

LGBTQ Youth in Out-of-Home Care

Pennsylvania Children's Summit 2017

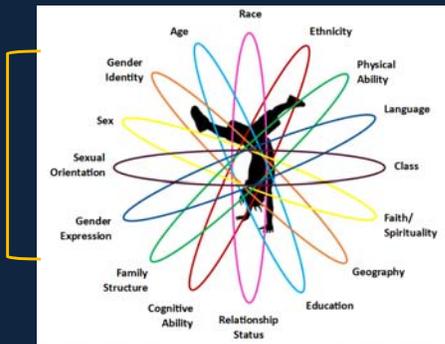
Amanda Williams Cruce, LCSW

&

M. Currey Cook, Esq.
Lambda Legal

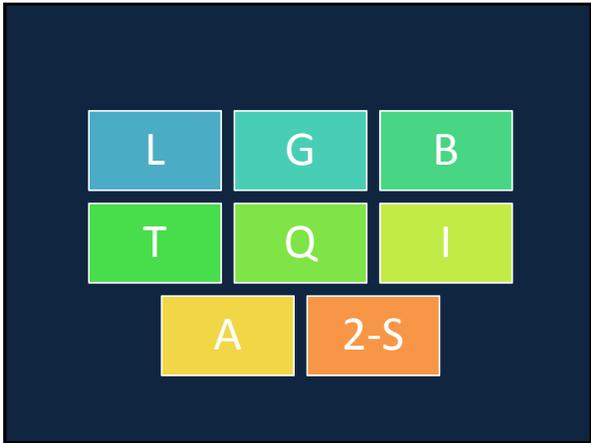
Concepts & Terminology

Dimensions of Identity



Source: Allegheny County Department of Human Services (2015)

3



Sexual Orientation

is a person's emotional, romantic, and/or sexual attraction to others.

Everyone has a sexual orientation.

Gender Identity

is a person's inner sense of being male, female, or something else, and is a defining component of sex. Gender identity is not necessarily the same as assigned or presumed sex at birth.

Everyone has a gender identity.

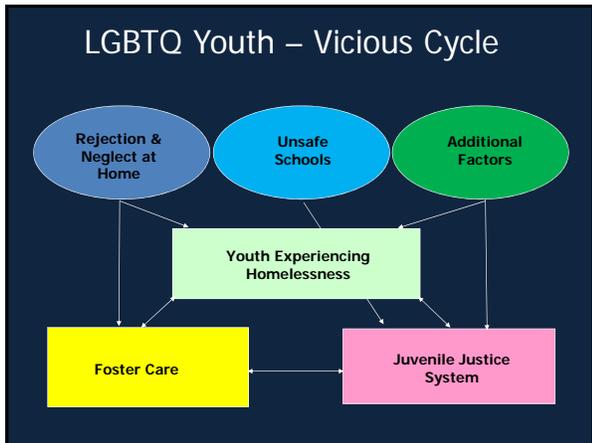
Gender Expression

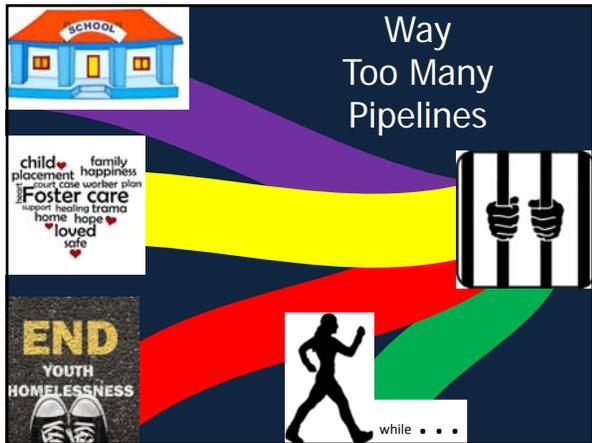
refers to the way a person expresses gender dress, grooming habits, mannerisms and other characteristics.

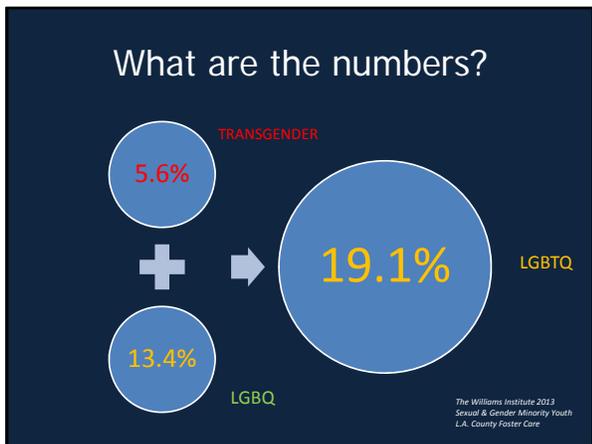
Everyone expresses their gender.



