



Addressing the Needs of and Advocating for LGBTQ Youth in Foster Care

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Dependency Options**

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The American Bar Association Center on Children and the Law

Opening Doors Project

<http://www.abanet.org/child/lgbtq.shtml>

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Opening Doors

- ❖ **Opening Doors for LGBTQ Youth in Foster Care: A Guide for Legal Professionals**
 - ❖ Guide for lawyers and judges to know how to improve outcomes for LGBTQ youth

- ❖ **It's Your Life** (print publication and interactive website)
 - ❖ You have rights as a young adult and LGBTQ individual (based on the Constitution, federal and state laws)
 - ❖ What to expect from the child welfare professionals and how to determine if your needs are being met
 - ❖ How to protect their rights and ensure fair and equal treatment

- ❖ **Other publications**
 - ❖ Representing transgender youth
 - ❖ Addressing bullying

- ❖ **The Kids are Listening**
 - ❖ Anti-Bullying Social Media Campaign



❖ **Multidisciplinary Committees**

- ❖ Multidisciplinary team dedicated to improving services, support, and treatment of LGBTQ youth in foster care
- ❖ Establish and advertise LGBTQ friendly services and create resource guide about these providers
- ❖ Support training to increase awareness and improve treatment of LGBTQ youths' needs – The Opening Doors Project is happy to help!
- ❖ Expand recruitment of LGBTQ foster parents
- ❖ Create an LGBTQ sub-committee of your CIP Committees



CONTEXT

- ❖ What experiences do you think LGBTQ might youth have in:
 - ❖ Group homes
 - ❖ Foster homes
 - ❖ Court
 - ❖ With Lawyers
 - ❖ In School
- ❖ What do they hear/see?
- ❖ How might they react?



What youth said at Opening Doors Listening Forums

- ❖ “The judges aren’t welcoming if they know you’re gay. No one seemed interested in working with me.” – Jacksonville
- ❖ “The judge was patronizing and said ‘Oh, you’re gay now?’ in front of everyone like he thought it was a fad.” – Jacksonville
- ❖ “I wanted to speak on my own behalf...but I did not get to go [to court]. If you are not there, present, your words can get twisted...I feel I was in foster care for longer because of this woman. [GAL]” – Denver



What Youth Say....

- ❖ “My social worker told me that the bible says I am an abomination, but she has to take care of me anyway or she’ll lose her job.”
- ❖ “It’s better on the street. You can fight, or run, but in a shelter you are trapped. If you tell the staff somebody called you a fag, they don’t care. They turn their back.”



Who are LGBTQ youth in the foster care system?

- ❖ Estimated that more than 4-10% of youth in state care are LGBTQ *identified*
- ❖ **25-40% of homeless youth are LGBTQ**
 - ❖ Half of gay or bisexual young men forced out of their homes because of sexual orientation engaged in prostitution to survive.
- ❖ **30% of LGBTQ youth reported physical violence by family after coming out**
- ❖ **80% of LGBTQ students reported verbal harassment at school** (70% feel unsafe; 28% dropped out)
 - ❖ LGBTQ high school students three times more likely to report carrying a weapon to school.



Impact of Stigma and Social Isolation on LGBTQ Youth

- ❖ High rates of substance abuse due to stigmatization
 - ❖ 60% of gay and bisexual young men are substance abusers, compared with less than 4% of youth population as a whole
- ❖ Between 30 and 40% of LGBTQ youth report recurring suicidal ideation and a significant number made attempts
- ❖ Higher levels of harassment result in higher levels of risky behaviors
- ❖ Secrecy and concealment is extremely stressful for young adults



What do LGBTQ Youth in care experience?

- ❖ Not allowed to participate in programming
- ❖ Told “you are going to hell”
- ❖ Not allowed to dress or groom as they prefer
- ❖ Gender identity is not respected
- ❖ 70% of LGBT youth in group homes reported violence based on LGBTQ status
- ❖ 100% reported verbal harassment
- ❖ They hide their sexual orientation in fear of abuse
- ❖ 78% removed or ran away from placement because of hostility to LGBTQ status
 - ❖ Punished for expressing LGBTQ status



Affects All Youth

“Social worker identified me as gay at age 6. I didn’t even know what gay meant.” - Denver

