



LGBTQ+ Considerations

Materials: Binder Tab 20

20. LGBTQ+.....	Tab 20
(1) LGBTQ+ Definitions	
(2) SOGIE Bench Card NCJFCJ 2017	
(3) LGBTQ Best Practices – Reyes 2016	
(4) LGBTQ Best Practices – Thomas 2019	
(5) Laws Protecting LGBTQ Youth	
(6) Order in Response to Ex Parte Request re Transition – Judge Smiley	
(7) Gender Unicorn.....	<i>Job Aid – Binder Pocket</i>
(8) Getting Down to Basics, Tools to Support LGBTQ Youth in Care – Toolkit	<i>See Addt'l. Online Materials</i>
(9) LGBTQ+ Resources	<i>See Addt'l. Online Materials</i>



Ground Rules

Everyone in this room wants what is best for our kids.

Folks have different levels of familiarity and comfort level with these issues.

We assume everyone is trying their best.

It is better to make a mistake here than in the courtroom.

**Sexual health for all youth
includes developing
awareness of sexual
orientation and gender
identity.**

Definitions – an ever-evolving list...

- **Sex:** Physical/genetic characteristics used to assign persons at birth as male, female, or intersex.
- **Gender identity:** A person's internal sense of being male, female, nonbinary, etc.
- **Gender expression:** A person's way of expressing their gender identity, (masculinity, femininity, etc.) through clothing, personal appearance, speech, body shape, etc.
- **Cis(gender):** Adjective describing persons who identify as their sex assigned at birth.
- **Transgender/Trans:** Adjective describing persons who do not (exclusively) identify as their sex assigned at birth.
- **Sexual Orientation:** A person's sexual, romantic, or emotional attraction to persons of the same and/or other gender (gay, lesbian, straight, bisexual, asexual).
- **LGBTQ(IA):** Lesbian, Gay, Bisexual, Transgender, Queer or Questioning, (Intersex, Asexual...)
- **Non-binary:** Adjective describing a person who does not identify exclusively as a man or a woman.

LGBTQ is an identity, not a problem!

- Do not assume that a foster youth's sexual orientation or gender identity is an "issue" to be resolved in the dependency case.
- But ... be aware that LGBTQ youth may be at risk of harm at home, school and in other settings due to biased or uninformed attitudes or conduct by peers/adults.
- Be alert when physical or emotional abuse by parents, but no clear reason why.



LGBT Youth Can Have Significant Mental Health Needs

- LGBTQ+ youth are 4 x more likely to attempt suicide, and 45% have considered doing so within the past year.
- Transgender and non-binary youth were 2 to 2.5 times as likely to experience depression.
- LGBTQ+ who are also persons of color are 2.5 times as likely to attempt suicide when compared to white LGBTQ+ youth, and are overrepresented in foster care.

What Can You Do?

1

**Conduct
hearings in a
trauma-informed
manner**

2

**Consider visible
indicators that
are in the
courtroom**

3

**Use the name
and gender of
the youth they
request**

4

**Insist the
Department use
their requested
name and
gender**

5

Be kind

Hypo #1

At the jurisdictional hearing, you sustain a petition as to two children, Billy, age 10, and Susan, age 6, who were detained from father due to abuse. There is evidence that father called Billy "sissy" and "faggot," and spanked him for putting on lipstick and acting 'effeminate,' and mother failed to protect Billy. There is no evidence of abuse or neglect of Susan.

The county agency seeks to remove both children from father, and provide in-home services to mother. Mother wants father to return to the home because the family is low-income, both parents work full-time, and she relies on him for financial support and help with child care. Susan is very attached to father and cries because she misses him.

What dispositional orders should you make?

Hypo #2

You are conducting a WIC 366.21(e) review hearing. 13-year-old child was removed due to mother's alcohol abuse and placed in a foster home. The child's birth certificate has the name "Michelle" and sex "female." The agency's report says the child wants to be called Marco and uses the pronouns he/him/his, and wants to consult a doctor about hormone treatment.

Mother has complied with her case plan, is testing negative for substances and attending AA meetings, and has a job and stable housing. Mother says that according to her religion and culture she cannot call her child "Marco," or use male pronouns, and believes her child has been negatively influenced by other youth in the foster home.

Mother's attorney indicates she will argue for return of the child to mother, and object to the use of child's pronoun and name of choice. The child is present at the hearing. How do you conduct the hearing? What orders do you make?

Hypo #3

You are conducting a 366.3 review hearing for Jasmine, age 16, whose sex assigned at birth is male, but who identifies as female. Jasmine ran away from her placement with an aunt and was placed in an STRTP due to refusing to attend school or comply with her aunt's rules, drug use, and self-harm (cutting).

The STRTP initially placed Jasmine in a girls' cottage but re-placed her in a boys' cottage because other girls were uncomfortable. Minor's counsel says Jasmine is depressed and afraid in the boys' dorm and has been bullied. She asks that you order the STRTP to allow Jasmine to move back to the girls' dorm.

What orders do you make?