

What to Expect

Coming Out?

Communicate

Permanency

IT'S YOUR LIFE

Your Rights

Equal Treatment

Safety

RESPECT

LGBTQ

Identity



IT'S YOUR LIFE

OPENING DOORS: IMPROVING THE LEGAL SYSTEM'S
APPROACH TO LGBTQ YOUTH IN FOSTER CARE

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You have the right to remain silent, and that anything you say may be used against you in court; you have the right to consult with an attorney and to have that attorney present during questioning, and that, if you cannot afford one, an attorney will be provided at no cost to represent you.

I bet you know that set of rights, you have seen them on TV, the movies, and maybe even had them read to you. You must now also learn about another set of rights that you have as a young person, who happens to be LGBTQ and in foster care. You should understand what to expect while in the child welfare system and how you should be treated. It is important for you to know you are not alone.

As a foster kid in care, I never felt more alone. I was placed in the system, away from my family support network,

no matter how dysfunctional. I was told I was different, even sick, because I was confused about my sexuality. Even among friends who knew I was a gay, it was not discussed. If it was discussed, it was done in hushed tones and vague language. In foster care, I needed to know I was ok.

We rainbow foster kids need to know we are not broken. In foster care, they tried to cure me. What a simple thing it would have been to understand then what I do now—I'm not alone, I'm ok, and it's ok to be different. If you have not heard it yet, you are not alone, you are ok.

The pages that follow empower you to take control of your life. Pursue your happiness, but know your rights.

H. J. David Ambroz, Esq.

Executive Director

Los Angeles City College Foundation

IT'S YOUR LIFE

Krishna Desai
AUTHOR

Mimi Laver and Andrea Khoury
PROJECT DIRECTORS

Claire Chiamulera
EDITOR

Hasten Design Studio, Inc.
Washington, DC
DESIGNER

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INTRODUCTION

If you are a young adult in foster care, your parents may not be able to take care of you right now or you may have had a breakdown in your relationship. This may not be a permanent problem. During your time in the child welfare system, you and your parents will work on repairing your relationship. In time you may leave the system and reunite with your family. Sometimes you may spend a longer time in care or you may exit the system through adoption, guardianship, or emancipation.

The child welfare system provides one thing to all young adults: a safe place to live, learn, and grow. This is true for all young adults, including lesbian, gay, bisexual, transgender or questioning (LGBTQ) young adults. Child welfare professionals have the same goal for all young adults: providing the best care and education possible for as long as it is needed.

If you identify as LGBTQ, your identity may or may not have played a role in bringing you into the child welfare system. LGBTQ rights are increasingly being recognized and people who identify as LGBTQ are experiencing greater acceptance and support. However, homophobia, sexism, and transphobia can still create friction in your personal relationships and this friction may result in your placement in the child welfare system.

Even if your identity as LGBTQ is unrelated to your placement, biases and attitudes may affect your experience in the child welfare system and complicate the process of locating a safe and nurturing placement. However, locating such a placement remains the top goal for every child welfare professional.

Figuring out the best way to reach this goal may be hard for the adults in charge of you. This may discourage you. The foster care system can be overwhelming or confusing at first, especially if you are trying to integrate your identity as LGBTQ into your daily life. No one expects you to know what you want and exactly how to get it. But if you understand the process better, you can help your child welfare team figure out what is best for you.



This handbook:

- gives you the **tools and support** to make the best of your experience in the child welfare system;
- explains **your rights**, not only as a young adult but also as a LGBTQ individual;
- explains **what you can expect** from the child welfare professionals you meet;
- helps you **determine if child welfare professionals are meeting your needs and respecting you**; and
- helps you **protect your rights** by explaining who you can turn to if your rights are violated and what steps to take.

The next section overviews the child welfare system, introduces the people you may meet while in out-of-home care, and explains the possible outcomes of this process. Later sections include information on your placement, your rights to personal freedom and safety in your placement, and tools and strategies for enforcing those rights. The last section provides guidance on life after foster care.

AN OVERVIEW OF YOUR CHILD WELFARE CASE

Step One: Primary Contact

You probably have many questions right now. What is happening? Where am I going? Who are these people? What happens next? The answers vary depending on where you live, your age, and your personal circumstances. Although each child welfare agency has its own practices, procedures, and terms, they all follow the same general steps. Here's a look at the key phases of the process and the people you will meet.

When someone in the community reports that you may have been abused, neglected, or abandoned by someone responsible for your health or welfare, a caseworker from your state's child welfare agency will start an investigation. This person will interview various people in your life to understand the situation and then make a recommendation. This investigation may last one day or many weeks depending on the agency's schedule, the number of people involved, and the seriousness of the claim. You will meet many new people.