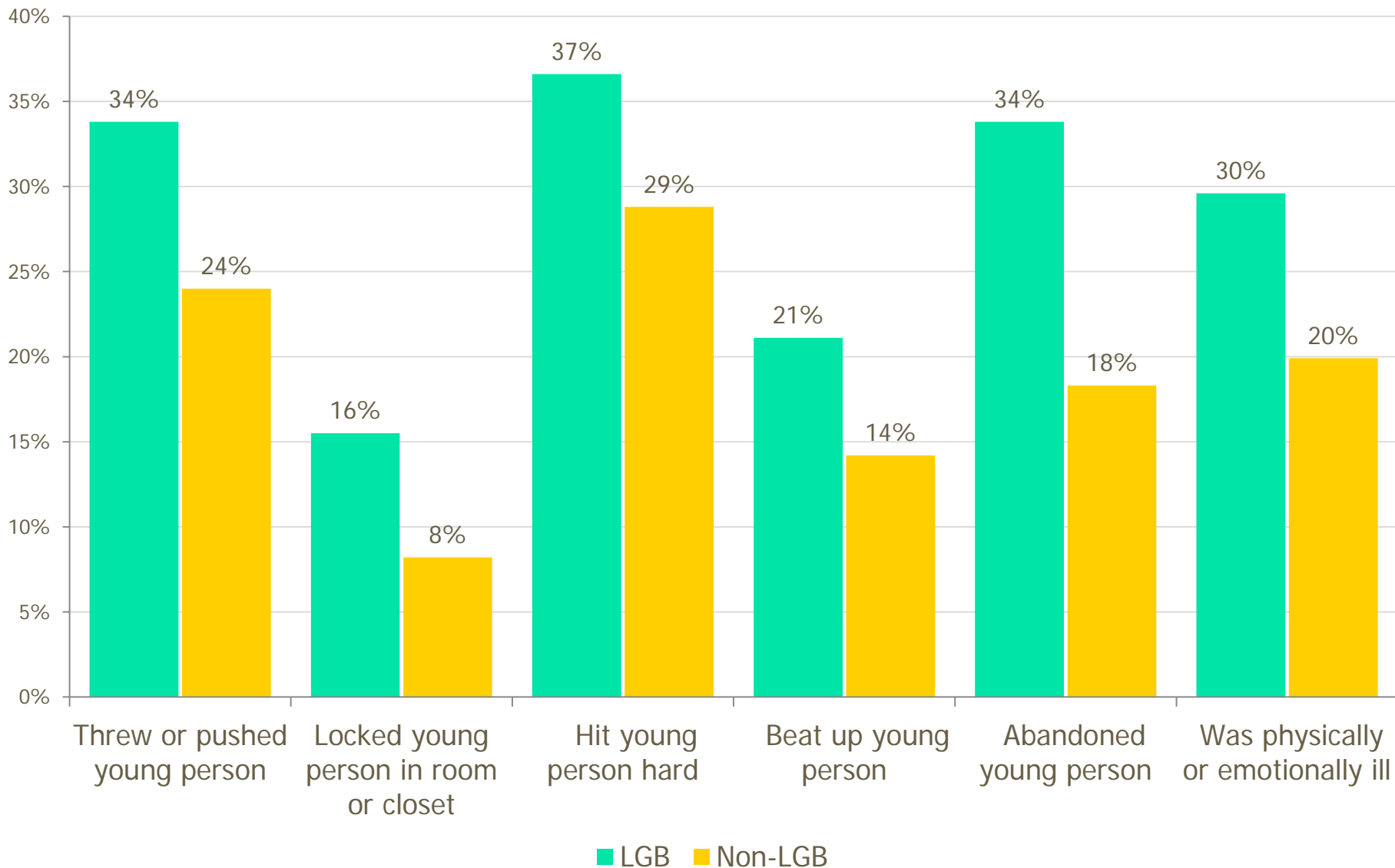
- ❖ Affects ALL Youth
- ❖ 80% of youth harassed for being perceived as gay identify as heterosexual
 - ❖ 5 times more likely to attempt suicide
- ❖ 97% of students hear gay or gender slurs on a daily basis



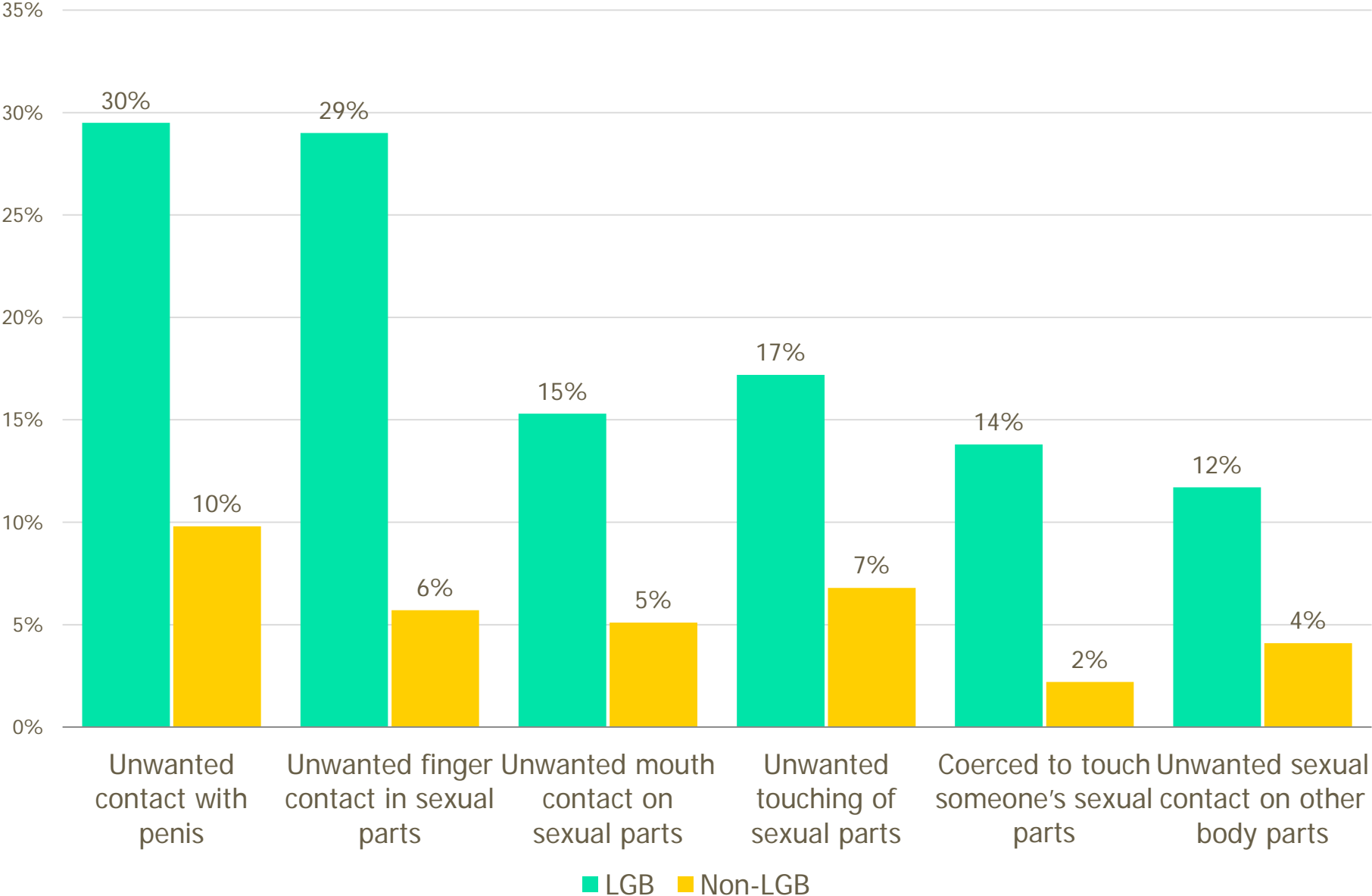
Selected Data Comparisons on Sexual Orientation from the Midwest Study

- The experiences of LGB and non-LGB youth look similar if we only look at age of entry and length of stay, most recent living situation, education and employment.
- What do the comparisons look like when we focus on experiences of maltreatment prior to entry into foster care?

