

Resources, Reports, Guides and Other Tools for Lawyers, Social Workers, and other Providers Working with LGBTQ Youth in Out-of-Home Care

CWLA Best Practice Guidelines: Serving LGBT Youth in Out-of-Home Care

Child Welfare League of America, Wilber, Ryan, & Marksamer, 2006

This easy-to-use resource contains the first-ever set of comprehensive professional guidelines for how child welfare and juvenile justice professionals can best serve LGBT youth in state care. The *Best Practice Guidelines* developed out of recommendations from the Model Standards Project, a collaboration between Legal Services for Children and the National Center for Lesbian Rights.

Download full publication, executive summary, and Power Point presentation:

www.nclrights.org/youth_pubs

To order: Order online at <http://www.cwla.org/pubs> or call CWLA at 1-800-407-6273.

Out of the Margins: A Report on Regional Listening Forums Highlighting the Experiences of Lesbian, Gay, Bisexual, Transgender and Questioning Youth in Care

Child Welfare League of America and Lambda Legal Defense & Education Fund, Woronoff, Estrada & Sommer, 2006

The CWLA/Lambda Regional Listening Forums provided an opportunity for LGBTQ youth in care, and the adults who work with and care for them, to share their experiences and work together to identify strategies for bringing about lasting change within the child welfare system. *Out of the Margins* consolidates the responses of the more than 500 youth and adult participants from 22 states who attended the Forums and offered personal stories of actual experiences and concrete solutions for building the capacity of the child welfare system to better meet the needs of LGBTQ young people.

Download full publication: www.cwla.org/programs/culture/outofthemargins.pdf

To order (Free of charge): Order online at <http://www.lambdalegal.org/our-work/issues/youth/out-of-home-care/> or call Lambda Legal at 212-809-8585.

LGBTQ Youth in Child Welfare: A Special Issue of CWLA's Child Welfare Journal

Child Welfare League of America, 2006

For this special issue of the *Child Welfare* journal, CWLA has brought together a diverse array of practitioners, policymakers, researchers, and others to provide an LGBTQ-affirming perspective to the complex issues of gender and sexual orientation in child welfare, assisting agencies, caseworkers, foster parents, and policymakers in stripping away the rhetoric and providing culturally competent practices and strategies that truly meet the needs of LGBTQ youth.

To order: Order online at <http://www.cwla.org/pubs/> or call CWLA at 1-800-407-6273.

Getting Down to Basics: Tools to Support LGBTQ Youth in Care

Child Welfare League of America and Lambda Legal Defense & Education Fund, 2006

This tool kit offers practical information on helping to ensure that LGBTQ youth in care receive the support and services they deserve. Consisting of 18 colorful pull-outs, it serves as an ideal starting point for administrators and practitioners unfamiliar with LGBTQ youth in out-of-home care issues. Specific target audiences include: caseworkers; attorneys, guardians ad litem, and advocates; congregate care providers; juvenile justice professionals; faith-based providers; LGBTQ youth; and families supporting LGBTQ youth. Sub-topics include (but are not limited to): working with transgender youth; working with homeless LGBTQ youth; LGBTQ youth risk data; recommendations for training and education; combating misguided efforts to ban lesbian and gay adults as foster and adoptive parents; and basic facts about being LGBTQ.

Download full publication: <http://www.lambdalegal.org/take-action/tool-kits/>

To order (Free of Charge): Order online at <http://www.lambdalegal.org/our-work/issues/youth/out-of-home-care/> or call Lambda Legal at 212-809-8585.

The Equity Project: Ensuring Fairness & Respect for LGBT Youth in the Justice System

The Equity Project Staff and Advisory Committee, Resource CD, 2007

Since 2005 the National Juvenile Defender Center, Legal Services for Children, and the National Center for Lesbian Rights have been collaborating on the Equity Project, an initiative to ensure that LGBT youth in juvenile delinquency courts are treated with dignity, respect, and fairness. The Equity Project examines issues that impact LGBT youth throughout the entire delinquency court process - from arrest through post-disposition - identifying obstacles to fair treatment and developing recommendations to prevent discrimination. The Equity Project will release a report with findings of its two-year study and recommendations in early 2009. For more information about the Equity Project visit <http://www.equityproject.org/>

The Equity Project Resource CD provides a compilation of almost 100 resources relating to LGBT youth in the juvenile justice system, including training materials, sample pleadings, model and adopted policies, tools for advocating for transgender youth, and more. It is an essential tool for every juvenile defender and for others working in the juvenile justice system who are committed to fairness and respect for all young people.