Research & Data







Challenges for LGBTQ Youth

Developmental Challenges for LGBTQ Youth

- ❖ Establish a comfortable sense of own sexual/gender identity (some need to negotiate both ethnic and sexual identity)
- ❖ Decide when and to whom to “come out”
- ❖ Deal with internal & external homophobia/transphobia, bullying, marginalization
- ❖ Deal with feelings of isolation; may receive limited support from family, peers, and other adults; lack role models

Opening Doors Forum

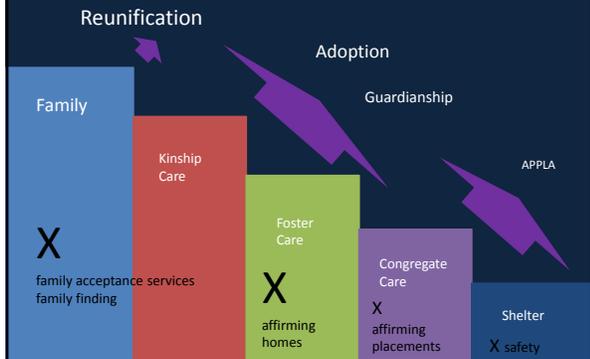
- ❖ “The judges aren’t welcoming if they know you’re gay. No one seemed interested in working with me.” – Jacksonville
- ❖ “The judge was patronizing and said ‘Oh, you’re gay now?’ in front of everyone like he thought it was a fad.” – Jacksonville
- ❖ “I wanted to speak on my own behalf...but I did not 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

© 2014 ABA Center on Children and the Law
Access to Justice for Children and Families

Challenges in Care for LGBTQ Youth

- ❖ Isolation
- ❖ Victimization
- ❖ Differential Treatment
- ❖ Disclosure Dilemmas
- ❖ Confidentiality Violations
- ❖ Lack of Family-Centered Services
- ❖ Lack of Cultural Competence Among Providers

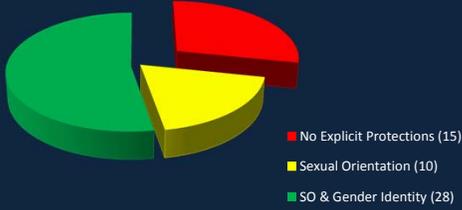
Child Welfare to Homelessness Pipeline – V. LGBTQ



Law & Policy

SOGIE Nondiscrimination Protection for Youth by State & Territory

In Statute, Regulation or Agency Policy



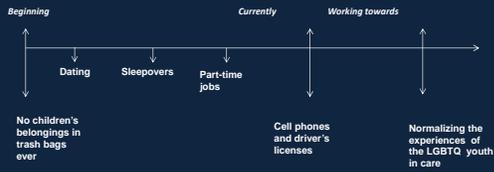
Federal Law & Policy

- o Constitution
- o Child welfare statutes
- o Regulation
- o 2011 Information Memorandum

Normalcy

- ❖ The *Preventing Sex Trafficking and Strengthening Families Act of 2014*.
- ❖ Designed to promote well-being and normalcy for youth in foster care
- ❖ Premise is that children in foster care can have age appropriate experiences
- ❖ Rests on "**Reasonable and Prudent parent Standards**"

Normalcy / Prudent Parenting



State & Local Law & Policy

- o Constitution
- o Statute - 11 P.S. § 2633
- o Regulation - 55 Pa. Code § 3800.32
- o Local human rights law
- o Local policy

Professional Standards & Recommended Practices

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

Recommended Practices

- ❖ SOGIE-inclusive policies, including LGBTQ-specific policy
- ❖ Mandatory training – staff, foster parents, providers
- ❖ Data collection
- ❖ Confidentiality protocol
- ❖ Family support
- ❖ Accepting placement array
- ❖ Affirming providers – medical, behavioral health, independent living
- ❖ Working relationships with LGBTQ community
- ❖ Youth engagement

CWLA Recommended Practices

Ensure 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

Transgender Youth

- ❖ Transition – each youth unique
- ❖ Name and pronouns
- ❖ Free expression – clothing, grooming
- ❖ Placement in accord with identity in consultation with youth
- ❖ Court and other documents
- ❖ Qualified medical and behavioral health providers
- ❖ Identity documents
- ❖ School, employment, community, mentors, peer to peer support

Concrete Tips



Resources

- Lambda Legal – Youth in Out of Home Care
<http://www.lambdalegal.org/issues/youth-in-out-of-home-care>
- Capacity Building Center for States – Toolkit
<https://capacity.childwelfare.gov/states/focus-areas/lgbtq/agencies-serving-lgbtq-toolkit/>
- Allegheny County LGBTQ Resources
<http://www.alleghenycounty.us/Human-Services/Resources/LGBTQ.aspx>

Contact Information

M. Currey Cook
ccook@lambdalegal.org
212.809.8585

Amanda Williams Cruce
amawill@gmail.com
352-214-6300