Abuse and Neglect by Caretaker Experienced Prior to Entry into Foster Care



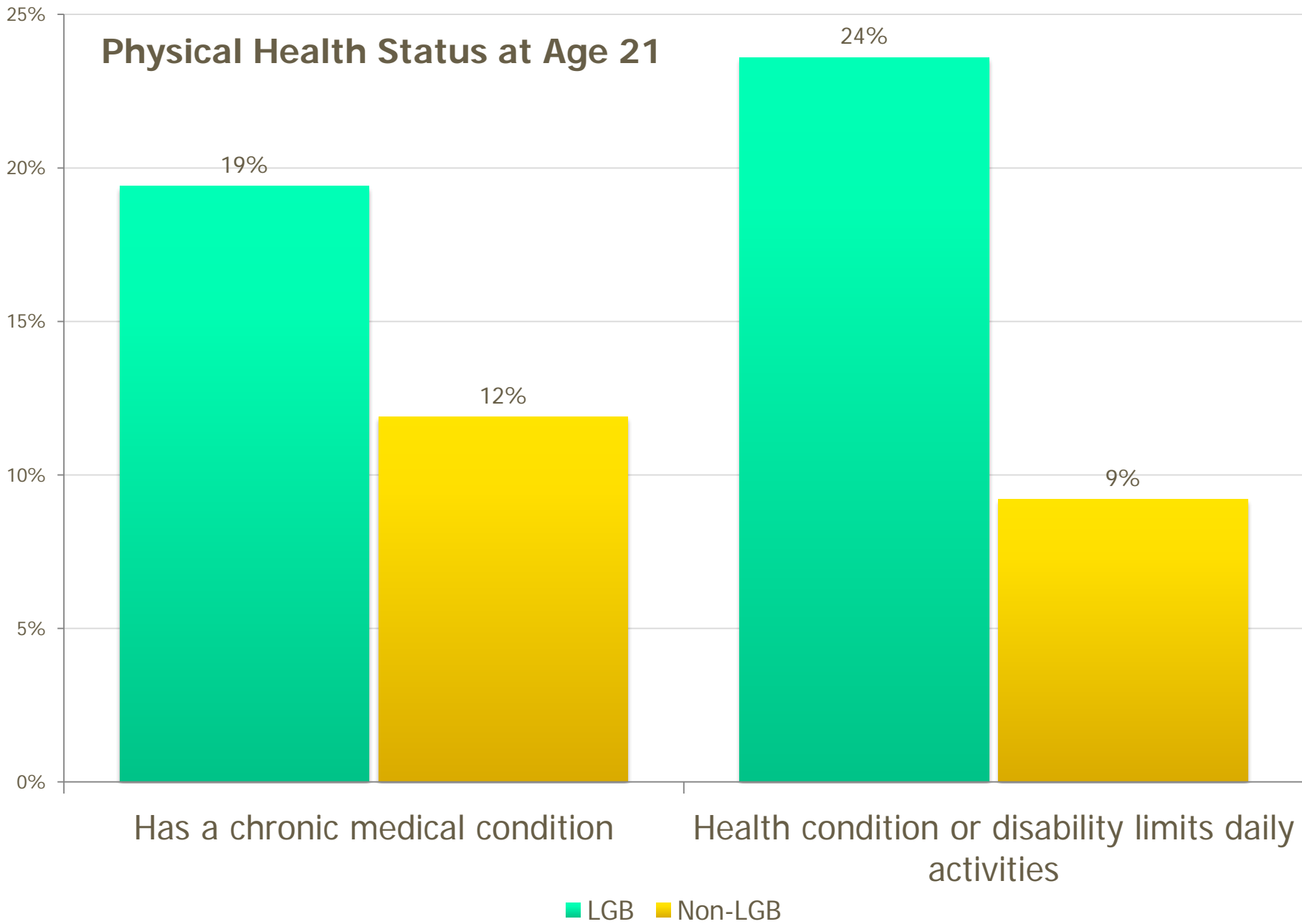
Sexual Victimization Prior to Entry



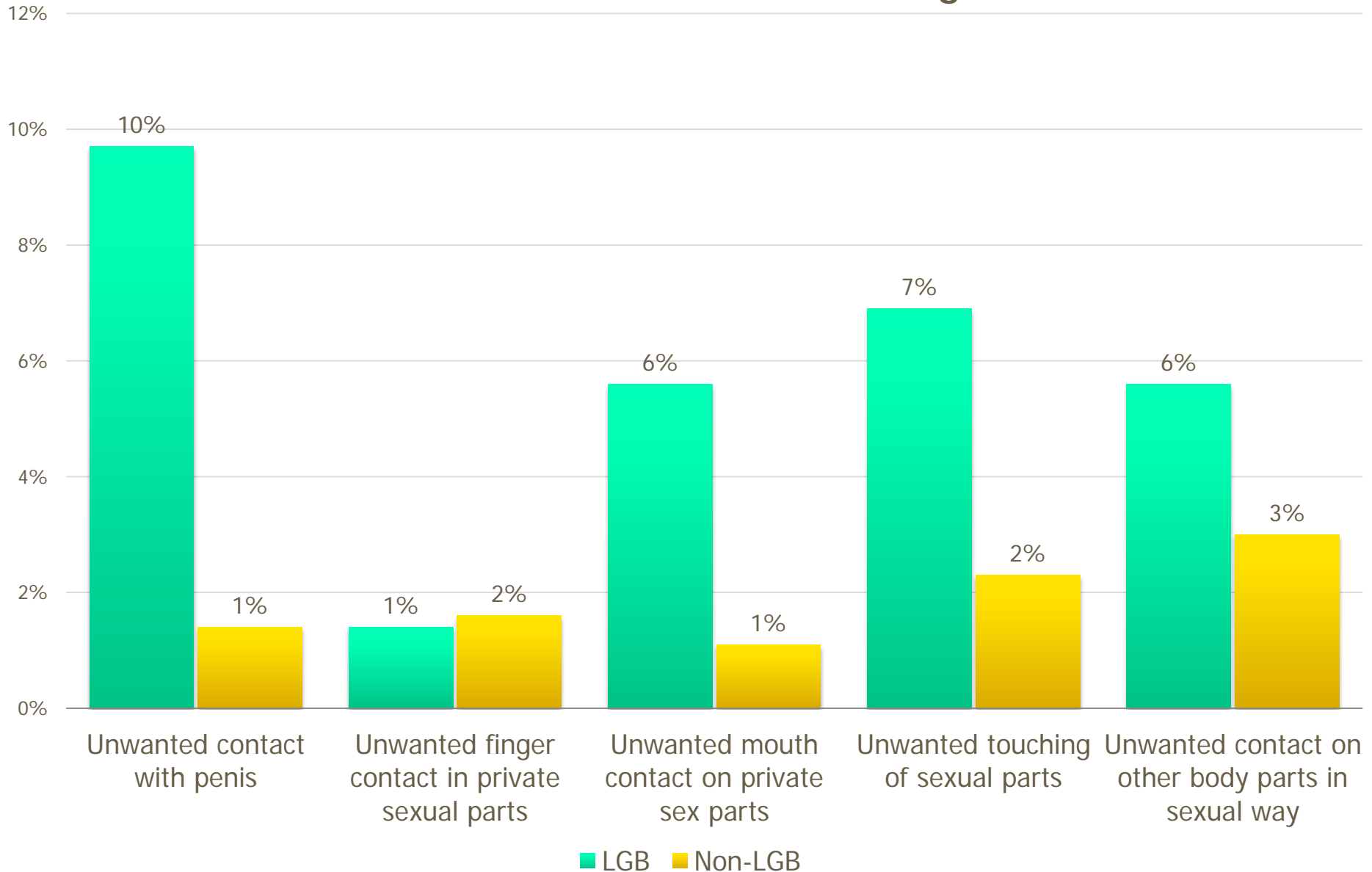


What do the comparisons look like when we focus on outcomes at age 21?

