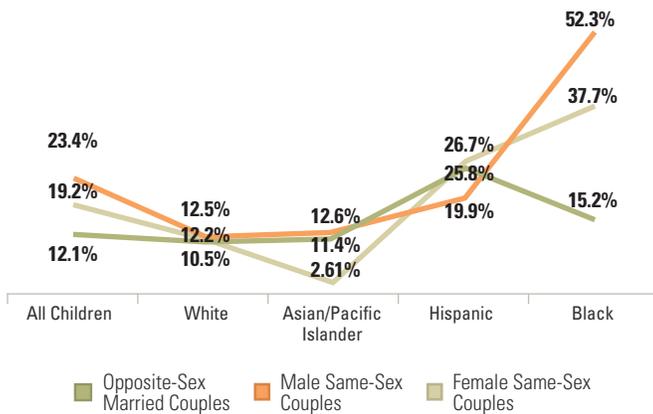
MARRIED OR PARTNERED LGBT ADULTS WITH CHILDREN ARE **2x**

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

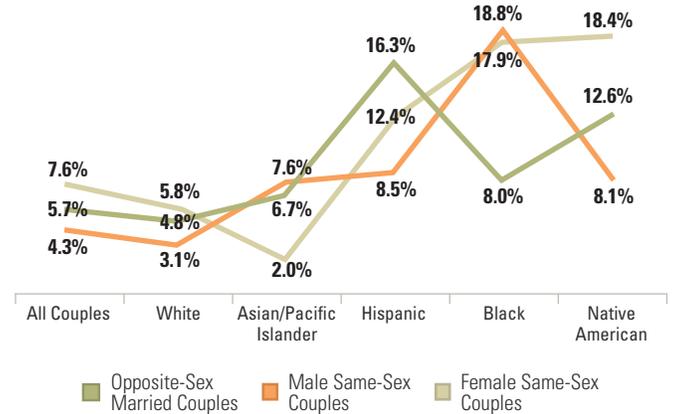
LGBT PEOPLE OF COLOR ARE MORE LIKELY TO LIVE IN POVERTY

