

Testimony of Ernesto Olivares

San Antonio, Texas

House Oversight and Reform Committee

Hearing on *The Administration's Religious Liberty Assault on LGBT Rights*

Ernesto Olivares is a member of the LGBTQ+ and Two-Spirit Foster Alumni Team of the Every Child Deserves a Family Campaign. The Team is supported by FosterClub, the national network for youth in foster care and Family Equality, an organization representing LGBTQ families and LGBTQ people wishing to form families.

Chairwoman Maloney, Ranking Member Jordan, Chairman Raskin, and Ranking Member Roy, thank you for permitting me to testify today on a topic of great personal importance to me.

My name is Ernesto Olivares and I am 29 years old. I am from San Antonio, Texas. I spent five years in the Texas foster care system. I was thirteen years old when I went into the system. I was still trying to figure out who I was as a young man. My brother and I were placed in a shelter 180 miles away from my home city of San Antonio. I hated it. The staff was rude, and the other boys were mean. Youth and staff at my shelter used derogatory language. Words like “faggot” and “homo” made me feel uncomfortable, alone, and out of place. After leaving the shelter, I ended up at my only other placement, a group foster home with eleven other boys, for the next five years.

The foster care agency that I was placed through was a Christian agency. I believe my foster parents were good people with good intentions. They attended a Christian church. I am religious, but I am not Christian. At first, I went with them to the Christian church out of curiosity. But as I got older, it became awkward and hurtful to hear that I would go to hell for being gay and that I wasn't normal. But, if I didn't go, I might be made fun of or seen as weird and different. I was worried the other kids would think there was something wrong with me or suspect I was gay. So, I never came out, even though most people probably knew I was gay. When I saw people get bullied, it struck fear into me to be different. I wasn't wrong to fear coming out. LGBTQ+ and Two-Spirit youth are **over twice as likely** to report being treated poorly by the foster care system compared to non-LGBTQ youth¹.

¹ Bianca D.M. Wilson, Khush Cooper, Angeliki Kastanis & Sheila Nezhad, *Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles*, The Williams Institute: UCLA School of Law (2014), available at https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_ExecutiveSummary_Aug_2014.pdf.

The thing that scared me the most is that I had heard rumors that gay kids got sent to a “SPECIAL” home with 24-hour surveillance, with other youth who really had mental health issues or special needs. If I came out and one of the other boys in the home didn’t like it, would I be sent there? What about my brother, would I lose being with him too? My sisters and I went to the same high school, would I not see them again until I was 18? There was too much to lose. My brother and sisters mean the world to me and the thought of being separated from them killed me inside. I’d do anything to keep those relationships close and safe to me. It is unethical and outrageous to separate any siblings for identifying as LGBTQ.

I remember one day, we were getting ready to go on a family vacation and I went to grab my bag, the big bright blue one they give us to put all our things in when it's time to move placements. Someone had scratched out my name and written “faggot” in its place. I cried and kept it to myself until we got back from vacation. Eventually, I told my therapist what happened. I had asked her not to bring my foster parents into the room and she decided to bring them in anyway. Even though I showed them the tag as proof, they denied that anyone in the house would do that. Nothing was ever done about that incident. I wonder if the agency serving me had been required to protect me from discrimination – regardless of religion (mine or the agency’s) - whether they would have been more proactive about preventing anti-gay bullying targeting me.

It’s not surprising to me that LGBTQ foster youth are more likely to become homeless². Many LGBTQ foster youth receive such poor treatment in foster care that they choose homelessness over foster care. I can understand this because there were so many times I wanted to just run away, leave, and never come back. I wished that I could have comfortably and confidently lived and spoken about how I felt inside without doubt that I would be accepted. South Texas isn’t known for accepting kids or adults like me and the agency I was with wasn’t either. I never met an LGBTQ foster parent or adoptive parent while I was in care. I only wish that I could have had those opportunities to live and be who I was. I wanted to live a life free of fear and rejection.

While I was in foster care, I wish there had been an adult who saw that I was suppressing something and told me it was okay to be who I was. Someone to tell me that I was safe, and that no one was going to hurt me. The challenges I faced should not be a part of a youth’s experience in the child welfare system. That is why one day, I want to be a foster dad. Open up my home and heart, so that I can help kids like me. However, with the discrimination that is happening in my state, and other states around the country, I worry that I will be turned away, simply because I am gay. That’s wrong. No foster child should be denied a loving family, when a qualified person is willing to provide them a home.

LGBTQ youth in foster care are more likely to be hospitalized for emotional reasons and

² Nicholas Forge et. al, *LGBTQ Youth Face Greater Risk of Homelessness as They Age Out of Foster Care*, Housing Matters: An Urban Institute Initiative (Apr. 3, 2019), <https://housingmatters.urban.org/research-summary/lgbtq-youth-face-greater-risk-homelessness-they-are-out-foster-care>

have higher incidences of juvenile justice involvement³. Never will I say that being in foster care was the worst — because it was not. I graduated from high school and attended college. Foster care enabled me to reach other personal goals, but as an LGBTQ foster alumnus, I feel that LGBTQ foster youth need rights and placements they can be safe in - placements where they are not worried about fallout for coming out or being out.

As a system, I think foster parents need more training and a support system to turn to when they have a youth who is LGBTQ. In the South where I'm from, the resources are rare, and youth are often left to fend for themselves or to live in fear. We need rights that we can count on to say, "I have a right to be who I am without any discrimination, without any fear." We need people to step up and say, "We will help, we will open the doors." There should be no gap for youth, but instead a community that is reliable, safe, and well educated on current issues.

That's why I support the bipartisan Every Child Deserves a Family Act, HR 3114, which would end discrimination based on religion, sexual orientation, and gender identity in foster care. This bipartisan bill, introduced by Chairman John Lewis, which currently has 185 cosponsors, would also provide states like Texas with resources to provide better services for LGBTQ foster youth, so that children in care now wouldn't have to go through the same hard times I did. I urge the Committee to support passage of HR 3114, and to require the U.S. Department of Health and Human Services to end discrimination in its foster care programs, and to provide affirming services to every LGBTQ child in foster care, regardless of the religion of the agency serving the child.

³ Bianca D.M. Wilson, Khush Cooper, Angeliki Kastanis & Sheila Nezhad, *Sexual and Gender Minority Youth in Foster Care: Assessing Disproportionality and Disparities in Los Angeles*, The Williams Institute: UCLA School of Law (2014), available at https://williamsinstitute.law.ucla.edu/wp-content/uploads/LAFYS_ExecutiveSummary_Aug_2014.pdf.