PEOPLE YOU MAY MEET

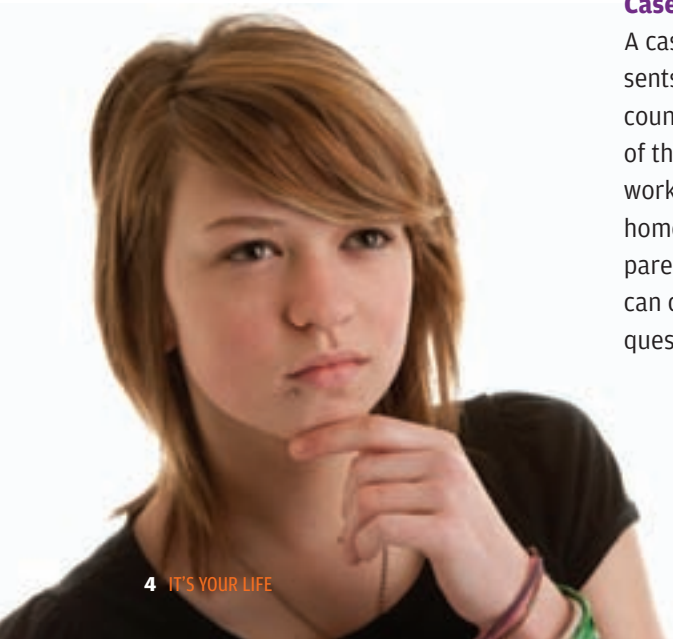
Caseworker/Social Worker

A caseworker or social worker represents the child welfare agency in your county or state. This person is in charge of the initial investigation. The caseworker will ask you about your life at home and your relationship with your parents. Throughout this process, you can contact this person with any questions or concerns.

Court/Judge

The judge decides what is best for you and your well-being. The judge will listen to all sides of the story at the court hearing and then pick the best course of action. If you are not brought to court, find out why and ask to be present at the hearings. To get the full story, the judge will also want to hear from you and understand what you think is best for you. This does not mean the judge will do exactly what you want, but it is important for you to tell the judge what you want.

If you are uncomfortable telling the judge what you want in the courtroom, try to write your thoughts down and read them or simply give them to the judge. This can be scary at first, especially in a courtroom. But after a few times, you will become more familiar with each other and the situation. In most cases, you will have an advocate who will help you talk with the judge. Some of these advocates are described next.



Advocates

Throughout the process you may meet many types of advocates. It is important to know what kind of advocate you have because this may affect whether your conversations are private. It also impacts whether your advocate pursues what *you* want or what the *advocate* thinks is best for you. If you are not sure, ask your advocate or caseworker to explain her role in your case.

Advocates include:

Lawyer: A lawyer is a professional legal advocate. This person's job varies from state to state and county to county. In many states your lawyer will represent what you want to the court and the child welfare agency. Your lawyer will make sure the judge and the child welfare professionals know what you want to happen. Conversations you have with your lawyer are *privileged*. That means anything you discuss with your lawyer is confidential and may not be shared without your permission.

Guardian ad Litem (GAL): In some places, instead of a lawyer you will have a GAL. A GAL evaluates your situation and reports to the court what *the GAL* believes is in your best interest. Sometimes this person is also a lawyer. Conversations with your GAL may not be kept confidential. Discuss this with your GAL before you share any information you do not want repeated.

Court Appointed Special Advocate (CASA): A CASA is a volunteer from the community, appointed by a judge. A CASA helps the court make decisions in your case. Even though CASAs are usually not trained as lawyers, they receive training from a state program or agency and have experience helping young adults go through the child welfare system and out-of-home care.

TIPS

How can I best work with my advocate?

- Get your advocate's name, number, and e-mail address.
- Contact your advocate within the first two weeks if he doesn't contact you.
- Ask your advocate what her role is—whether she'll keep your conversations private, and whether she will advocate for what you want or what she thinks is best for you.
- Contact your advocate whenever you have a question about your case.
- If your advocate doesn't call you back, call again. If your advocate still doesn't call you, tell your social worker that you want to ask the judge for another advocate.
- Be honest with your advocate.
- If you feel comfortable, disclose your LGBTQ identity.
- Tell your advocate what you want in a placement, school, social supports, and anything else you want.
- If you have problems with school or in your placement, call your advocate.
- Always go to court with your advocate.

Step Two: Initial Placement

If the caseworker determines that your life or well-being is in danger, then the agency will ask a judge for help. The judge will hold a hearing and everyone involved in your case will explain their point of view. At the hearing the judge decides whether you will stay in your current living situation or be placed into foster care. This is called a **court-ordered placement**. Sometimes agencies also offer **voluntary placements**. This is a service for families only when they agree they cannot care for their children for a period of time. For example, a parent may ask for a voluntary placement if the parent is in the hospital and no one else can care for their child.

PEOPLE YOU MAY MEET

Foster Parents or Family

These are the people you will live with while your family gets help to fix the problem that led the child welfare agency to get involved. The child

welfare agency generally conducts background checks on these people and requires them to attend special trainings about being foster parents. They will participate in your case planning and help you achieve any goals you may set. They will also work with the agency to help you adjust to life in their home.

Each foster family is unique. You may have a single foster parent or you may live with a family with children of their own. You may meet these people right away if there is an opening or it may take time to find a good fit.

Residential/Group Home Staff

A group home is a place where several young people live. You may have your own room or share a room with other young adults. Some states have group homes specifically for LGBTQ young adults. If you are placed in a residential facility, the staff at the facility will be responsible for your safety and well-being.

Step Three: Case Plan

To best meet your needs throughout your time in foster care, your caseworker will develop a plan for you and your family. The case plan will outline the goals for you and your parents. It should identify a primary goal and a secondary goal in case the first one is not met. This is called *concurrent planning*. The case plan helps everyone understand the goals and the best way to meet them. It also includes steps your caretakers must take to show the agency they can care for you. The plan may include counseling for you, your parents, or all of you together. It may also involve drug and alcohol counseling or rehabilitation, and parenting classes.