POVERTY RATES

PERCENT OF CHILDREN LIVING IN POVERTY
By Family Type and Race/Ethnicity

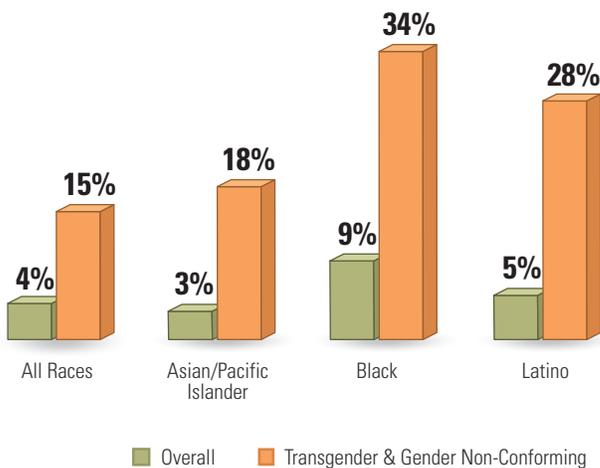


PERCENT OF ADULTS LIVING IN POVERTY
By Family Type and Race/Ethnicity



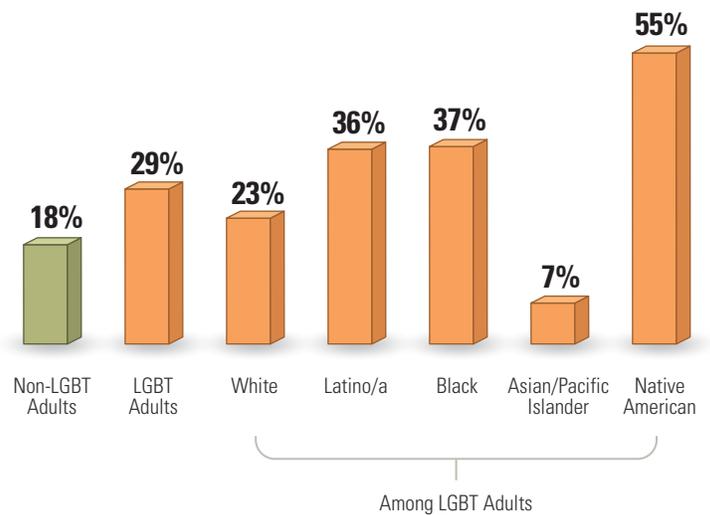
EXTREMELY LOW INCOME

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

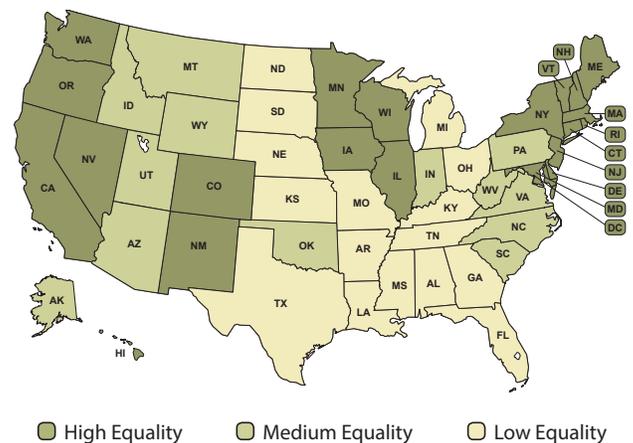
people and their families are paying a significantly higher price than other LGBT people.

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.

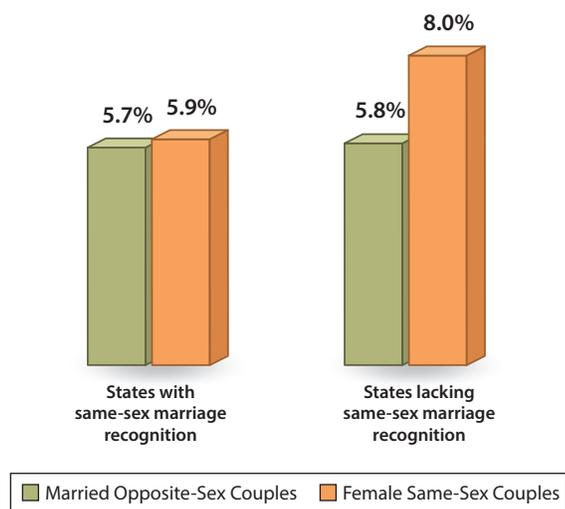
But these “high-equality” states (and the District of Columbia) are still in the minority. Many states in this country are places where LGBT people lack basic legal equality and protections from discrimination at work, at school, and in other settings. As shown in *Figure 1* and the infographic on the 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



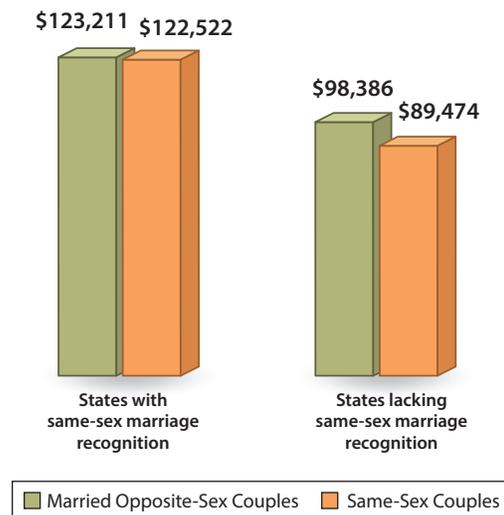
Source: Movement Advancement Project, “LGBT Equality Maps.”

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.

the protections available in a high-equality state like Massachusetts.^d 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

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

discrimination can take a particular toll on the financial 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?

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."

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

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

ANTI-LGBT LAWS IMPACT POOR PEOPLE THE MOST

THREE LEGAL FAILURES

#1 LEGAL
DISCRIMINATION

#2 LACK OF FAMILY
RECOGNITION

#3 HOSTILE EDUCATIONAL
ENVIRONMENTS



POOR LGBT PEOPLE HARDEST HIT:



**NO ABILITY TO ABSORB
FINANCIAL HIT**

RESULT: ECONOMIC DISTRESS



**NO ABILITY TO MITIGATE
BAD LAWS**

RESULT: UNPROTECTED & VULNERABLE

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.
- 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 following 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?