Download Resource CD - Table of Contents:

[http://www.equityproject.org/pdfs/Table of Contents. Equity Project Resource CD.summit.pdf](http://www.equityproject.org/pdfs/Table_of_Contents_Equity_Project_Resource_CD.summit.pdf)

To order Resource CD: Send an email to info@equityproject.org

Breaking the Silence: Lesbian, Gay, Bisexual, Transgender, and Queer Foster Youth Tell Their Stories - DVD and Resource CD

National Center for Lesbian Rights, 2006

The *Breaking the Silence DVD*, produced in collaboration with the Y.O.U.T.H. Training Project and the Center for Digital Storytelling, contains ten short digital stories that were written and directed by LGBTQ youth who have spent time in state custody. Each of these digital stories is designed to stand on its own. For specific suggestions on how to use the DVD for training or other purposes, refer to the *Introduction and User's Guide* and the *DVD Viewing and Discussion Guide* provided on the CD.

The **Bonus CD** contains a comprehensive collection of more than 25 resources produced by organizations that are nationally respected for their expertise in supporting LGBTQ out-of-home youth. These tools provide additional background and support for trainers and advocates as well as guidance to administrators and managers on how to transform agencies to be safe and non-discriminatory.

To order (Free of Charge): Order online at www.ncrights.org/youth_bts

Youth in the Margins: A Report on the Unmet Needs of Lesbian, Gay, Bisexual, and Transgender Adolescents in Foster Care

Lambda Legal Defense & Education Fund, et al., Sullivan, Sommer & Moff, 2001

This report urges foster care systems and agencies to take crucial remedial steps to serve their LGBTQ clients. It includes background on the unaddressed needs of LGBTQ youth in out-of-home care and basic measures for reform. It also includes state-by-state findings and recommendations based on a survey of LGBT-related foster care policies and services in fourteen states

Download full publication: <http://www.lambdalegal.org/our-work/publications/>

To order (Free of Charge): Order online at <http://www.lambdalegal.org/take-action/tool-kits/> or call Lambda Legal at 212-809-8585.

Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness

National Gay and Lesbian Task Force, Nicholas Ray, 2006.

Of the estimated 1.6 million homeless American youth, studies have found between 20 and 40 percent are LGBT. This Report discusses the reasons why so many LGBT youth are homeless and the risks they face in shelters and on the street. It includes chapters written by leading service providers on their work with homeless LGBTQ youth, along with state-, federal-, and practitioner-level policy recommendations.

Download full publication: http://www.thetaskforce.org/reports_and_research/homeless_youth

Agency Readiness Index: A Self-Assessment and Planning Guide to Gauge Agency Readiness to Work with Lesbian, Gay, Bisexual, and Transgender Youth

National Network for Youth, 2002 (reprinted 2004)

The *Agency Readiness Index* (ARI) is an organizational development tool designed to assess how well an agency provides services for sexual minority youth. It serves as a group discussion guide to identify and discuss areas in which an agency is competent and also areas in which improvements can be made. ARI is organized around seven modules of agency performance: leadership, operating standards, human resources, staff knowledge and development, agency climate/environment, HIV prevention programs, and community relations. Each module contains a series of questions. All questions should be answered individually and a collective score should be given for each module. The results of each module are then used for future planning. The instrument was developed by the National Network for Youth as part of a Center for Disease Control and Prevention (CDC)-funded capacity-building initiative.

To order (Free of Charge): Find ordering information:

<http://www.nn4youth.org/agencyreadiness.aspx>

Promising Practices in Adoption and Foster Care: A Comprehensive Guide to Policies and Practices that Welcome, Affirm and Support Gay, Lesbian, Bisexual and Transgender Foster and Adoptive Parents

Human Rights Campaign Foundation All Children – All Families Initiative, 2007.

Offering examples of effective agency practices, the Guide is the first comprehensive, practical tool aimed to help agency leaders actively improve policies and practices that affect their work with GLBT prospective adoptive parents. The Guide features sample policies and materials, along with tips from leaders of welcoming agencies, researchers in the field and GLBT adoptive and foster parents.

To order: Order online at <http://www.hrc.org/issues/7609.htm>

Justice for All? A Report on Lesbian, Gay, Bisexual and Transgendered Youth in the New York Juvenile Justice System

Urban Justice Center, Feinstein, et al.

