



ADVOCATING FOR LGBTQ YOUTH IN THE JUVENILE JUSTICE SYSTEM

DANIELE GERARD AND MAYA BROWN



PROTECTING KIDS. PROVIDING HOPE.



SAFE HAVENS

Closing the Gap Between Recommended Practice and Reality
for Transgender and Gender-Expansive Youth in Out-of-Home Care



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FEATURED YOUTH

Mohammed, from a midwestern state
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Savannah, from a northeastern state
Jennifer, from a southern state
Barrett, from a northwestern state
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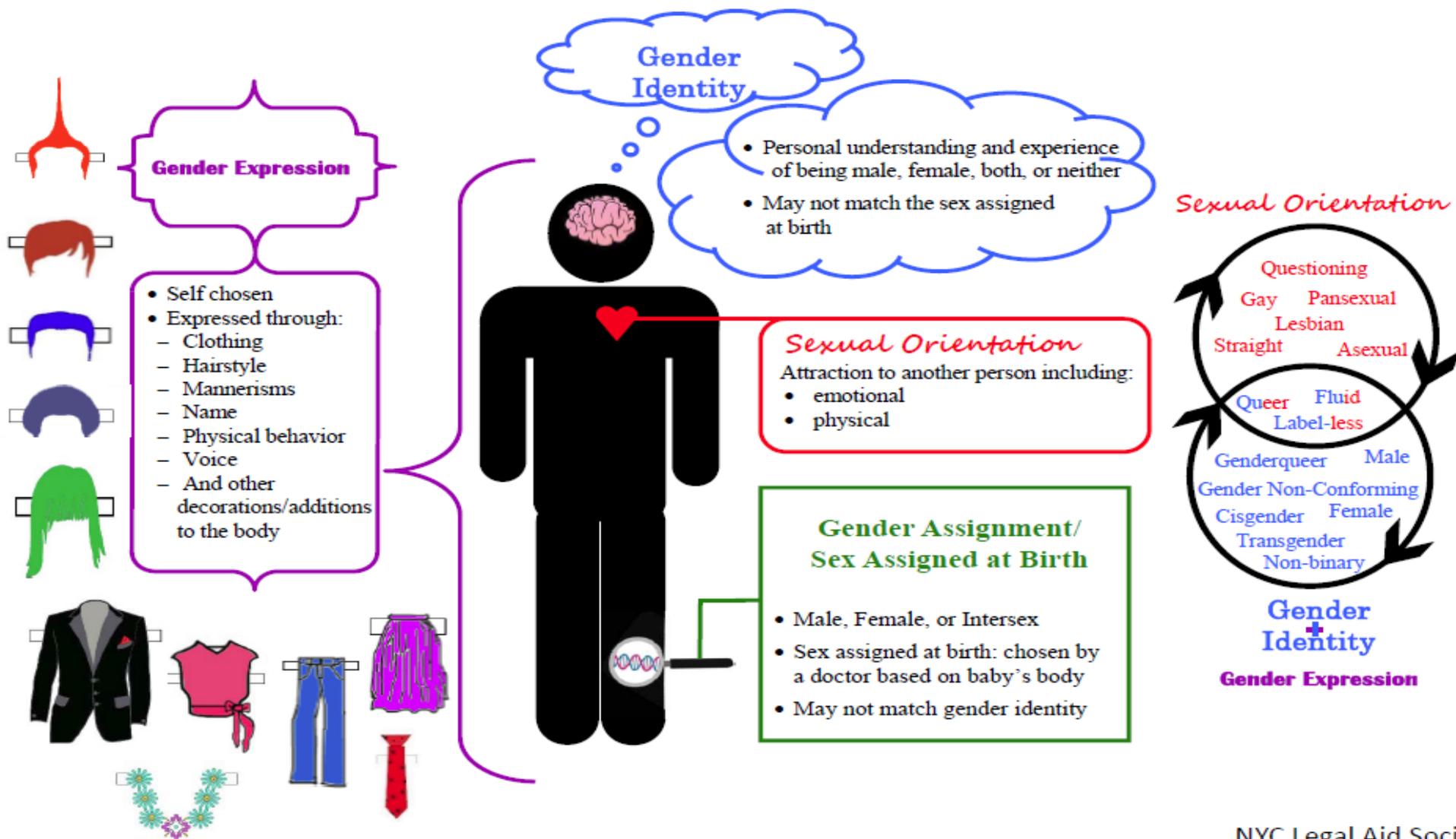
LGBTQ YOUTH COMPRISE...

