

Practical Steps for Improving Outcomes for LGBTQ Youth in Foster Care

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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

What Will We Cover?

- ❖ Impact of Silence
- ❖ Context for LGBTQ Youth in Foster Care
- ❖ Rethinking Gender Specific Stereotypes
- ❖ Advocacy Tips and Tools

Impact of Silence

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*

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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
- ◊ **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
- ◊ **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.

What 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 identify is not respected
- ◊ 70% 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

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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

What Do We Know?

- Male or female?
- How do we know?
- Who decides?
- the physiological, functional, and psychological differences that distinguish the female and the male

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What Do We Know?

- Masculine or feminine?
- How do we know?
- Who defines?
- the behavioral, cultural, or psychological traits typically associated with one sex.*
Especially in relation to society or culture; categories such as masculine or feminine.**

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What Do We Know?

- Gay or straight?
- How do we know?
- Who decides?
- Sexual orientation is an enduring emotional, romantic, or affectional attraction toward others; easily distinguished from other components of sexuality (including biological sex); that exists along a continuum that ranges from exclusive heterosexuality to exclusive homosexuality and includes various forms of bisexuality.

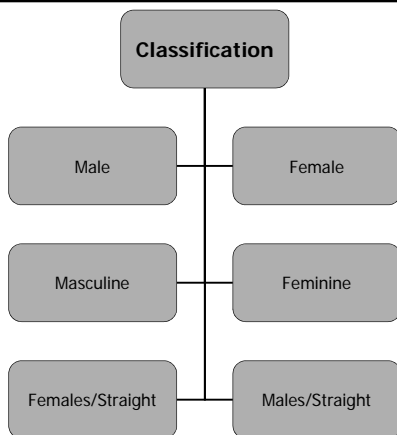
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Definition: © 2011 American
Psychological Association

- ❖ 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?

Doctors **classify**
biological sex:

Society & Culture
assume
gender based
on bio sex

Then **predict**
sexual
orientation
based on both



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Relationship Building

- ❖ Acknowledge your own perceptions of gender and orientation and how they may affect your language, behavior, and advocacy
- ❖ Visit your clients in their placements including in LGBTQ group homes or get to know their friends
- ❖ 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**

Relationship Building

- ❖ Do not prematurely "out" your client
 - ❖ Offer suggestions for disclosing LGBTQ identity
- ❖ Avoid assumptions based on gender and orientation about extracurricular activities, sports, and school clubs
- ❖ Avoid labeling youth because of unisex clothing, hairstyles, or androgynous appearance
- ❖ Competent advocates know the developmental needs of all young people, including sexual development, and integrate LGBTQ youth into this understanding

Advocating for 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***.
 - ❖ Speak up if you know the placement is intolerant, even if you go against the recommendation of the child welfare agency.
- ❖ Judges can make "no reasonable efforts" findings if the agency doesn't ensure that placements care for the youth in an affirming way
- ❖ Advocate against forcing youth to attend religious services

Advocating for Healthcare and Competent Service Provision

- ❖ **Understand that LGBTQ youth are not mentally ill**
 - ❖ Ensure that if your client is in therapy (individual or family) that the therapist has experience with LGBTQ youth
 - ❖ Avoid conversion or reparative therapies
- ❖ **Understand and advocate for safe and healthy services for transgender youth**
 - ❖ Research laws and policies that protect transgender youth and check with insurance providers to determine what coverage may be available to transgender youth
- ❖ **Identify LGBT competent community service providers in your area**
 - ❖ Contact local LGBT centers and community resources for additional support
 - ❖ Visit GLMA (Gay & Lesbian Medical Association)

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Advocating for Safe School Environments

- ❖ Know and challenge school policies that do not protect your client when they are harassed and discriminated against because of her sexual orientation or gender identity
 - ❖ **Bullying triggers legal responsibilities**
- ❖ Work with schools to identify appropriate facilities for transgender youth
- ❖ Advocate for clients to be able to 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 extracurricular activities such as sports or school clubs

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
 - ❖ Advocate for therapeutic intervention that supports families understanding LGBTQ youth's experiences
 - ❖ Identify resources available to share with LGBTQ youth & their families

Advocating for LGBTQ Youth in Court

- ❖ Address homophobic behavior of attorneys, court personnel, service providers, and parents
- ❖ Advocate against 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

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

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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 attorney advocate, get what your client needs
- ❖ 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

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Contact Information

**For additional information
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(Kids Are Listening) www.thekidsarelistening.org

(Opening Doors) www.abanet.org/child/lgbtq.shtml

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