This report, the first of its kind, documents the discrimination and bias against LGBT youth that pervades New York's juvenile justice system. The report concludes with recommendations for professionals in the juvenile justice system to help improve the treatment of LGBT youth.

Download full publication: <http://www.urbanjustice.org/ujc/publications/peter.html>

Opening Doors for LGBTQ Youth in Foster Care: A Guide for Lawyers and Judges

American Bar Association, Laver & Khoury, 2008

This guide aims to increase the legal community's awareness of LGBTQ youth in foster care and the issues they face. It provides tools for lawyers and judges to aid their advocacy and decision making on behalf of LGBTQ youth. Special attention is given to helping lawyers and judges understand the unique needs and risk factors of LGBTQ youth, forming positive attitudes and beliefs about LGBTQ youth, developing strong attorney-client relationships, and using effective advocacy strategies.

To order: Call the ABA Service Center at 800.285.2221. Or go to the ABA web-store at <http://www.ababooks.org> (ISBN: 978-1-60442-073-9, ABA CATALOG #: 5490444)

Website: <http://www.abanet.org/child/lgbtq.shtml>

Select Journal Articles:

Rudy Estrada & Jody Marksamer, *Lesbian, Gay, Bisexual and Transgender Young People in State Custody: Making the Child Welfare and Juvenile Justice Systems Safe for All Youth Through Litigation, Advocacy, and Education*, 79 Temp. L. Rev. 415 (2006).

Colleen A. Sullivan, *Kids, Courts and Queers: Lesbian and Gay Youth in the Juvenile Justice and Foster Care Systems*, 6 Tul. J.L. & Sexuality 31 (1996).

Jody Marksamer, *And by the Way, Do You Know He Thinks He's a Girl? The Failures of Law, Policy, and Legal Representation for Transgender Youth in Juvenile Delinquency Courts*, Sexuality Res. & Soc. Pol'y, Mar. 2008, at 72 (2008).

Barbara Fedders, *Coming Out for Kids: Recognizing, Respecting, and Representing LGBTQ Youth*, 6 NEV. L. J. 774 (2006).

Relevant Cases:

RG v. Koller, 415 F. Supp. 2d 1129 (D. Haw. 2006)

Three youths who identify as or who are perceived to be LGBT filed a motion for preliminary injunction seeking relief from the discrimination, harassment, and verbal, physical, and sexual abuse they suffered at the hands of Hawaii Youth Correctional Facility (HYCF) staff and wards. The court partially granted the plaintiff's preliminary injunction on due process grounds, finding that the conditions at HYCF were physically and psychologically unsafe for the plaintiffs. The court ruled that the defendants were deliberately indifferent to the health and safety of the plaintiffs in failing to provide (1) policies and training necessary to protect LGBT youth, (2) adequate staffing and supervision, (3) a functioning grievance system, and (4) a classification system to protect vulnerable youth. The court found that the practices of isolating the LGBT youths, ostensibly for their protection, and failing to protect them from physical and psychological abuse were clear violations of due process.

For more information: <http://www.aclu.org/lgbt/youth/>

Doe v. Bell, 194 Misc.2d 774, 754 N.Y.S.2d 846 (N.Y. Sup. Ct. 2003)

A New York Superior Court ruling that a transgender youth's Gender Identity Disorder constitutes a disability within the meaning of the State Human Rights Law. As such, the court required the New York City Administration for Children's Services to make reasonable dress code accommodations for the youth's disability. The petitioner was granted exemption from the dress policy and permitted to wear feminine clothing in the all-male foster care facility.

For more information: <http://www.srlp.org/areas/youth>

Rodriguez v. Johnson

Alyssa Rodriguez, now 20 years old, is a transgender woman who was deprived of her prescription hormone medication and punished for her feminine hairstyle and other aspects of her gender expression by the Office of Children and Family Services while at the Red Hook Residential Center and other New York juvenile detention facilities. Rodriguez had been on hormone therapy from a young age and experienced severe health consequences and emotional distress due to withdrawal symptoms after being forced to go without treatment. The case filed on Rodriguez's behalf resulted in a settlement. OCFS paid a monetary award to Rodriguez and is taking significant steps to improve its treatment of transgender youth.

For more information: <http://www.lambdalegal.org/our-work/in-court/>

For a copy of the policy released recently by OCFS On the care of LGBTQ Youth:

http://www.srlp.org/files/LGBTQ_Youth_Policy_PPM_3442_00.pdf