This plan is not set in stone and will be revised as each person learns more about you and your family, and as your parents work towards changing the current situation. The agency or judge will

hold regular hearings to help update everyone on your case's progress and status while you are in foster care.

If everything goes according to plan and the situation gets better you might return to your family. However, if you cannot return home, the caseworker, court, and other professionals will identify a permanent placement for you. This may include adoption, guardianship, placement with a relative, or another planned permanent living arrangement within the child welfare system. Each option will involve additional court hearings and formal proceedings.

PEOPLE YOU MAY MEET

Service Providers

These professionals provide services and supports required in the case plan. They may have attended a meeting

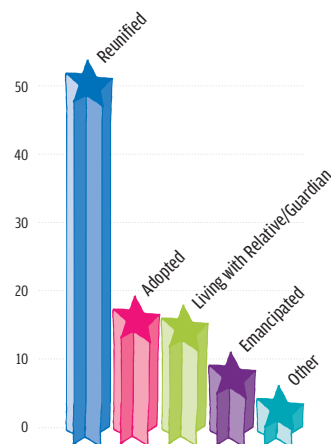
about your situation and can help you or your parents achieve the case plan goals. These professionals have attended college or some other educational program that qualifies them to deal with specific issues. Each professional has her own skill set. If she cannot assist with a specific problem, she can help identify someone who can. Some service providers specialize in LGBTQ-friendly practices. If you feel comfortable asking to work with such a provider, ask your caseworker.

Service providers include:

- *Therapists/counselors*
- *Medical professionals*
- *Independent living counselors*
- *Drug and alcohol rehabilitation counselors*

Step Four: Permanent Placement or Emancipation

Every case is different and so is every outcome. This makes it hard to predict exactly what will happen in your case. You may reunite with your family. You may go on to live with relatives or in a residential facility. If you are emancipated, you will live on your own and be treated as an adult under the law. Sometimes you may become frustrated with the system or your placement. When this happens, you must speak up to avoid falling off the radar. The following chart shows possible outcomes and how often they occur:



Possible Outcomes
for Youth in Foster Care 2006 in percentages

Source: Child Welfare Information Gateway, "Foster Care Statistics, Series: Numbers and Trends," 2009, available at www.childwelfare.gov/pubs/factsheets/foster.cfm.

Foster care can be challenging, especially if you are also beginning to explore your LGBTQ identity. No matter how hard these processes may be, both young adults in foster care and LGBTQ young adults go on to live rich and exciting lives. These Web sites offer more information on foster care and LGBTQ young adults in foster care. Your lawyer and caseworker can help you envision your life both during and after foster care. With their help you can begin working towards that life today.



www.FosterClub.com

www.ChildWelfare.gov



GLSEN

www.glsen.org

Step Five: Case Closure

Foster care is not permanent. At some point you will no longer need to be in foster care. Your caseworker will evaluate if your case plan has been successfully implemented. At all times, your safety and well-being remain the most important goal. To ensure this goal is met your caseworker will evaluate if the problems that brought you into foster care have been solved. The caseworker will make sure you are no longer in danger and that all solutions will be permanent.

If your caregivers have proven they can resume taking care of you, you will go back to your original home. Your case may also be closed because you are being adopted or have found some other permanent living arrangement as an adult. Even in these situations, your caseworker and advocate will make sure you will be safe and well-adjusted in your new placement. In some states, even after you are too old for foster care, there may be added resources to help you transition to adulthood. Discuss these options with your caseworker.

Regardless of how you exit care, you should have a stable, safe adult in your life that you trust. This person may be a family member, friend, mentor, coach, teacher or someone else. This person will be there for you to celebrate when things are good and help you when things are not so good. This person must also support your sexual orientation and gender identity. These relationships are the key to a successful transition to adulthood.

For more resources on issues discussed in the book:

ABA Opening Doors Project Web Site

<http://new.abanet.org/child/Pages/lgbtq.youth.aspx>

Explore the online version of **It's Your Life**. Here you will find the tools and resources to help you make sense of your journey through the child welfare system:

- what to expect while you are in the child welfare system
- who can help you – the judge, your lawyer, your social worker and others
- the stages of your child welfare case, from the time you enter care through placement or life on your own
- how to advocate for yourself
- where to turn for help, whether you've left home, are being harassed at school, or are not being valued for who you are



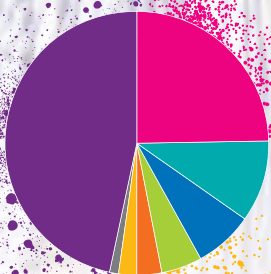
YOUR PLACEMENT

Before Placement

Your stay in foster care may last a few weeks or a few years. This will depend on what the agency and court determine is in your best interest. This is the point of the whole process – identifying your best interest, then working to achieve that goal. This includes providing you with physical and emotional support as well as limits and boundaries. If you have concerns about your placement, tell your social worker or lawyer.

