

EXECUTIVE SUMMARY

CHILD WELFARE LEAGUE OF AMERICA BEST PRACTICE GUIDELINES: SERVING LGBT YOUTH IN OUT-OF-HOME CARE

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The *CWLA Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care* is the first policy and practice guide to establish best practice recommendations for working effectively with lesbian, gay, bisexual and transgender (LGBT) youth in child welfare and juvenile settings. Written by experts in the field, this publication includes step-by-step guidelines for providing appropriate care for LGBT adolescents, based on professional standards, the law, and current social science research.

With few exceptions, policies and professional standards governing services to youth in out-of-home care have failed to consider young people's sexual orientation or gender identity. The lack of leadership and professional guidance related to these key developmental issues left a vacuum that was often filled by harmful and discriminatory practices based on personal biases and misinformation rather than informed, evidence-based policies and guidelines. In 2002, Legal Services for Children and the National Center for Lesbian Rights launched the Model Standards Project with the goal of addressing this void through the development and dissemination of model professional standards governing services to LGBT youth in out-of-home care. The practice guidelines you will find in this book are based on recommendations from the Model Standards Project.

SCOPE OF THE GUIDELINES

The *Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care*:

- Address the practical needs of LGBT youth in both child welfare and juvenile justice settings.

- Are grounded in a youth development approach with the goal of helping agencies provide services and supports to promote young people’s competencies and connect them to families and communities.
- Specifically discuss both sexual orientation and gender identity, including the unique challenges faced by child welfare and juvenile justice professionals when working with transgender and gender-nonconforming youth.

HOW TO USE THIS BOOK

These *Best Practice Guidelines* give child welfare and juvenile justice agencies a tool that will help them to provide the supportive systems that LGBT youth in state care need in order to grow into healthy and productive adults. Specifically, juvenile justice and child welfare providers, administrators, and advocates can use these guidelines:

- To support the development and implementation of specific policies and practices governing the care of LGBT youth in out-of-home care;
- To develop an agency-wide strategic plan for improving services to LGBT youth throughout the agency;
- To create training materials for agency personnel, facility staff, caregivers, and providers;
- To provide specific guidance to professionals and caregivers who are working with individual LGBT youth in out-of-home care.

The *Best Practice Guidelines* also provides background information for those who may be unfamiliar with LGBT youth. The book begins with a chapter that discusses LGBT youth development, LGBT youth pathways into state care, and the experiences of LGBT youth in state custody. The book also includes a glossary of relevant LGBT terms and an extensive list of references.

OUTLINE OF THE BEST PRACTICE GUIDELINES

The *Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care* empower agencies to look at their programs as a whole and incorporate appropriate supports for LGBT youth and their families throughout the range of services they provide.

1. Agencies should create and maintain an inclusive organizational culture where the inherent worth and dignity of every person is respected and in which every person is treated fairly

An inclusive and respectful environment makes it safe for young people to explore their emerging identities and to accept and value difference in others. Creating and supporting an inclusive culture requires a comprehensive approach where core organizational values are consistently reinforced at all stages of the organization's work. Agencies should strive to change the culture of their organizations – top to bottom. Some concrete steps that child welfare and juvenile justice agencies should take to meet this goal include:

- *ADOPT A POLICY* that explicitly prohibits harassment and discrimination on the basis of actual or perceived sexual orientation, gender identity and other protected categories. The policy should include formal grievance and complaint procedures.
- *IMPLEMENT THE POLICY* by posting it, including it in handbooks, giving it to new employees and to families and youth, and discussing it with newcomers.
- Provide both initial and ongoing *TRAINING* to all agency personnel on the application of the nondiscrimination policy and on working with LGBT youth effectively. Training is a crucial aspect of creating cultural change because it reinforces the agency's commitment to providing appropriate and inclusive care.
- *DISPLAY POSTERS* or symbols that indicate an LGBT-friendly environment.
- *CREATE OPPORTUNITIES FOR DIALOGUE* with youth and staff about all forms of diversity, including sexual orientation and gender identity.
- *PROMPTLY INTERVENE* when youth or adults behave disrespectfully
- Treat all youth and adults equally and with respect

2. Agencies should work with LGBT youth in the context of their families and support the development of permanent adult connections

All youth need and deserve families to nurture them and help them make a successful transition to adulthood. Family support is especially crucial for LGBT youth who often face hostile social, educational, and community environments. Child welfare and juvenile justice agencies should develop

services that strengthen and support the families of LGBT youth while protecting the youth's safety. In addition, agencies should

- *PROVIDE INFORMATION TO FAMILIES* of LGBT youth who are in crisis after their child has come out. Let them know what effect their rejection will have on their child. Connect them with community organizations and resources that can help them. If the parents are religious, let them know about inclusive religious communities and services in their area.
- *REUNIFY* LGBT youth with their families as often as is safely possible. Many families who initially reject their LGBT child can become more accepting if given support.
- *FIND* and nurture permanent connections for LGBT youth who can't go home.