- 5-7% of the overall youth population
- Almost 25% of youth in foster care
- Over 16% of those in the juvenile justice system
- Almost 50% of youth experiencing homelessness

QUICK TERMS

- Sexual Orientation: Whom you love/are attracted to
- Gender Identity: How you view your gender
 - Transgender: a person whose gender identity and sex assigned at birth are different
 - Cisgender: a person whose gender identity matches the sex they were assigned at birth
 - Sex assigned at birth: the letter on your birth certificate
- Gender Expression: How you present your gender identity
- SOGIE: Sexual Orientation, Gender Intity, Gender Expression
- LGBTQ: Lesbian, Gay, Bisexual, Transgender, Queer/Questioning
- TGNC: Transgender/Gender Non-Confirming (including non-binary)

Sexual Orientation + Gender Identity + **Gender Expression** = **SOGIE**



SCENARIO ONE: INITIAL CLIENT INTERVIEW

You are meeting for the first time with a client named Alexa who has “female” listed on her paperwork. Alexa prefers to be called Alex, and identifies as a girl and as a lesbian and uses she/her pronouns.

- Role play as Alex and her attorney during an initial client interview.
 - Introduce yourself with pronouns and what name you like to use for yourself.
 - Ask questions about how the client identifies, what names the client prefers to use.
 - Tip: Post signs or posters that affirm your office is a safe space.

WHAT IS AT STAKE?

- LGBTQ individuals experience widespread prejudice and discrimination
 - 28% of LGB young people report a history of suicidality, compared to 12% of heterosexual youth
 - 40% of transgender people have attempted suicide, 92% before they turned 25
- LGBTQ youth in the juvenile justice system are twice as likely to have experienced child abuse, out-of-home placements, or homelessness
- LGBQ and TGNC youth are disproportionately people of color
- A refusal to affirm a youth's sexual or gender identity may contribute to suicidal ideations or depression
 - For TGNC youth, a lack of affirmation may exacerbate gender dysphoria

WHAT CAN WE DO?

THE DOS AND DON'TS OF TRANSGENDER YOUTH AND TRANSITION

Do	Don't
Ask what gender pronouns a person uses, or ask how they describe their gender, and use those words.	Don't assume someone's gender identity based on the sex they were assigned at birth and refer to them as such.
Ask the name they want you to use and call them that.	Don't reference their government ID or birth certificate and call them that name by default.
When helping others understand what it means to be transgender, you can say, "she is a girl, but she used to live as a boy/she was raised as a boy."	Don't say, "she was born a boy" and is "living as a girl."
Identify transgender-friendly healthcare providers in your area for referral purposes.	Don't ask someone if they've "had surgery."
Apologize if you accidentally call a young person by the wrong name or pronouns. It happens!	Don't avoid the topic of gender identity just because you're scared of making a mistake.

SCENARIO TWO: SAFETY AT THE FACILITY

This is your third meeting with Andy, a youth who had confided in you that she identifies as a girl, although she is placed in a male facility. The staff at the facility have told you that Andy has been acting out frequently. Identify what questions you might ask to help identify what issues might be occurring in the facility.

- Role play as Andy and her attorney during a follow-up visit and discuss:
 - Any discriminatory treatment including remarks from staff or other young people.
 - Does she feel safe wearing what she wants? Are there any issues impeding her comfort expressing who she is?
 - Are her medical needs attended to? For example, has she been able to access affirming health care providers, including therapists?

SCENARIO THREE: BEFORE MEETING WITH FAMILY MEMBERS

JC is a youth who identifies as non-binary and uses they/them pronouns. They were very open with you in your first meeting with them. They have been living at home and you are hoping to meet with their mother about their case in a few weeks.

- Role play as JC and their attorney and discuss:
 - Does the client feel ok with your talking with their family member?
 - Is the client “out” to their family member?
 - What name should you use when talking about them with their family member?
 - What pronouns?
 - Is the family member supportive? Has your client ever run away from home?

SUPPORTING LGBTQ YOUTH

A JUDICIAL BENCH CARD

Positive Attitudes

- Use gender-neutral language when talking with youth.
- 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.
- Display hate-free zone, rainbow flag or triangle signs in your courtroom or office.
- Speak out when you hear anyone make homophobic or inappropriate anti-gay comments.
- Foster diversity by making the courtroom an "inclusive environment."
- If a youth wears non-gender conforming clothing or otherwise appears stereotypically LGBTQ do not assume anything about sexual orientation or gender identity when making decisions concerning safety, permanency, or well-being.
- Avoid defining LGBTQ youth by their sexual orientation or gender identity. Realize they are defined by these and other aspects of their lives.
- Never discuss the youth's sexual orientation or gender identity without her permission.

