

AB403/CCR LGBTQ mandates & Implementation

Vida K.Khavar, MA, LMFT
getREAL CA Project Director

Angela Weeks
RISE Program Manager



WHAT IS GetR.E.A.L.?

- Get R.E.A.L. (Recognize, Engage, Affirm, Love) is a national project of the Center for the Study of Social Policy (CSSP) in a partnership with Family Builders, the National Center for Lesbian Rights and RISE.
- Get R.E.A.L. California aims at promoting the healthy sexual and identity development of all children involved with the California child welfare system by integrating a sexual orientation and gender identity/expression (SOGIE) framework into current statewide initiatives.



2

What is RISE

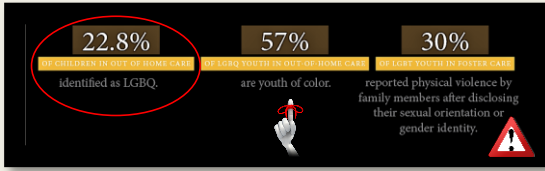
The RISE Program is a program of the Los Angeles LGBT Center. The program works to help to improve the outcomes of LGBTQ youth in foster care and help them achieve their well-being & permanency goals.



**LOS ANGELES
LGBT
CENTER**

3

Why Are LGBTQ Children & Youth Included in AB403/CCR?



Out of the Darkness: Supporting LGBTQ Youth in Child Welfare through Cross-System Collaboration © 2016 Center for the Study of Social Policy

4

Commercially Sexually Exploited Children and Youth

- ❑ Lesbian, bisexual, and questioning **girls are twice as likely** as their heterosexual peers to be held for prostitution—11% compared with 5%.
- ❑ The statistics are starker for gay, bisexual, and questioning boys. **Only 1% of heterosexual boys are detained for prostitution compared with 10% of their gay, bisexual, or questioning peers.**
- ❑ Why are LGBTQ youth disproportionately represented among the CSEC population? The prevailing consensus is that the **high level of homelessness among LGBTQ youth** is the main contributing factor.

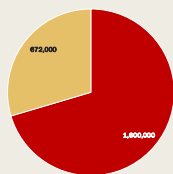
The Commercial Sexual Exploitation of LGBTQ Youth November 26, 2012 by Bernadette Brown, Senior Program Specialist, NCCD

5

HOMELESSNESS

Of the estimated 1.6 million homeless American youth, up to **42 percent identify as lesbian or gay**, and a disproportionate number identify as bisexual or transgender.

Homeless American Youth Population



• Non-Lesbian and Gay Youth • Lesbian and Gay

The National Gay and Lesbian Task Force in collaboration with the National Coalition for the Homeless

6

Why do LGBTQ youth become homeless?

In one study, 26 percent of gay teens who came out to their parents/guardians were told they must leave home. LGBTQ youth also leave home due to physical, sexual and emotional abuse. LGBTQ youth report they are threatened, belittled and abused at shelters by staff as well as other residents

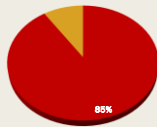


The National Gay and Lesbian Task Force in collaboration with the National Coalition for the Homeless.

7

INTERSECTIONALITY

- LGBTQ people of color are overrepresented in the criminal justice system. For example, one in five young people in U.S. juvenile justice facilities identify as LGBTQ, and **85% of these individuals are youth of color.**
- The report also describes how **unjust treatment** at the hands of law enforcement, courts, immigration authorities and re-entry programs puts the lives and life chances of LGBTQ people of color at risk.



OF LGBTQ YOUTH IN JUVENILE JUSTICE FACILITIES, 85% ARE YOUTH OF COLOR

Movement Advancement Project. "LGBT People of Color Face Rampant Discrimination, Abuse and Abuse in the U.S. Criminal Justice System As the nation battles on disparities in public and criminal justice, a new report spotlights how our broken system adversely impacts LGBTQ people of color." Washington, D.C., August 4, 2016.
Source: "Colorism, White Supremacy, Not Happened at Salinas, Perrotti, July 1, 2014. (2014). U.S. Census Bureau. Greg J. Gable and Frank Newport. "Special Report: 5.4% of U.S. Adults Identify as LGBT." Gallup, October 28, 2012. U.S. Census Bureau. "Prisoners in 2012." U.S. Department of Justice, Office of Justice Programs, Bureau of Prison Statistics, September 2014. Alex L. Black. "Sexual Victimization in Prisons and Jails Reported by Inmates, 2011-12." Supplemental Tables." U.S. Department of Justice, Office of Justice Programs, Bureau of Prison Statistics, December 2014. Angela Irvine. "Outstanding System Undermines the Incorporation of Lesbian, Gay, Bisexual, and Gender Nonconforming Youth." Unpublished. Oakland, CA: National Council on Crime and Delinquency, 2014.