Table 1: The Penalties Hit Poor LGBT People the Hardest

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 food³⁷—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.

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 1* on the previous page 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 in the full report.

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.

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

Table 2: High-Level Recommendations for Change				
Action Needed	Details	To Address Legal Failures		
				
<p>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</p>	<p>Addressing poverty and the barriers to economic security for all people in the United States requires a complex and multi-faceted approach.^e</p> <p>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.</p>	<ul style="list-style-type: none">  Employment Discrimination  Housing Discrimination  Healthcare Discrimination  Credit Discrimination  Refusal to Recognize Gender of Transgender People 	<ul style="list-style-type: none">  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 	<ul style="list-style-type: none">  Unsafe Schools  Difficulty Accessing Financial Aid
<p>Update laws and policies to prohibit discrimination against LGBT people</p>	<p>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.</p> <p>Federal, state, and local agencies should adopt nondiscrimination policies within all their programs and services.</p> <p>Government agencies should update administrative procedures and processes to address barriers to updating identity documents for transgender people.</p> <p>Employers, housing providers, healthcare facilities, educational institutions, and others should adopt nondiscrimination policies.</p>	<ul style="list-style-type: none">  Employment Discrimination  Housing Discrimination  Healthcare Discrimination  Credit Discrimination  Refusal to Recognize Gender of Transgender People 		

^e 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 2: High-Level Recommendations for Change (continued)

Action Needed	Details	To Address Legal Failures		
				
<p>Update definitions of family to be inclusive of LGBT families and other diverse families</p>	<p>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.</p> <p>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.</p> <p>States should allow same-sex couples to marry and ensure that parentage laws allow LGBT parents to be legally recognized as parents.^f</p> <p>Federal and state governments should recognize families regardless of marital status or legal status of parent-child relationships.</p>		<ul style="list-style-type: none">  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 	
<p>Address hostile and unsafe educational environments for LGBT youth</p>	<p>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.^g</p> <p>Schools should implement innovative programs designed to reduce bullying and discrimination while simultaneously working to address the school-to-prison pipeline.^h</p>			<ul style="list-style-type: none">  Unsafe Schools  Difficulty Accessing Financial Aid

^f 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.

^g For example, GLSEN offers model policies for state governments, school districts, and schools. <http://glsen.org/learn/policy/model-laws-policies>.

^h 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 2: 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. ¹ 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.	<ul style="list-style-type: none">  Employment Discrimination  Housing Discrimination  Healthcare Discrimination  Credit Discrimination  Refusal to Recognize Gender of Transgender People 	<ul style="list-style-type: none">  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 	<ul style="list-style-type: none">  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.	<ul style="list-style-type: none">  Employment Discrimination  Housing Discrimination  Healthcare Discrimination  Credit Discrimination  Refusal to Recognize Gender of Transgender People 	<ul style="list-style-type: none">  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 	<ul style="list-style-type: none">  Unsafe Schools  Difficulty Accessing Financial Aid

¹ For example, GLSEN offers professional development materials, webinars, and workshops designed for educators. <http://glsen.org/educate/professional-development/toolkits>.

ADDITIONAL CONTENT AVAILABLE IN FULL REPORT

Introduction:

- Glossary of Key Terms (page iii)
- Summing It Up: How the Penalties Can Lead to Very Different Life Outcomes (pages 14-17)

Understanding How Three Primary Failures of Law Financially Penalize LGBT People: Detailed Policy Analysis