PICKING THE BEST PLACEMENT

Child welfare agencies place young adults in many different settings. In special circumstances, placements include emergency shelters, child care institutions, or residential care. The graph to the left shows how many young adults were living in each type of placement across the nation in 2006:



Placement Settings

for Youth in Foster Care 2006 in percentages

- Non-Relative Foster Family Homes **46%**
- Relative Foster Homes **24%**
- Institutions **10%**
- Group Homes **7%**
- Trial Home Visits **5%**
- Preadoptive Homes **3%**
- Runaway **2%**
- Supervised Independent Living **1%**

Source: Child Welfare Information Gateway, "Foster Care Statistics, Series: Numbers and Trends," 2009, available at www.childwelfare.gov/pubs/factsheets/foster.cfm.

Child welfare professionals consider many things when determining the best fit for each young adult. If you have strong preferences or opinions on your placement, tell your caseworker or advocate. The checklist below shows the criteria the Michigan Department of Human Services considers when deciding the best placement for each young adult.

TALKING WITH YOUR ADVOCATE OR CASEWORKER

Tell your caseworker or advocate what you think would be a good placement. This part of the process often happens quickly, so be prepared to communicate your concerns and preferences, even if your caseworker or advocate forgets to ask you. Are there family members or adults with whom you feel comfortable? Your relationship with these adults may make one of them an ideal placement. Where you live often determines where you attend school; so be sure to share any concerns about staying in the same school and continuing your involvement in any extracurricular activities.

Unlike your family or school history, your caseworker may not think to ask about your LGBTQ identity. However, this part of your identity is important in evaluating your placement. So, if it is not already clear from your reasons for coming into foster care, you may choose to disclose your LGBTQ identity.

How do they determine your placement?

- *Stability for you*
- *Your safety, and physical and emotional needs*
- *Availability of your close relatives and extended family*
- *Distance from your family*
- *Your siblings' placement*
- *Your religious preference*
- *Allowing the most freedom*
- *Protecting the continuity of your relationships with friends, teachers, etc.*

Source: Michigan Department of Human Services



Should you disclose your LGBTQ identity?

Disclosing your LGBTQ status is your choice. Your sexual orientation is private information even as you rely on public resources for support. If you feel comfortable discussing your LGBTQ status with your caseworker or advocate it may help them find a good fit for you. You may also discuss it with either person and ask that they try to find a suitable placement without disclosing your LGBTQ identity. Note that while the law may not require all of these people to keep this information private, it does require your lawyer to.

If you do not feel comfortable talking about your LGBTQ identity, no one can make you disclose it. But you may still be able to find an acceptable placement by asking the questions in the next section and looking for signs of open and nurturing placements for LGBTQ young adults.

THINGS TO LOOK FOR IN A PLACEMENT

When searching for an appropriate placement remember the state is responsible for your health and well-being while you are in the child welfare system. Child welfare professionals are legally responsible for protecting you from emotional, psychological, and physical harm while in out-of-home care. This includes protecting you from abuse based on your LGBTQ identity.

In addition to being safe, your placement should be comfortable.

While child welfare professionals can ensure your safety, your comfort is more subjective. You should help decide where you will feel most comfortable. Ask the child welfare professionals questions and evaluate the potential placement on your own. To understand how the group home views LGBTQ young adults, look at its history, the caretaker's attitudes, and any official policies. In group home settings, staff attitudes tell a lot because the young adults who live there often follow the staff's lead.



What questions should you ask about your placement?

You may ask the following questions of your lawyer or advocate, caseworker, potential caretakers, or residential facility staff. Ask them in person, or if you feel you may forget some concerns, take a written list to your next meeting. These questions come from actual experiences of LGBTQ young adults in foster care.

1. Does the placement have any experience with LGBTQ young adults?
2. Are there currently any other LGBTQ young adults in the placement?
3. Do the caretakers, staff, or other young adults in the home receive training or instruction on LGBTQ inclusiveness?
4. Are there any LGBTQ-inclusive signs or posters displayed in the common areas such as rainbow flags or hate-free zone stickers?
5. How many staff members identify as LGBTQ?
6. Does the agency use LGBTQ-friendly service providers?
7. Does the placement have a nondiscrimination or bullying policy? (See *Nondiscrimination Policy* and *Anti-Harassment Policy or Bullying Policy* boxes for more detail.)
8. Does the residential placement restrict a young adult's clothing choices or discussions about sexual orientation?
9. What is the official policy on religious beliefs and practices?
10. Are there any social functions or support groups specifically for LGBTQ young adults?

NONDISCRIMINATION POLICY

One way to determine how much support you will receive in an organization or placement is to look at its nondiscrimination policy. If the organization has a policy of nondiscrimination for its employees, then it is likely it will treat you fairly.

- Ask your caseworker if the child welfare agency has a nondiscrimination policy for foster parents.
- If you are being placed in a residential facility or group home, ask your caseworker if the home has a nondiscrimination policy. If not, ask for a different placement.

ANTI-HARASSMENT POLICY OR BULLYING POLICY

Bullying is repeated behavior that harms or disturbs the victim. It includes physical (hitting, shoving), verbal (threats, teasing, insults) or psychological (spreading rumors) abuse.

70% of LGBTQ young adults in group homes reported experiencing some form of violence based on their sexuality.

Many states have policies against such behavior in schools or require schools to pass such policies. Depending on where you go to school you may enjoy this protection. Ask your advocate or caseworker if your potential placement has a policy like that. Ask if the policy includes sexual orientation or other issues you find important to your safety.