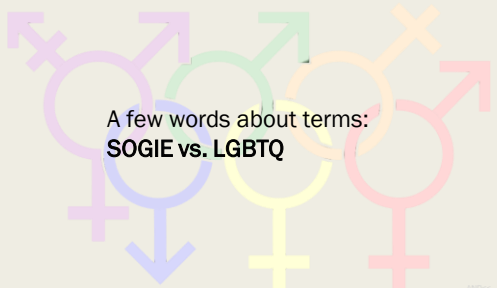
8

AB 403 /CCR MANDATES & IMPLEMENTATION RELATED TO LGBTQ CHILDREN & YOUTH



9

A few words about terms:
SOGIE vs. LGBTQ



10

A quick word about Federal vs. State Child Welfare laws:

- ❑ Regardless of recent federal child welfare laws which may allow an agency to discriminate against a person or child's SOGIE, the laws in California DO NOT permit discrimination on the basis of SOGIE and therefore, as an agency you must follow state law.
- ❑ The state of California (CCL, DCFS) will sanction your agency if you allow any type of discrimination on the basis of a child or person's SOGIE.



11

Let's start with the basics:

Ensure that your environment clearly reflects the welcoming of all children.



12

Rights of children:

The right to have a fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, **sexual orientation, gender identity or expression**, mental or physical disability, or HIV status.



How to Implement:

1. **Change your non discrimination policies to include SOGIE.**
2. **Have conversations with all employees in your agency about what this means and that discriminations of any type will not be tolerated.**
3. **Hire staff who understand SOGIE.**
4. **Train your Managers, Directors, Supervisors on SOGIE.**
5. **Train your staff on SOGIE.**
6. **Coach your managers to have difficult conversations with staff about their own beliefs that may contradict this mandate.**
7. **Speak to your clients about your non discrimination policy.**

Example: At Aviva Family and Children's Services in Los Angeles, the CEO first discussed their non discrimination policy to include SOGIE at all staff meetings. The VP of Program & Services then arranged for their clients to participate in groups to listen about the non discrimination policies regarding SOGIE, ask questions and comment. 13

Staff Qualifications

How will you assess LGBTQ affirming staff and volunteers?



- Make sure you discuss your anti-discrimination policies when you hire.
- Ask behavioral questions like, "What will you do when a transgender youth asks for your help with a name change?"
- Ensure staff share values consistent with nondiscrimination.
- Insist that staff knowledge is regularly assessed even after hiring.

17

RFA Recruitment

How will RFA's recruit for LGBTQ affirming families?



- Families do not have to be LGBT to be affirming.
- Look for LGBT events and resources in your community to recruit.
- Establish MOUs with LGBT organizations in the community.
- Ensure families understand your non-discrimination policies.

15

RFA Assessment of Resource Parents

Explore risk factors for family rejection and the family's capacity to accept and embrace a child regardless of their sexual orientation or gender identity expression.

How to Implement:

1. Your home study specialist should be trained to ask appropriate questions regarding SOGIE and a family's ability to embrace a child regardless of their SOGIE.
2. Questions regarding risk factors to ensure the well-being of LGBTQ children in a home should be addressed during the home study assessment.
3. How will the family discuss sexuality with their child, and/or respond to a child who displays non-conforming gender expression?
4. It is important for families to understand that even if they want to foster/adopt a baby, that child will have a SOGIE.
5. If your environment already reflect SOGIE embracing practices, families will know right away that your agency does not discriminate on the basis of SOGIE.

16

TRAINING FOR RFA STAFF, RESOURCE PARENTS AND STRTP STAFF



How to Implement:

Reach out to experts in the LGBTQ field to provide training. Experts have experience dealing with SOGIE related discrimination and laws and can best answer questions about implementation.

TRAINING FOR RFA STAFF, RESOURCE PARENTS AND STRTP STAFF cont.

- ✔ LGBTQ/SOGIE competency.
- ✔ Intersectionality.
- ✔ Child and adolescent development, including sexual orientation, gender identity, and expression.
- ✔ Existing laws and procedures regarding the safety of LGBTQ foster youth at school and the ensuring of a harassment and violence free school environment.
- ✔ Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.

18

Privacy

No one shall disclose information about the child's/NMDs sexual orientation or gender identity against the child's wishes, unless for the protection of the child's health and safety or compelled to do so by law or court order.



How to Implement:

1. Ask the youth under which circumstances you may share the information.
2. Is the information needed to know? What are the safety risks to sharing it?
3. Come up with safety plans with the youth around sharing their information.

19

Personal Rights

To have private or personal information, including any medical condition or treatment, psychiatric diagnosis or treatment, history of abuse, educational records, sexual orientation and gender identity, and information relating to the biological family of the child, maintained in confidence.