Physical Health Status at Age 21

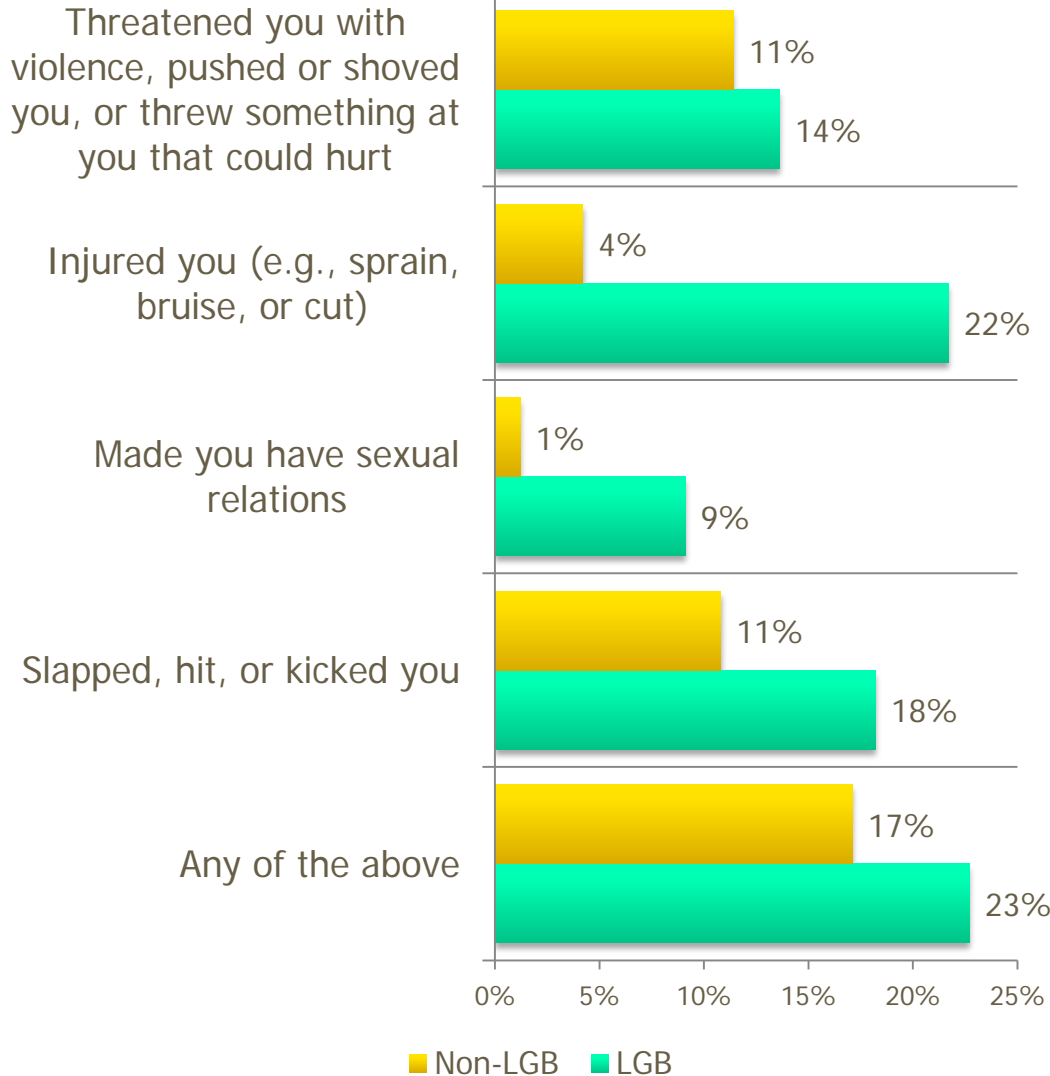


Recent Sexual Victimization at Age 21

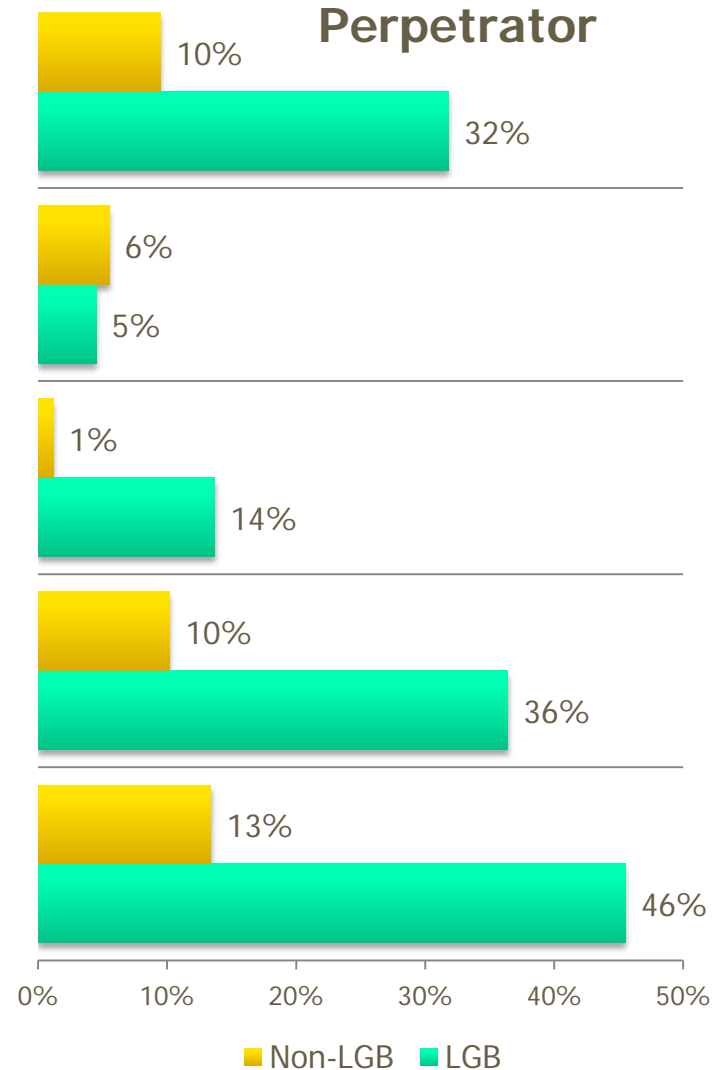


