

Basic LGBTQ Policies, Training & Services for Child Welfare Agencies

There is a dire need for child welfare agencies nationwide to take remedial steps throughout their programs, policies, training and services to improve the quality of care provided to lesbian, gay, bisexual, transgender and questioning (LGBTQ) clients. Agencies providing child welfare services should acknowledge that LGBTQ youth are in their midst and should implement basic yet vital reforms. These specific reforms can help remedy LGBTQ invisibility, prevent abuse and improve care for these vulnerable young people.

ADOPT NONDISCRIMINATION POLICIES AND ENFORCE THEM.

Adopt explicit written policies prohibiting discrimination based on the actual or perceived sexual orientation, gender identity or HIV status of youth, foster and adoptive parents and other household members and child welfare staff. This should include a prohibition on all forms of harassment and discrimination, from name-calling and slurs to physical violence. Incorporate these policies in agency manuals, post them prominently, distribute them to all staff and youth in the system and require that contracting agencies adhere to them as well. Every agency should offer a formal grievance procedure for confidential complaints and provide prompt neutral third-party investigations.

PROVIDE MANDATORY TRAINING FOR STAFF AND FOSTER AND ADOPTIVE PARENTS.

Require mandatory training for staff and foster and adoptive parents on the following topics:

- State and agency nondiscrimination policies regarding sexual orientation, gender identity and HIV status;

- Sensitivity to sexual orientation and gender identity;
- Supporting youth coming out as LGBTQ; and
- Educating LGBTQ youth about their sexuality and sexual health, including prevention of HIV and other sexually transmitted diseases.

In 2009, Lambda Legal and the National Association of Social Workers (NASW) trained 40 master trainers nationwide to teach out-of-home care service providers to work competently with LGBTQ youth. To find master trainers in your area or to order copies of the NASW-Lambda Legal training curriculum entitled *Moving the Margins: Training Curriculum for Child Welfare Services with LGBTQ Youth in Out-of-Home Care*, contact Lambda Legal at 1-866-LGBTTeen (1-866-542-8336) (toll-free) or 212-809-8585.

IDENTIFY AND TRAIN FOSTER PARENTS TO CARE FOR LGBTQ YOUTH.

Your agency should make diligent efforts to identify and train qualified foster and adoptive

FOSTERING TRANSITIONS

A CWLA/Lambda Legal
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parents, including lesbian, gay, bisexual and transgender adults interested in caring for LGBTQ youth.

PROVIDE SAFE GROUP HOME PLACEMENTS.

Your agency should consider whether in the short term, the pressing needs of LGBTQ youth in group home settings would best be addressed by designating specific group facilities as safe havens for LGBTQ youth. It should, however, be a priority to make every group facility a safe, supportive environment for LGBTQ youth through strict enforcement of nondiscrimination policies, staff training, sensitivity education for non-LGBTQ residents and services and resources for LGBTQ youth.

ENSURE THE AVAILABILITY OF APPROPRIATE COUNSELING SERVICES.

Your agency should ensure that professional one-on-one and group counseling services are available for LGBTQ youth. Your agency should also adopt a strict policy against the use of so-called conversion or reparative therapies intended to alter a person's sexual orientation or gender identity.

IDENTIFY AND DISTRIBUTE RESOURCE LISTS AND COMMUNITY CONTACTS FOR AGENCY STAFF, FOSTER PARENTS AND LGBTQ YOUTH.

Your agency should compile and widely distribute LGBTQ resource guides that include community contacts, peer support groups, reading lists and materials, hotlines, LGBTQ advocates in the child welfare system and other resources. All youth in foster care should have direct, ready and confidential access to developmentally appropriate resources about LGBTQ issues.

PROVIDE MEANINGFUL, CONFIDENTIAL SEXUAL HEALTH EDUCATION AND SERVICES.

Provide youth with developmentally appropriate information and resources about sexuality and sexual health, including LGBTQ issues and prevention of HIV and other STIs. Adopt explicit written policies providing youth with access to free and confidential HIV testing without requiring the consent or notification of their legal guardians. Agency policy should mandate, not merely permit, all employees to maintain confidentiality of a youth's HIV status with disclosure on only a limited, need-to-know basis to provide for a youth's well-being.

CREATE A POSITIVE PHYSICAL ENVIRONMENT IN YOUR AGENCY THAT WELCOMES AND AFFIRMS LGBTQ PEOPLE.

Display recognizable signs and symbols, such as pink triangles and rainbow flags, to let all your clients know that your agency is a sensitive, safe and welcoming place for LGBTQ people. You can post Lambda Legal's LGBTQ Youth in Out-of-Home Care poster, included in this tool kit and available in

English and Spanish at www.lambdalegal.org, as a sign that your LGBTQ clients are safe to be open at your agency.

For sample LGBTQ policies adopted by child welfare agencies, contact Lambda Legal at 212-809-8585 or toll-free at 1-866-LGBTTeen (1-866-542-8336).

ADDITIONAL RESOURCES

Child Welfare League of Am., Am. Bar Ass'n Ctr. on Children & the Law: *Opening Doors for LGBTQ Youth in Foster Care Project*, Diane E. Elze, Family Acceptance Project, Lambda Legal, Legal Servs. for Children, Gerald P. Mallon, Robin McHaelen, Nat'l Alliance to End Homelessness, Nat'l Ctr. for Lesbian Rights, Nat'l Ctr. for Transgender Equality, Nat'l Network for Youth & Sylvia Rivera Law Project, *Recommended Practices to Promote the Safety and Well-Being of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth and Youth at Risk of or Living with HIV in Child Welfare Settings* (2012), available at www.lambdalegal.org/publications/recommended-practices-youth.

// Agency directors need to take a visible stand, implement real change, ban discrimination, and hold staff accountable for discriminatory treatment.

– Youth in Care

Diane Elze & Robin McHaelen, Nat'l Ass'n of Soc. Workers & Lambda Legal, *Moving the Margins: Curriculum for Child Welfare Services With Lesbian, Gay, Bisexual, Transgender, and Questioning Youth in Out-of-Home Care* (2009), available at www.lambdalegal.org/publications/moving-the-margins.

Gay, Lesbian & Straight Education Network & Nat'l Ctr. for Transgender Equal., *Model District Policy on Transgender and Gender Nonconforming Students* (2011), available at www.glsen.org/binary-data/GLSEN_ATTACHMENTS/file/000/001/1977-1.pdf.

Jody Marksamer, Dean Spade & Gabriel Arkles, Nat'l Ctr. for Lesbian Rights & Sylvia Rivera Law Project, *A Place of Respect: A Guide for Group Care Facilities Serving Transgender and Gender Nonconforming Youth* (2011), available at www.nclrights.org/site/DocServer/A_Place_Of_Respect.pdf.

Katayoon Majd, Jody Marksamer & Carolyn Reyes, *Hidden Injustice: Lesbian, Gay, Bisexual and Transgender Youth in Juvenile Courts* (2009), available at www.equityproject.org/pdfs/hidden_injustice.pdf.

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