Fair Treatment

- Enforce nondiscrimination policies from state civil rights laws, court rules, representation standards, school/placement/agency policies, or canons of ethics.
- Insist the agency care for the youth in an affirming way. If they don't, consider making a "no reasonable efforts" finding against the agency.
- Eliminate segregation and isolation of LGBTQ youth as a punishment for engaging in same-sex activities unless heterosexual activity is similarly sanctioned.
- Avoid double standards for LGBTQ youth and heterosexual youth who are sexually active.
- Ensure all youth receive information about HIV and protective measures.

Services and Support

- Require the child welfare agency to find opportunities for social support for LGBTQ youth.
- Require qualified mental health practitioners, knowledgeable about LGBTQ issues to provide treatment.

- Ensure transgender youth receive medical services from qualified health care practitioners knowledgeable about hormone treatments and other pharmacological interventions.
- Encourage or require parents and family members to participate in counseling and parent support groups if they need help becoming more accepting and supportive of LGBTQ issues.
- Require that discharge plans identify local programs and services available for LGBTQ youth and their families.
- Identify appropriate school placements to maintain LGBTQ youth in the community or successfully transition back to the community at the end of placement.
- Have resources available to share with LGBTQ youth, their families, and lawyers.

Placement and Permanency

Reunification

- Require families to work through any concerns relating to their child's sexual orientation or gender identity that led to placement before reunification.
- Require the child welfare agency to provide services to the family to work towards a safe and emotionally healthy reunification.
- Require frequent visitation between the youth and family, including siblings, to further ensure successful reunification.

Adoption

- Require the child welfare agency to locate LGBTQ-friendly adoptive placements.
- Ensure the adoptive caregivers will be strong advocates for the youth.

Guardianship/Relative Placement

- A relative who is open to LGBTQ issues may be interested in adopting, being a guardian, or providing a permanent home and connection for the youth.
- If a youth can locate a suitable guardian, the caseworker should ensure the proposed adult would provide a safe home.

Another Planned Permanent Living Arrangement

- If youth will remain in care until age 18 or 21, establish services to help with the transition.
- If the agency suggests APPLA as the permanent plan, the judge should ask questions to ensure the transition process is occurring and the youth has access to LGBTQ resources.

Wisconsin Resources for LGBTQ+ Youth Updated November 2016

Statewide Resources and Organizations

AIDS Resource Center of Wisconsin (ARCW)

www.arcw.org

ARCW provides AIDS prevention programs throughout Wisconsin for gay men, injection drug users, women and youth at risk. ARCW provides health and social services to residents living with HIV. ARCW medical, dental and mental health clinics are available to people with HIV disease regardless of their ability to pay. ARCW also provides social support services which include residential housing, rent assistance, legal assistance, food services, alcohol and drug treatment, benefits advocacy and case management. *Local ARCW offices are listed by region below.*

Diverse & Resilient, Inc.

2439 N. Holton St.
Milwaukee, WI 53212
414.390.0444 Phone
www.DiverseandResilient.org

Diverse and Resilient (D&R) seeks to increase the capacity in Wisconsin groups and communities to assure the healthy development of LGBTQ youth. D&R serves as a catalyst to help LGBT youth groups get started, and continue to thrive, by providing mini-grants, consultations, adult and youth leadership training, and leadership coaching. D&R coordinates ongoing development and support for the Rainbow Alliance of Youth (RAY), a consortium of community-based LGBTQ youth groups that adhere to an LGBTQ youth development model, a commitment to addressing core program pillars, and shared program policies that support the healthy development of LGBTQ youth. *RAY organizations are in the regional listings below.*

GSAFE

122 E. Olin Ave. Ste. 290
Madison, WI 53713
608.661.4141 Phone
www.gsafewi.org

GSAFE increases the capacity of LGBTQ+ students, educators, and families to create schools in Wisconsin where all youth thrive. We do this by: developing the leadership of LGBTQ+ students; supporting Gay-Straight Alliances, training educational staff on creating safe and supportive school communities; advancing educational justice; and deepening racial, gender, and social justice.

PFLAG

www.pflag.org

PFLAG promotes the health and well-being of gay, lesbian, bisexual and transgender persons, their families and friends through: support, to cope with an adverse society; education, to enlighten an ill-informed public; and advocacy, to end discrimination and to secure equal civil rights. PFLAG provides opportunity for dialogue about sexual orientation and gender identity, and acts to create a society that is healthy and respectful of human diversity. *Local PFLAG chapters are listed by region below.*



THANK YOU