Recent Relationship Violence

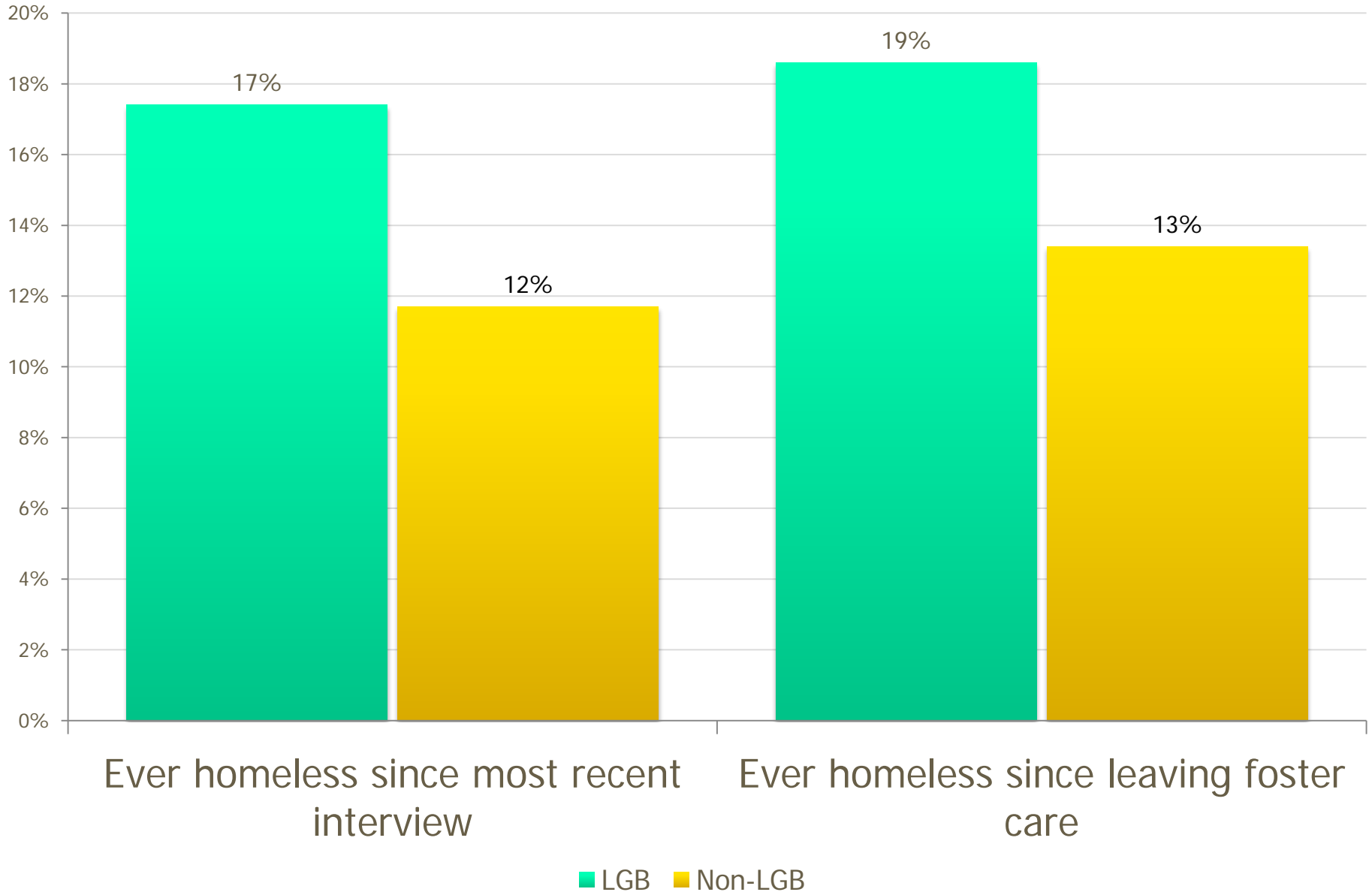
Youth was the Victim



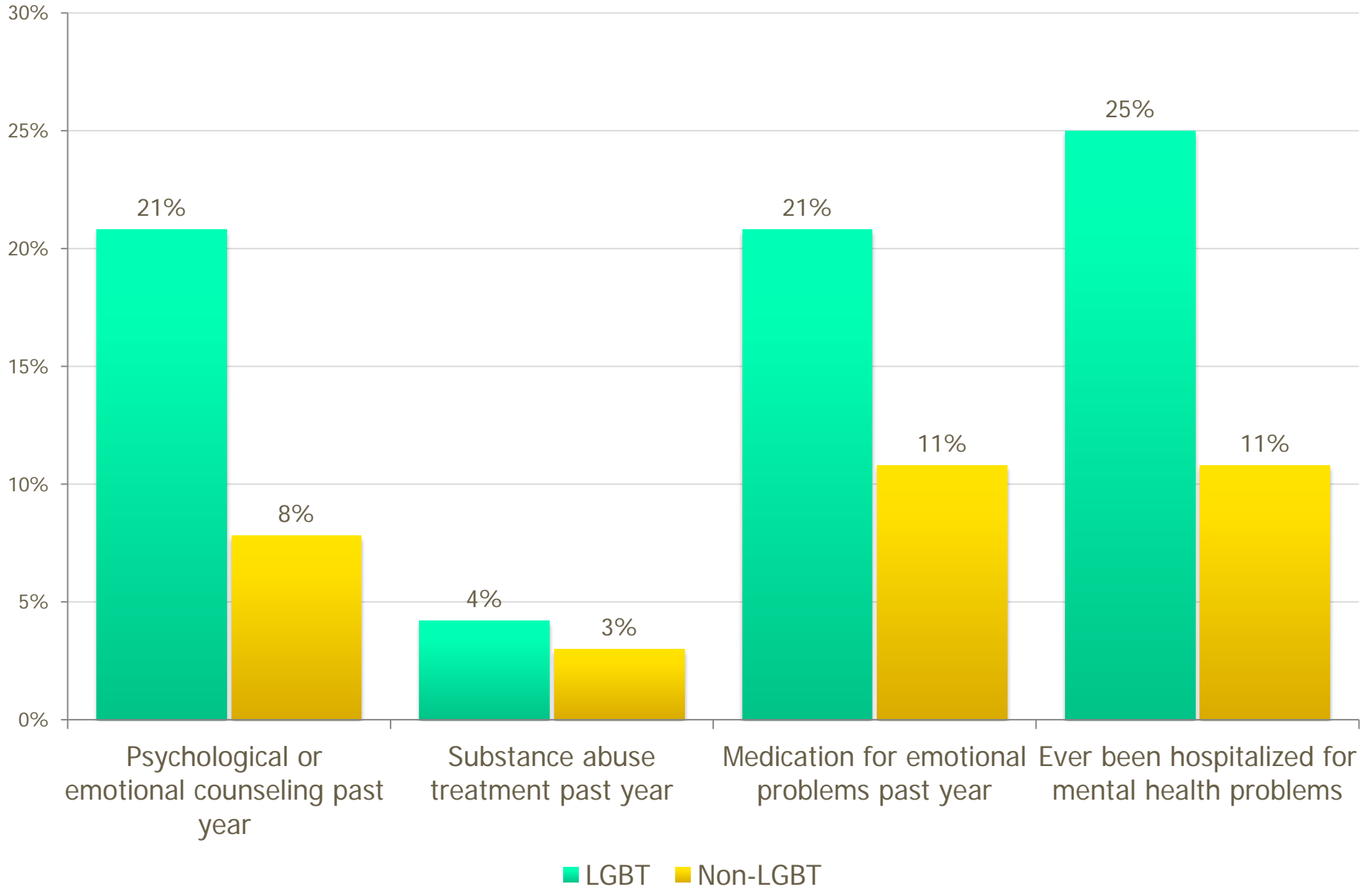
Youth was the Perpetrator



Recent Experiences of Homelessness

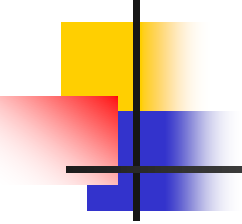


Recent Mental Health Services Use



What do we know?