3. Agencies should promote positive adolescent development for LGBT youth

LGBT youth need to feel they will be safe and will not be condemned, pathologized, or criminalized if they explore or express their sexual orientation or gender identity. With this support LGBT youth will be better able to integrate positive and healthy self-images and self-understandings and to develop higher self-esteem. They also are less likely to engage in high-risk behaviors. Child welfare and juvenile justice agencies can support LGBT youth in their healthy development by prohibiting practices that pathologize or criminalize same-sex attraction or gender nonconformity and by providing positive social and recreational outlets for LGBT youth. With this goal in mind, agencies should:

- *PERMIT LGBT YOUTH TO COME OUT* as LGBT in their placements. Ensure that LGBT youth receive support and are not penalized or shamed for sharing their feelings or identity.
- *ALLOW YOUTH TO EXPRESS* their gender identity and sexual orientation through the clothing they wear, through their hairstyle, and through their choice of accessories.
- *PREVENT DOUBLE STANDARDS*. Facility rules that limit romantic relationships should not be applied in a manner that penalizes same-sex relationships more harshly than heterosexual ones.
- *VALIDATE TRANSGENDER YOUTH* by supporting their gender identity development. Allow transgender youth to dress, behave, and express themselves in accordance with their stated gender identity.

- USE* the pronoun and name that a transgender youth goes by and require other youth to do the same.
- *PROHIBIT* attempts to change a youth’s sexual orientation or gender identity through “conversion therapies” or by subjecting LGBT youth to sermons, lectures, or materials that condemn their identity.
 - *ENSURE* that LGBT youth have access to age-appropriate social, spiritual, and recreational activities that encourage and support their development into self-assured, healthy adults.
 - *PROVIDE* books, magazines, and videos with positive LGBT images and role models.

4. Agencies should be careful to protect the confidentiality of LGBT youth

Information regarding a youth under the jurisdiction of the juvenile court is confidential. Confidentiality is especially important for LGBT youth for whom disclosure of their sexual orientation or gender identity could lead to rejection or even violence by family members or peers. While information about a youth’s sexual orientation or gender identity is often important for developing and implementing a case plan or disposition, inappropriately disclosing a youth’s LGBT identity can subject the youth to retaliation, abuse, and psychological harm. To create an atmosphere of trust where LGBT youth will feel comfortable disclosing their sexual orientation or gender identity to care providers, agencies should create a space where LGBT youth will feel respected and confident that their confidentiality will be upheld.

- *AGENCIES SHOULD EDUCATE* personnel on the scope and application of local confidentiality laws and agency confidentiality policies.
- *CAREGIVERS SHOULD NOT* disclose information regarding a youth’s sexual orientation or gender identity without the youth’s permission. Professionals should consider the benefits and drawbacks of any disclosure and discuss these with the young person.
- *ANY DISCLOSURE* of confidential information related to a youth’s LGBT identity should be limited to information necessary to achieve the specific beneficial purpose.

5. Agencies should place LGBT youth in supportive family settings

LGBT youth who can't reunify with their families or origin need permanent placements with welcoming non-discriminatory families. Placement staff should place LGBT youth in the most family-like setting that is appropriate and ensure that potential caregivers understand and practice inclusive, non-discriminatory care. Accordingly, people who open their homes to LGBT foster youth need training and support. Both initial and ongoing training is important to ensure that placements for LGBT youth are successful and do not result in further rejection and pain for the young person.

Three Principles should guide professionals in determining the proper placement for LGBT youth:

Individualized assessments

- *INVOLVE* the youth in the decision-making process, especially when determining if they already have a relationship with an adult who may be able to serve as a foster or adoptive parent.
- *FIND* the most family-like setting available.
- *ENSURE* that the placement family is accepting and supportive.