How to Implement:

1. You must have conversation with children and youth about their SOGIE and who they may feel comfortable coming out to. It is NEVER ok to "out" a child. This is a long process that is different for each child. You cannot "force" a child to come out.
2. If a child wants to come out, you must support their decision and help them prepare for the coming out process. They may or may not experience discrimination, but not allowing them to come out or recommending they wait, may result in far more serious consequences such as suicide, drug use etc.
3. Always Ask permission from the youth before divulging any information about their SOGIE.

20

Luke's Story

YOUTH today

Personal Rights cont.

To be provided with and allowed to acquire, possess, and use adequate personal items, which include their own:

- Clothes, provided the clothes are age-appropriate, do not violate school standards when worn during school activities, **and are in accordance with the gender identity and expression of the child.**
- Toiletries and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate and **are in accordance with the gender identity and expression of the child.**

How to Implement:

1. Enforce a gender neutral clothing policy.
2. Revise policies that would prevent youth from getting necessary toiletries.
3. Let youth know you will take them to shop for clothes and grooming products of their choice.



22

Discipline & Policies

Ensuring LGBTQ youth do not get disciplined in any different manner than their peers.

"When my foster brothers and sisters were late from school they were scolded, but when I was late from school I was grounded and told I couldn't wear the clothing I wanted to wear anymore."



"I am not allowed to date until I am 18, but my brothers and sisters can date and they are only 15 and 16."

27

Extracurricular, Enrichment and Social Activities

A Resource Family/STRTP shall permit and promote a child's participation in **extracurricular, enrichment, in a manner that affirms their SOGIE.**

How to Implement:

1. Make sure that your resources of extra curricular activities include activities for LGBTQ children, again, don't wait until you think you have a LGBTQ child in your program. Chances are you do already!
2. Support, encourage and transport LGBTQ children to support or peer groups, sport activities of their choosing, do not assume to know what they may want to be involved with.
3. Start a Gay/Straight Alliance and other LGBTQ groups in your agency (Hatheway-Sycamores had much success doing so).
4. Ensure that LGBTQ children attend events such as PRIDE and other LGBT events in the community.
5. Ensure that (age appropriate) children are allowed to date according to their SOGIE, ask questions!



24

Bedrooms

A Resource Family/STRTP may permit a child/NMD to share a bedroom consistent with their gender identity regardless of the gender or sex listed on the court or child welfare documents.



How to Implement:

1. Because you have had discussions regarding this subject with your staff and your clients already, this mandate is easier to implement (Aviva has had great success doing so). DO NOT wait until the circumstances presents itself to have those discussions. Prepare, don't react.
2. This is not about anatomy but gender identity: a young person who identifies as a female should not have to share a room with a male and vice versa.
3. It is NEVER appropriate to tell anyone in the group home that a young person is transgender, including their roommates!
4. Separate out discomfort versus safety issues.

25

Transgender Youth Health

How will a RFA/STRTP address the medical needs of transgender children?



How to Implement:

1. Ensure that the youth gets to a medical professional who can create a case plan.
2. Advocate for the youth's right to access transgender related medical care.
3. Educate others to see transgender medical care as a medical necessity.
4. Challenge policies that create barriers to access to care.

26

Policies & Procedures

Permanency:

- Ensure the permanency of LGBTQ youth.
- Provide support to families who are not affirming (See the Family Acceptance Project" handbook).

Visitations:

- Make sure that LGBTQ and gender non conforming children are allowed to spend time with people who are affirming of their SOGIE, as well as spend time with friends who are LGBTQ.



27

LGBTQ competent services

What LGBTQ competent services are offered?

- Mental Health
- Resources
- Support groups
- What support do non-affirming families receive?



28

Admission & Intake



How to assess SOGIE?

- Ensure that all your paperwork, including admissions and intake reflect SOGIE:
 - Preferred name
 - Asserted Pronoun
 - Gender Identity (male, female, transgender male, transgender female, other)
 - Sexual Orientation
- All children/youth being admitted should be asked the same questions.
- Your admission staff must be trained to ask these questions.

29

Needs & Services Plans

How and where will you address SOGIE in the NSPs?

- First, remember confidentiality and privacy. **Always** ask a child/youth if they are comfortable with their SOGIE being "discussed" in their NSPs and explain who will be able to see this information.
- If they are, ensure that you address the child's needs according to their SOGIE when it comes to permanency, peers, extra curricular activities, school advocacy, well-being, mental health etc.



30

Collaborating with Child & Family Team (CFT)

- Have someone who can advocate for LGBTQ youth during CFTs.
- What support will be provided for non affirming families?



31

Discharge/Removal

- How will you ensure that the next placement is safe for LGBTQ youth?



32

QUESTIONS?

Vida K.Khavar, MA, LMFT

vkhavar@familybuilders.org

818.458.4050

Angela Weeks

aweeks@lalgbtcenter.org

323.860.3662



33