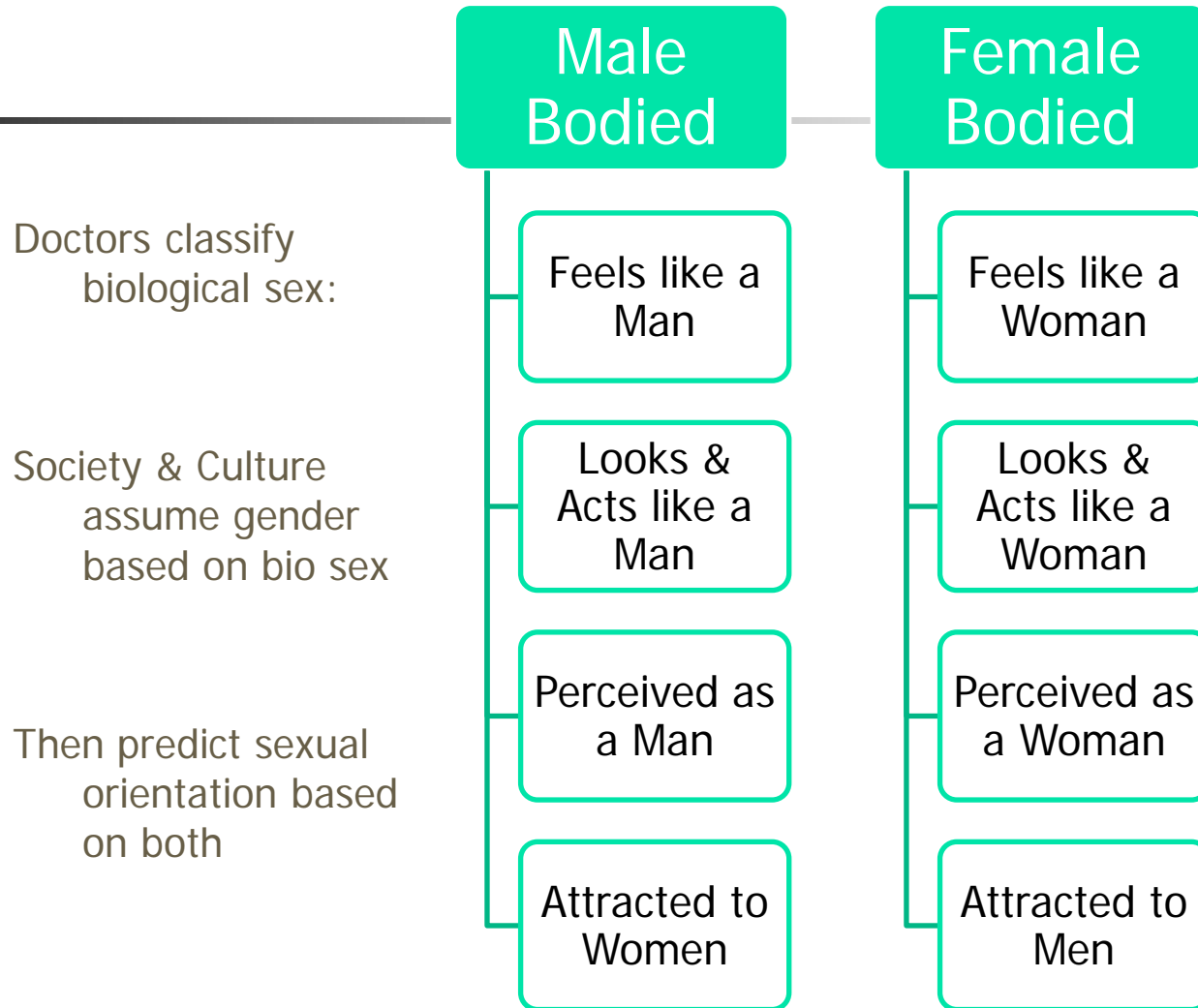


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- ❖ What is masculine? Feminine?
 - ❖ Is it ever ok for a female to perform in a masculine way or for a male to perform in a feminine way?

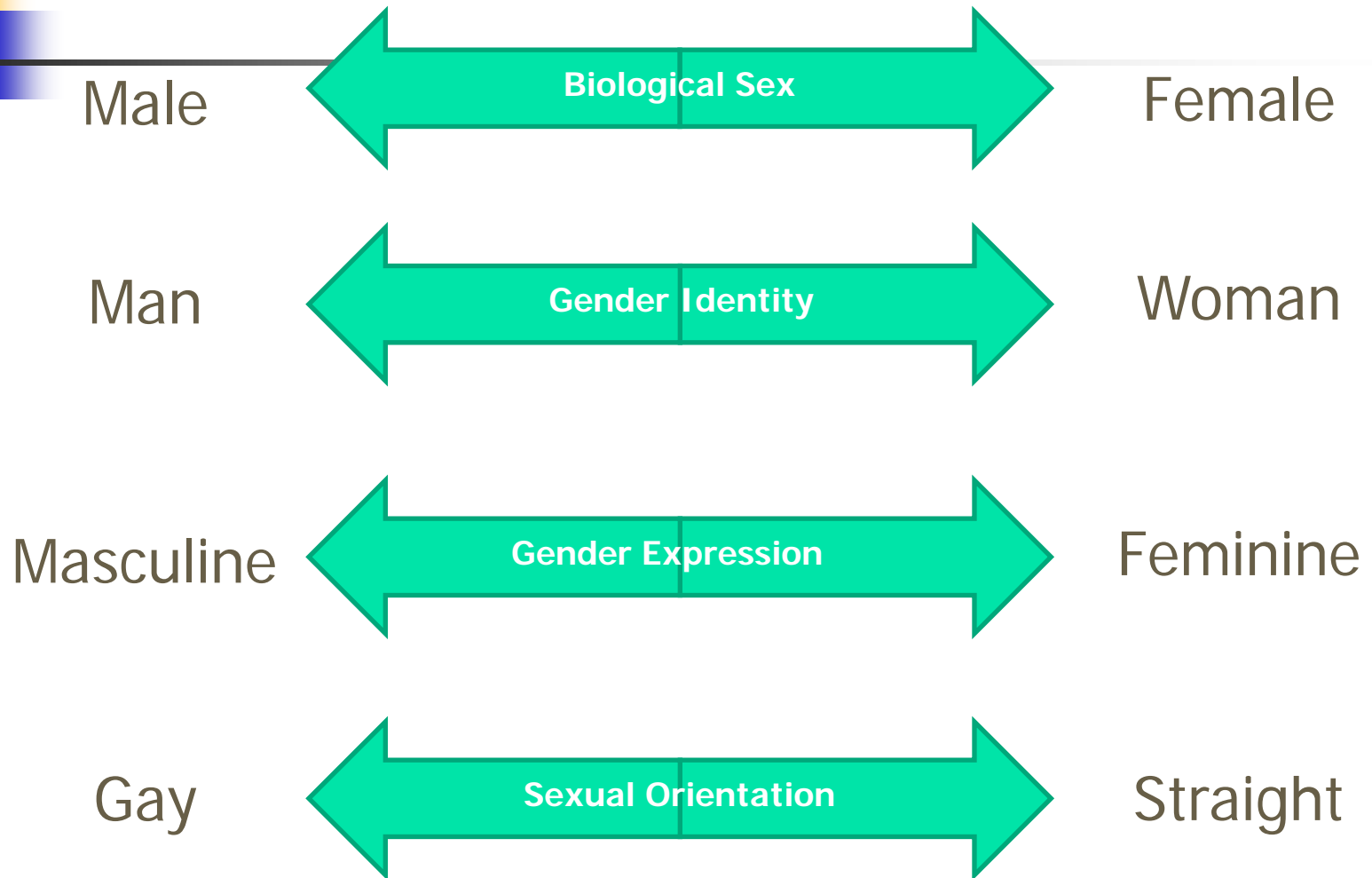
Is it always ok?