Source: Susan Daugherty, *Bullying and Children in the Child Welfare System*, 2007, 1. Available at www.hunter.cuny.edu/socwork/nrcfcpp/downloads/bullying.pdf

If you are experiencing harassment, discrimination or violence

Lambda Legal Defense and Education Fund

Provides legal advice and support for people experiencing sexual orientation-based harassment and other discrimination.

120 Wall Street, Suite 1500
New York, NY 10005-3904
212/809-8585
www.lambdalegal.org

National Center for Lesbian Rights

Protects the rights and safety of lesbians and their families through litigation, public policy advocacy, free legal advice, and public education. Its **Youth Project** advocates for lesbian youth in schools, foster care, juvenile justice settings, and the mental health system.

870 Market Street, Suite 570
San Francisco, CA 94102
415/392-6257
www.nclrights.org

National Coalition of Anti-Violence Programs

Works to end violence against and within the LGBT and HIV-affected communities.

240 West 35th Street, Suite 200
New York, NY 10001
212/714-1184
<http://ncavp.org>

Transgender Law and Policy Institute

Advocates for transgender equality through law and policy reforms.
www.transgenderlaw.org

HOTLINE

Foster Care Helpline

866-LGBTTeen (542-8336)

Call this hotline if you have questions about LGBTQ-related discrimination or abuse.

It is staffed Monday-Friday,
6:00 a.m.-2:30 p.m. (Pacific Standard Time),
9 a.m.-5:30 p.m. (Eastern Standard Time).
You may leave messages 24-hours a day.



Being in Care as a LGBTQ Young Adult

There are various reasons you may be in foster care. These include threats to your physical or emotional safety due to abuse or neglect by your caregivers. This abuse or neglect may or may not have anything to do with your LGBTQ identity. You may have been thrown out of your home, or you may have decided to leave your home because of this abuse. You may already be in care and are beginning to embrace your LGBTQ identity. This section discusses the avenues into care and how they may affect your experience in the foster care system.

THE ROLE OF YOUR LGBTQ IDENTITY IN ENTERING CARE

Abuse and Neglect

There are various stages in the coming-out process ranging from initial personal discovery to complete acceptance and integration. The further you travel through these stages the more open you will become with your friends and family. No matter what stage you are in, it is important to understand that you are not responsible for any negative actions taken against you when you share your LGBTQ identity.

Many parents, siblings, and family members have difficulty accepting or supporting a young adult's LGBTQ identity at

first. The level of nurturance and support you first experience is not final; your family's attitude may improve with time.

Your family's culture, heritage, and religious background may play a role when they are learning to accept you as LGBTQ. Young adults from traditional families and conservative cultures have reported social pressure to conform to stereotypes based on both sexual and racial identity. Cultures that expect boys to be macho may view homosexuality as rejecting heterosexuality and racial identity. This can be difficult for some families to process. No matter what is at the root of their bias, as your family works through its issues, they must continue to adequately care for and support you and are not allowed to hurt you for being honest about your identity. When they are unable to provide you this basic care, foster care will provide a safe place while your family learns to treat you with the love and respect you deserve.

LEAVING OR BEING KICKED OUT DUE TO YOUR LGBTQ IDENTITY

As an LGBTQ young adult, disclosing your sexual orientation to your family can be challenging. In addition to possible violence and harassment at home, you may also face multiple placements

and discrimination while in foster care. This may cause you to want to leave your family or the child welfare system. Many LGBTQ young adults end up homeless after leaving their families or the child welfare system.

LGBTQ YOUNG ADULTS AND HOMELESSNESS

LGBTQ young adults represent approximately 20-40% of all homeless young adults, even though they make up a much smaller percentage of the young adult population.

Homeless LGBTQ young adults face a much more challenging and dangerous life than young adults in care. They experience higher rates of substance abuse and mental health issues, and are seven times more likely to be victims of crimes than their heterosexual peers.

For more information, see:
www.NationalTaskForce.org

Although your frustration is understandable, patience with the system and child welfare professionals will help you. While you may not find the perfect placement the first time, leaving the system without a permanent home significantly reduces the resources available to you and hurts your chances of finding a safe, nurturing environment.

COMING OUT WHILE IN CARE

You may enter the child welfare system first and then begin discovering your LGBTQ identity. This is not surprising since many young adults enter the system at a younger age and may not consider their sexual identity until later in life. If this is the case, when you feel comfortable you could share this discovery with your lawyer or your caseworker. The main reason coming out is such a personal decision is because you have to be prepared to deal with the consequences, both positive and negative. If you feel your current placement is either hostile or is not accepting and nurturing of your identity, tell your lawyer and caseworker right away. They may have a more suitable option for you and may be able to provide you additional support and resources.