Diversified options for LGBT youth

- *DON'T* automatically place LGBT youth in group homes, even a group home that specializes in serving LGBT youth. While LGBT-specific group homes may be the best placement for some LGBT youth, these group homes should not be the automatic placement for all LGBT youth.
- *STRIVE* to place delinquent LGBT youth with families when possible.
- *REACH OUT* to the community to help find homes for LGBT youth. Recruit LGBT families and other families that are open to fostering LGBT youth, and build relationships with faith communities and other organizations that support LGBT people.

Support caregivers and foster parents

- *PROVIDE* initial and ongoing mandatory training for all caregivers on LGBT youth. The trainings should include information on identity development for LGBT youth, how to be supportive, legal

responsibilities, and guidance on what resources are available in the community for LGBT youth. This training should be incorporated into general caregiver training sessions.

- **RESPOND** promptly to questions, concerns, and problems that may arise in a placement
- **WORK** with caregivers who may initially reject a foster youth who has come out in order to avoid disrupting the existing relationship and moving the youth to a new placement.

6. Agencies should ensure that LGBT youth in congregate care settings are safe and treated equitably

Family settings may not be appropriate for all LGBT youth in out-of-home care. Unfortunately, congregate care settings present potential safety risks for LGBT youth. These risks can be lessened or even eliminated when group care facilities institute policies and practices for housing, classification, and programming that consider the emotional and physical safety of the LGBT youth they serve. Congregate care facilities should:

- **MAKE** housing and classification decisions for LGBT youth on a case-by-case basis
- **NEVER** classify LGBT youth or youth perceived to be LGBT, as sex offenders because of their sexual orientation or gender identity
- **NEVER** place LGBT youth in administrative segregation or otherwise isolate them to “protect” them from violence or abuse – isolation for any longer than a short period of time and for limited circumstances is unconstitutional.
- **DON'T** prohibit LGBT youth from having a roommate or cellmate, but **NEVER** place an LGBT youth in a room with a youth that is openly homophobic.
- If an LGBT youth experiences violence or abuse from other youth, **RESPOND** to each incident quickly and appropriately.
- Staff should **MODEL** respectful behavior towards all people, including LGBT people. This will set a tone of mutual respect and will increase safety for LGBT youth.

For transgender youth specifically

- Staff should **MAKE INDIVIDUALIZED HOUSING AND CLASSIFICATION** decisions for transgender youth that focus on

ensuring emotional and physical well-being for the youth. The youth's evaluation of his or her own safety should be prioritized.

- Generally, transgender youth should be housed based on the youth's self-identified gender, NOT on his or her birth sex. Some transgender youth may feel most comfortable and safe housed with youth of the same birth sex.
- *PROVIDE* additional privacy for transgender youth if necessary to ensure that the youth is safe in their unit or room, bathroom, and shower.

7. Agencies should ensure LGBT youth receive quality health and educational services

Child welfare and juvenile justice agencies must ensure that all youth in their care receive appropriate medical, mental health, and educational services that are responsive to their individual needs. Agencies must ensure that health and mental health providers are capable of providing appropriate and inclusive care and services to LGBT youth. At school, LGBT youth are at risk for bullying and harassment based on their sexual orientation or gender identity. Care providers and educators should respond to any violence or abuse that an LGBT youth experiences at school to protect their emotional and physical safety.

Health and mental health concerns

- *ENSURE* that health and mental health care workers are trained to offer competent, sensitive care to LGBT youth
- *INVESTIGATE* mental health providers to ensure they provide non judgmental counseling and support that affirms the young person's intrinsic worth regardless of their sexual orientation or gender identity.
- *ENSURE* that transgender youth have access to health care providers who are experienced and appropriately trained to address the health and mental health concerns of transgender youth
- *SUPPORT* transgender youth in receiving medically necessary transition-related treatment by providing any necessary authorization.
- *PROVIDE* LGBT youth with comprehensive sexuality education that addresses their health risks and provides relevant sexual health information.

Education and schools concerns

- Caregivers should *NOTIFY* school officials if an LGBT youth in their care experiences discrimination or harassment. Caregivers may need to follow-up with the school to make sure the school responds appropriately to the incident and establishes a safe and nondiscriminatory environment.
- Caregivers should *ADVOCATE* for transgender youth to be safe and respected at school. It may be necessary for a caregiver to talk with school officials about using the proper name and pronoun and on the school's responsibility to provide transgender youth with safety in the bathroom and locker room.

HOW TO GET A COPY OF THE BEST PRACTICE GUIDELINES

TO DOWNLOAD A PDF version of *Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care*, visit the National Center for Lesbian Rights at www.nclrights.org or Legal Services for Children at www.lsc-sf.org.

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