Binary View of Sex/Gender



Spectrums





Judicial Role

- ❖ Acknowledge your own perceptions of gender and sexual orientation and how they may affect your language, behavior, and advocacy
- ❖ Use gender neutral language when talking with youth
 - ❖ Ex. Ask about the youth's "partners" or "important relationships" in the youth's life, romantic and otherwise.
- ❖ Use the youth's name and pronoun of choice and encourage the youth to dress as he or she wishes regardless of gender identity
 - ❖ **There are no laws preventing use of "nicknames" or names of choice**
- ❖ Avoid labeling youth because of unisex clothing, hairstyles or androgynous appearance



Ensuring Safe Placements

- ❖ Ask whether a particular placement has experience with LGBTQ youth
- ❖ Ask whether a congregate care setting has formal policy prohibiting discrimination based on sexual orientation and gender identity
- ❖ A placement where youth are harassed based on LGBTQ identity or gender non-conformity **is not safe**.
- ❖ Make “no reasonable efforts” findings if the agency doesn’t ensure that placements care for the youth in an affirming way
- ❖ Ensure youth are not forced to attend religious services



Advocating for Family Building

- ❖ Federal law requires agencies to try to place siblings together unless it is not in their best interests
- ❖ Right to reasonable efforts to facilitate sibling visitation
- ❖ Locate service providers and community resources that provide support for families with LGBTQ youth
 - ❖ Like PFLAG, Family Acceptance Project
- ❖ Work with birth families to accept their children back in their homes
 - ❖ Ask questions about therapeutic intervention that supports families understanding LGBTQ youth's experiences
 - ❖ Identify resources available to share with LGBTQ youth & their families
- ❖ Focus on permanency – reunification is best, but ensure best permanent placement possible



LGBTQ Youth in Court

- ❖ Address homophobic behavior of attorneys, court personnel, service providers, and parents
- ❖ Ensure there are no double standards for behavior between LGBTQ youth and heterosexual sexually active youth
 - ❖ Challenge the tendency to label age-appropriate sexual activity as predatory
- ❖ Advocate for mentoring for LGBTQ youth
- ❖ Have resources available to share with LGBTQ youth, their families, and lawyers



Ensure Appropriate Healthcare and Competent Service provision

- ❖ **Understand that LGBTQ youth are not mentally ill**
 - ❖ Ensure that if the youth is in therapy (individual or family) that the therapist has experience with LGBTQ youth
 - ❖ Avoid conversion or reparative therapies
- ❖ **Understand safe and healthy services for transgender youth**
- ❖ **Identify LGBT competent community service providers in your area and share the information as appropriate**
 - ❖ Contact local LGBT centers and community resources for additional support
 - ❖ Visit GLMA (Gay & Lesbian Medical Association)



Ensure Safe School Environments

- ❖ Ask questions about school policies that do not protect youth when they are harassed and discriminated against because of her sexual orientation or gender identity
 - ❖ Bullying triggers legal responsibilities
- ❖ Ask questions about whether youth can express themselves through speech and dress (right to be “out”)
- ❖ Suggest the development of recreational programs and opportunities for social interaction for LGBTQ youth (GSA)
- ❖ Avoid assumptions based on gender about extra curricular activities such as sports or school clubs



Ethical Responsibilities

- ❖ A Judge Shall Perform the Duties of Judicial Office Impartially and Diligently

A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based on race, sex,...sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so.

- ❖ It is professional misconduct for a lawyer to: “engage in conduct that is prejudicial to the administration of justice.”

Lawyers and judges may think and believe what they want, but those thoughts may not impact the treatment clients and litigants receive.



Ethical Responsibilities

- ❖ National CASA:

We acknowledge the need to understand, respect and celebrate diversity in race, gender, religion, national origin, ethnicity, sexual orientation ... Embracing inclusiveness makes us better advocates ... enabling us to respond to each child's unique needs.

- ❖ National Association of Social Workers (NASW) Code of Ethics:

Social workers should obtain education about and seek to understand the nature of social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, and mental or physical disability



The Life of a Case

❖ **Initial Removal:**

- ❖ Did youth enter care based on LGBTQ status?
- ❖ Is youth “out”/open about LGBTQ status?
- ❖ Build a trusting relationship and ensure safety

❖ **Early Hearings:**

- ❖ Ensure safety and identify red flags: skipping school, substance abuse, suicidal ideation, runaway, kicked out

❖ **Throughout the Entire Case:**

- ❖ Meet with client, monitor permanency planning, contact schools, doctors and service providers



Conclusion

- ❖ To be an effective advocate for an LGBTQ youth, understand your own attitudes about LGBTQ people
- ❖ Get to know the youth -- earn his respect and trust by including him in the legal process
- ❖ Find answers to the key questions that will help to ensure his safety, permanency, and well-being; be familiar with applicable laws and resources
- ❖ As the judge, make difficult decisions for the sake of the youth
- ❖ As court leader, share with your colleagues the importance of a focus on LGBTQ youth and on system wide change



For additional information, feel free to contact the presenters

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(Opening Doors) <http://www.abanet.org/child/lgbtq.shtml>

(It's Your Life) <http://new.abanet.org/child/Pages/lgbtq.youth.aspx>