WHAT TO READ

Homeless & Runaway LGBTQ Youth

Being Safe, Being Out: Helping LGBTQ Youth in Crisis

A brochure describing how the National Runaway Switchboard can help LGBTQ youth who are in crisis.

www.1800runaway.org/pub_mat/documents/LGBTQ.pdf

Challenges Faced by Homeless Sexual Minorities: Comparison of Gay, Lesbian, Bisexual, and Transgender Homeless Adolescents with Their Heterosexual Counterparts

A study in the American Journal of Public Health focusing on how LGBT youth differ from heterosexual youth in terms of their physical and mental health. Homeless youth who identified themselves as members of sexual minority groups were found to be at increased risk for negative outcomes. Recommendations for treatment programs and implications for public health are discussed.

www.ajph.org/cgi/reprint/92/5/773.pdf

Let's Talk – The Runaway Prevention Curriculum

Module 12 – Sexuality and Sexual Orientation

Part of a curriculum by the National Runaway Switchboard, this lesson plan looks at the link between sexual orientation and running away, raises sensitivity to issues of sexuality and sexual orientation, and explores challenges experienced by LGBT youth on the streets.

www.1800runaway.org/rpc/pdf/Module_12_SexualOrientation.pdf

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

A 2007 report from the National Gay and Lesbian Task Force and the National Coalition for the Homeless that explores why LGBT youth become homeless and how they are threatened, belittled and abused at shelters by staff as well as other residents.

www.thetaskforce.org/downloads/reports/reports/HomelessYouth.pdf

LGBTQ12-S Homeless Youth (from the Homelessness Resource Center of SAMSHA)

Shares research and tips for working with lesbian, gay, bisexual, transgender, questioning, intersex, or two-spirited (LGBTQ12-S) youth.

■ **Who are LGBTQ12-S Homeless Youth?:** focuses on how service providers can best serve LGBTQ12-S youth.

■ **Quick Tips: Working with LGBTQ12-S Youth who are Homeless:** focuses on how agencies can help LGBTQ12-S youth feel welcome and safe.

■ **Research Notes: Sexual Health Risks Among Youth Who are Homeless:**

Explains the histories, risks and needs of LGBTQ12-S youth and shares research findings.

Find these and other publications at

[http://homeless.samhsa.gov/\(X\(1\)S\(id5c2su22dvnu0553h03cm45\)\)/Organization/LGBTQ12-S-Youth-153.aspx](http://homeless.samhsa.gov/(X(1)S(id5c2su22dvnu0553h03cm45))/Organization/LGBTQ12-S-Youth-153.aspx)

WHAT TO READ (continued)

Homeless & Runaway LGBTQ Youth

LGBTQ Homeless Youth Fact Sheet

A one-page fact sheet summarizing trends among LGBTQ homeless youth, including underlying reasons for homelessness, risk factors, age, ethnic background, and interventions.

www.safeschoolscoalition.org/LGBTQhomelessFactSheetbyNAEH.pdf

The National Alliance to End Homelessness

National Advisory Council on LGBTQ Homeless Youth

This coalition of local nonprofit groups advocates for increased support for LGBTQ homeless youth. Publications include:

- **National Recommended Best Practices for Servicing LGBT Homeless Youth**
www.nyacyouth.org/docs/uploads/Recommended-Best-Practices-for-LGBT-Homeless-Youth-040909.pdf
- **Incidence and Vulnerability of LGBTQ Homeless Youth – Research Brief**
www.nyacyouth.org/docs/uploads/LGBTQ-Homeless-Youth-Incidence-and-Vulnerability-2009.pdf
- **A National Approach to Meeting the Needs of LGBTQ Homeless Youth**
www.nyacyouth.org/docs/uploads/LGBTQ-Homeless-Youth-Factsheet-4909.pdf

Resources on LGBTQ Youth in the Foster Care and Juvenile Justice Systems

A tool kit that educates people about the experiences of LGBTQ youth in the foster care and juvenile justice systems. Some information is California-specific.

www.ncirights.org/site/PageServer?pagename=issue_youth_docsDownloads

Working with Homeless LGBTQ Youth: Getting Down to Basics Tool Kit

Offers practical tips and information to ensure LGBTQ youth in care receive the support and services they deserve.

www.lambdalegal.org/take-action/tool-kits/getting-down-to-basics/homeless-youth.html

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

Examines the foster care programs of 14 states. Highlights the shortfalls of each program in addressing LGBT youth and provides recommendations for reforms.

www.lambdalegal.org/our-work/publications/youth-in-the-margins.html

VIDEOS

Out in the Cold

A documentary about homeless gay and lesbian youth.

