

Helping Courts Serve the Best Interests of LGBTQ Youth

Flor Bermudez
Youth in Out-of-Home Care Project Staff Attorney
Lambda Legal

A teenager in a group home is beaten bloody by eight residents because he is gay, while staff ignore his screams and then show him the door. Another teenager, taunted by foster parents, staff and peers for being a “dyke,” is shuttled among foster families, group homes and shelters because she “doesn’t fit in.” A gay youth is forced by his foster family to undergo “conversion therapy” designed to change him to a heterosexual by attempting to convince him that his same-sex attraction is repulsive and deviant.

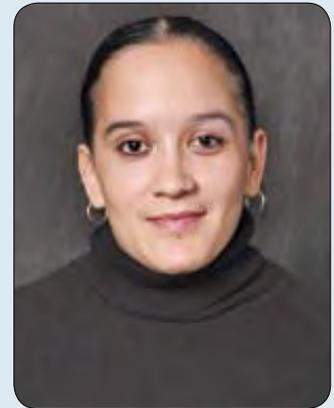
Countless youth in the child welfare system across the country who identify as lesbian, gay, bisexual, transgender and questioning (LGBTQ) face similar experiences. Other LGBTQ youth in care, fearful of such abuses, attempt to hide their sexual orientation, gender identity or gender expression. Consequently, it may be impossible to know exactly how many of the nation’s 800,000 youth who spend time in out-of-home care each year identify as LGBTQ. However, numerous studies highlight the overrepresentation of these youth in child welfare settings and the substandard treatment they often receive (search for “Getting Down to Basics” at lambdalegal.org for research examples).

LGBTQ youth in foster care, already coping with shattering family problems and displacement, bear the often overwhelming added burden of hostility toward their sexual orientation, gender identity or gender expression. They often suffer the following:

- Disapproval from court personnel, attorneys, CASA/GAL volunteers, judges and caseworkers
- Rejection by foster families
- Harassment and violence at the hands of peers
- Prejudice from and neglect by group home staff

Once in care, it is not uncommon for LGBTQ youth to be isolated from other youth, threatened or attacked by youth, blamed by service providers for their own mistreatment and even denied services outright because of their sexual orientation, gender identity or gender expression. Transgender youth face particularly poor treatment. They are often targeted for harassment and assault, given rooming assignments in accordance with their birth sex rather than the sex with which they identify, called by their birth names and forced to abide by dress codes that make no room for their gender expression.

CASA volunteers play a guiding role in helping judges understand the risks LGBTQ youth in care face and what impact they may have on children’s lives. The CASA volunteer is charged with advocating for the best interest of a child, leaving room for a variety of beliefs and the possibility of anti-LGBTQ bias. Such bias may rise to the level of an ethical violation if the CASA volunteer is unable to carry out his or her obligations to the child’s interests. At Lambda Legal, we receive calls from CASA volunteers seeking to educate themselves on LGBTQ issues so that they can



perform this function without bias and ensure that the best interests of the children they advocate for are promoted.

The first step to understanding the neglect and abuse of LGBTQ adolescents in foster care is to recognize that anti-LGBTQ attitudes are the product of prejudices with no place in the child welfare system. To dispel biases, CASA programs should implement basic LGBTQ competence trainings. These trainings should cover issues such as making oneself approachable for conversations about sexual orientation, gender identity and gender expression; responding to prejudicial behaviors by youth, staff or others; and examining one’s own attitudes and separating moral reservations from professional obligations.

When initially gathering information, it is essential that CASA/GAL volunteers fully explain to their youth clients their role as agents of the court, who are expected to make recommendations regarding the child’s best interests, whether or not those interests are in conflict with the child’s wishes. If a youth confides that they are LGBTQ, CASA volunteers should be trained in how to respond and what to do with this information. It is important to discuss disclosure with young people, taking actions that respect their privacy and wishes to the fullest extent possible.

[continued on page 4]

CASA service recommendations should provide parents and foster parents with support and guidance to gain the education necessary to move towards understanding and acceptance. Parents' reactions to a child's sexual orientation or gender identity will have a major impact on the child's life. LGBTQ children and youth who are rejected by their parents face a significantly higher risk of depression, suicide and substance abuse compared with youth from accepting families.

CASA volunteers can help LGBTQ youth in care receive culturally competent services. These include:

- Placements where their sexual orientation, gender identity and gender expression are respected
- Referrals to LGBTQ-friendly physical and mental health providers
- Affirming mentors and role models who can provide long-term sources of support in their lives
- Other transitional services that take into account the specific challenges that LGBTQ people face

Most importantly, CASA volunteers can help the court assess whether foster families and congregate settings are able to ensure safety and positive development for these youth.

To better address the health needs of LGBTQ youth, CASA/GAL volunteers should make sure that youth's health care providers are informed of the risks these youth face and have the sensitivity needed to address issues of sexuality or gender. Health care providers should also be knowledgeable about gender identity disorder and about transition-related services like hormone prescriptions and sex-reassignment surgery as well as related professional standards. It is equally important that CASA volunteers pay particular attention to an LGBTQ youth's educational needs. Because these youth face particularly high levels of harassment and violence in schools, many times the underlying reason for school absenteeism is fear for their safety.

Without a doubt, CASA volunteers who have acquired the values, knowledge, cultural competence and skills necessary to assist LGBTQ youth in their cases are invaluable to achieve permanency and well-being for this population. At their best, the CASA volunteers' informed recommendations can be compelling, humanizing and educational for all the parties in a case, including the judge. Contact Lambda Legal at (866) LGB-TEEN (toll free) for guidance on how to ensure that LGBTQ youth receive the support and guidance they need to thrive and succeed in child welfare settings and beyond. 🗨️

Flor Bermudez leads Lambda Legal's *Youth in Out-of-Home Care Project*, addressing the needs of LGBTQ adolescents and adults involved with the country's foster care, juvenile justice and homeless systems. She travels the country presenting at conferences and advocating for needed reform. Learn more about Lambda Legal at lambdalegal.org.



Winter 2010 Connection Will Save Trees



The Winter 2010 issue of *The Connection* will be published online only. Other future editions will be available, as usual, in print *and* online. You will receive a postcard in the mail when the Winter issue is posted to the *Connection* homepage in February 2010. If you would like an additional reminder via email, please look for the "Subscribe" button at CASAforchildren.org/Connection.

After this test of an online-only edition, we will ask for your feedback. If you have any questions or suggestions before the survey, please email theconnection@nationalCASA.org.