- Failure #1: Legal Discrimination
 - Employment Discrimination (pages 18-21)
 - Housing Discrimination (pages 21-24)
 - Healthcare Discrimination (pages 25-29)
 - Credit Discrimination (pages 29-30)
 - Obstacles to Obtaining Identity Documents That Reflect the Gender of a Transgender Person (pages 31-33)
- Failure #2: Lack of Recognition of LGBT Families
 - Recognition of Married Same-Sex Couples by Various Federal Agencies and Programs (page 36)
 - Lack of Access to Health Insurance Through An Employer (pages 37-41)
 - Graphic: When Do Employers Have to Offer Health Insurance to Married Same-Sex Couples? (page 38)
 - Graphic: Which Couples Have to Pay Taxes on Health Benefits? (page 40)
 - Limited Access to Government Health Insurance Programs (pages 41-46)
 - Graphic: How Medicaid Income Rules Can Impoverish Same-Sex Couples (page 43)
 - Limited Access to Other Safety-Net Programs (pages 46-49)
 - Graphic: How Means-Tested Safety Net Programs Treat LGBT Families Differently (pages 47-48)
 - Unfair Taxation (pages 49-51)
 - Graphic: When Can Couples File A Joint Tax Return? (page 50)
 - Graphic: A Tale of Two Federal Tax Returns: Tax Inequities Multiplied (page 52)
 - Denial of Social Security Benefits (pages 51-55)
 - Graphic: A Tale of Two Retired Families: Social Security For One, Fear-Filled Financial Future for the Other (page 54)
 - Inequitable Access to Retirement Savings (pages 56-58)
 - Graphic: Lack of Joint Survivor Options for a Same-Sex Partner Creates Significant Financial Hardship (page 57)
 - Inability to Inherit (page 59)
- Failure #3: Educational Barriers and Unsafe Schools
 - Unsafe School Environments (pages 60-63)
 - Difficulty Accessing Financial Aid (pages 63-65)

ADDITIONAL CONTENT AVAILABLE IN FULL REPORT (CONTINUED)

Appendix

- Detailed Recommendations Table (pages 72-83)

Sidebars

- Locked Into Poverty: Higher Rates of Homelessness Reduce Opportunity for LGBT People (page 24)
- The Changing American Family (page 33)
- When is a Same-Sex Couple Considered Married by the Federal Government? (page 36)
- LGBT Families face Unique Obstacles in Applying for Government Assistance (page 49)
- School-to-Prison Pipeline Pushes Too Many LGBT Youth Out of Schools (page 62)

Stories

- Lesbian Couple Chooses to Leave Home State Rather Than Live in Fear of Being Fired (page 20)
- Without Employment Protections, Gay Police Officer is Left Unemployed (page 21)
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- Unable to Find Work and Left to Purchase Medicine From Out of the Country (page 28)
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- Widower Left Heartbroken and Destitute (page 45)
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ACKNOWLEDGEMENTS

The Movement Advancement Project and the Center for American Progress wish to thank the following individuals who provided thought leadership, issue perspectives, and strategic input. We gratefully recognize their willingness to share their time and expertise.

Emily Andrews, Senior Project Manager, Center for Community Change

Deepak Bhargava, Executive Director, Center for Community Change

Andrew Friedman, Co-Executive Director, The Center for Popular Democracy

Gary J. Gates, Williams Distinguished Scholar, The Williams Institute

Jodie Levin-Epstein, Deputy Director, CLASP

Hannah Matthews, Director, Child Care and Early Education, CLASP

Connie M. Razza, Director, Strategic Research, Center for Popular Democracy

Paul R. Sathrum, Senior Policy Analyst, National Education Association

Steve Savner, Director of Public Policy, Center for Community Change

Alyssa Schneebaum, Vienna University of Economics and Business

Arloc Sherman, Senior Researcher, Center on Budget and Policy Priorities

Evelyn Tomaszewski, Senior Policy Advisory, National Association of Social Workers

Ron Triche, General Counsel and Director of Government Affairs, American Society of Pension Professionals and Actuaries

MAP thanks the following funders, without whom this report would not have been possible.

David Bohnett Foundation
David Dechman
David Geffen Foundation
Ford Foundation
Gill Foundation
Esmond Harmsworth
Jim Hormel
Johnson Family Foundation
Amy Mandel and Katina Rodis
Weston Milliken
Kevin J. Mossier Foundation
The Palette Fund
Mona Pittenger
Sara Whitman
H. van Ameringen Foundation

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