www.imdb.com/title/tt0328227/

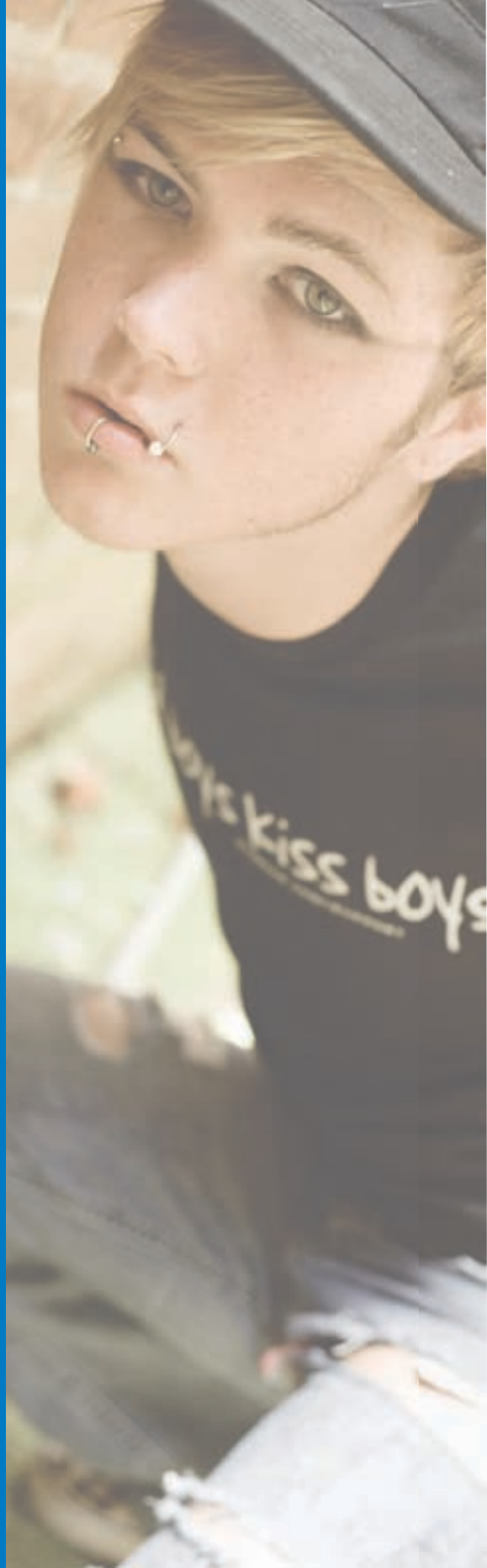
We Are ... GLBTQ

A video about LGBTQ youth in foster care, featuring diverse voices of LGBTQ current and former foster kids, with guest appearances by adult experts.

View video online: [www.dshs.wa.gov/video/ca/New GLBTQ.aspx](http://www.dshs.wa.gov/video/ca/New%20GLBTQ.aspx)

Download video discussion guide:

www.dshs.wa.gov/pdf/ca/We%20Are%20GLBTQ%20Discussion%20and%20Resource%20Guide.pdf



Safety

Freedom of Expression

NO HARASSMENT

HEALTH CARE

RELIGIOUS FREEDOM

YOUR RIGHTS WHILE IN PLACEMENT

What to Expect from Your Lawyer

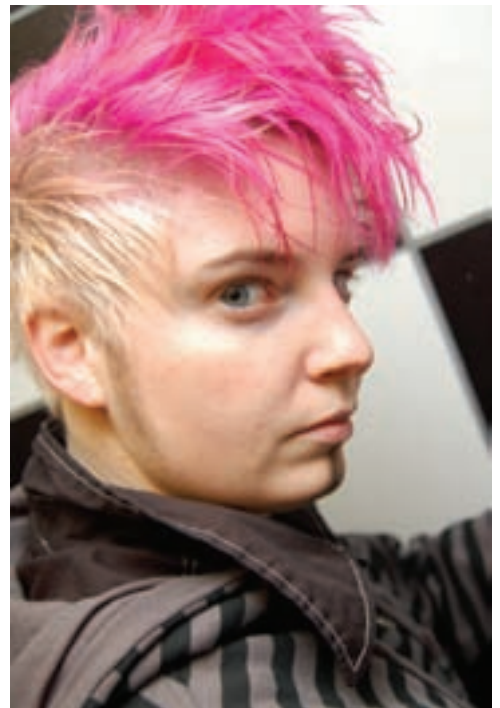
You have many legal rights while you are in care. The most important is the right to safety. You also have the right to be treated equally, express your gender identity, and be open about your sexual orientation. While in care, your caseworker, lawyer, and judge should help you protect those rights. They should have the same standards and goals for your case when creating a case plan or selecting a placement as they do for cases involving any other young adult. They should have the same goals of reunification with your family, make the same effort to fix any problems, and try to find you the most appropriate placement, not just place you in a group home.

You may be given a lawyer as your advocate. Throughout this process your lawyer is your advocate and represents your interests. You have many rights when you are in out-of-home care and may enjoy some protection based on your LGBTQ identity. If you do not feel safe in the child welfare system, your lawyer can use several tools to enforce your rights.

To protect your legal rights you must tell your lawyer about your experience in out-of-home care. This may include disclosing your LGBTQ identity. You may ask your lawyer not to disclose this to anyone else. Unlike other professionals and advocates, your lawyer must respect your wish to keep this information private under almost any circumstances. Your lawyer must also know the laws that protect your rights and must follow strict ethics rules. If you feel your lawyer is not doing her job as your advocate, tell your caseworker or the judge right away. You can also write to the judge about this problem.

In addition to helping you identify your legal rights, your lawyer can help you distinguish guaranteed rights from

privileges. For example, you may not be able to receive phone calls from your partner after a certain time at night. If that policy applies equally to all young adults in the home, it only restricts a privilege and is probably not discriminatory. The following section describes some rights you may have while in care and shows you how your caseworker or lawyer can help protect those rights.



If you are interested in national and international organizations that protect the rights of all LGBTQ people:

**American Friends Service Committee
LGBT Rights & Recognition**

International Quaker organization that promotes peace and social justice for LGBT people.

1501 Cherry Street
Philadelphia, PA 19102
215/241-7000
www.afsc.org/lgbt/

Anti-Defamation League

International organization that fights all forms of bigotry and hatred.

To locate your regional office, visit www.adl.org

**Child Welfare League of America
Sexual Orientation/LGBTQ Youth
Issues Project**

Builds the child welfare system's capacity to deal fairly and constructively with young people, family members, and employees who are LGBTQ, with an emphasis on making the transition to adulthood.

2345 Crystal Drive, Suite 250
Arlington, VA 22202
703/412-2400
www.cwla.org

Human Rights Campaign

A civil rights organization working to achieve LGBT equality.

919 18th Street, NW, Suite 800
Washington, DC 20006
202/628-4160
www.hrc.org/

**National Gay and Lesbian Task Force,
Youth Program**

Protects the civil rights of LGBT youth through policy advocacy, research, and safe school and youth empowerment programs.

1700 Kalorama Road, NW
Washington, DC 20009-2624
202/332-6483
<http://thetaskforce.org/issues/youth>

Your Rights While in Foster Care

QUICK OVERVIEW: YOUR RIGHTS

Not all of these rights are absolute. If you feel your rights have been violated, you should speak to your social worker and advocate. The following rights are explored in the stories below.

- **Freedom of expression** – right to express yourself through speech and dress
- **Personal safety** – right to be safe in placement and school
- **Access to health care** – right to have access to physical and mental health care
- **Maintain relationships with siblings** – right to be placed with siblings, if appropriate; right to contact with siblings if not placed together
- **Religious freedom** – right to practice your desired religion

PERSONAL SAFETY AND APPEARANCE

M.J.'s Story

M.J. is a lesbian who takes great pride in her appearance. Most of her friends and family appreciate M.J.'s creativity and gender-bending fashion sense. But there are a few kids at school who make fun of her and her sense of style. Last week, M.J. wore a tie and a polyester suit to school and was teased all day based on her sexuality. By the end of the day, M.J. and her friend got into a physical fight with a bully. All three students were punished for fighting. When M.J.'s foster parents found out, they told her she could not wear men's clothes anymore because it was affecting discipline at the school.

The Rights:

There are three rights in this story:

- freedom of expression
- personal safety
- fair chance to defend one's actions

As a young person you have the right to express yourself through your physical appearance. The **right to express yourself** comes from the freedom of speech guaranteed by the U.S. Constitution. While you are in foster care, your freedom of speech cannot be restricted for trivial reasons.

You also have **rights to a good education and personal safety** both in and out of foster care. If you are being repeatedly teased or harassed at school based on your appearance or your sexuality it could hurt your ability to learn and socialize at school. You have **the right to feel safe at school** regardless of your sexuality. In many states, the school and the child welfare agency are legally responsible for making sure you are not harassed based on your sexual orientation. To find out if your state or school has a nondiscrimination policy, see www.familyequality.org. In some states, foster care providers must protect foster young adults from harms outside the home. This duty includes ensuring school officials address any harassment or discrimination.

Some states have laws about the disciplinary proceedings within a school district. If you commit a serious offense you could be suspended or expelled. In that case, you may be **entitled to "due process."** This means the school may have to use a formal proceeding and ensure the process is fair. In this type of proceeding you might also have the right to have a lawyer present to represent you.



The Plan:

At School:

- Talk to your school's guidance counselor or a teacher you trust. Tell him about the harassment and ask if he can help you.
- Find out if the school or educational facility has a formal complaint procedure. If so, file a complaint.
- If you are facing serious consequences, such as suspension or expulsion, tell your advocate right away.
- Tell the school that you would like your social worker or advocate present during any meetings discussing the harassment/suspension/expulsion.
- Recognize that, while it is tempting, violence will not solve your problem.

At Home:

- Communicate with your placement staff or foster family and explain the situation.
- If you are still having difficulty getting your point across, ask your advocate or caseworker to help.
- Should nothing else work, your advocate may be able to get a court order asking your school and your foster family to not interfere with your self-expression through your clothes.



TIPS

How can harassment policies protect me?

All school harassment policies are not created equal. Certain school districts have more protections in place for LGBTQ youth than others. For example, in Berkeley, CA schools encourage curriculum, instruction, and activities that are inclusive of all types of students and their families, and prohibit harassment in any form. This is not typical. Although many districts strive to be inclusive, few provide lessons in inclusiveness. This is a great policy because it helps prevent discrimination and harassment before they happen. If your school district does not have one, you can work with your administration and any gay-straight alliance groups to implement a similar policy.

If you are experiencing harassment or discrimination at school:

American Civil Liberties Union

Lesbian, Gay, Bisexual & Transgender Project
Promotes school equality and antigay harassment.

125 Broad Street, 18th Floor
New York, NY 10004.
212/549-2673
www.aclu.org/lgbt-rights

Gay, Lesbian and Straight Education Network

Works to end harassment and discrimination against students based on sexual orientation or gender identity.

121 W. 27th Street, Suite 804
New York, NY 10001
212/727-0135
www.glsen.org/splash/index.html

Gay-Straight Alliance Network

A youth leadership organization that supports school-based Gay-Straight Alliances.

1550 Bryant Street, Suite 800
San Francisco, CA 94103
415/552-4229
www.gsanetwork.org

Matthew Shepard Foundation

Supports diversity programs in schools and helps youth organizations establish environments where youth can feel safe and be themselves.

301 Thelma, #512
Casper, WY 82609
307/237-6167

1580 Lincoln Street, Suite 1150
Denver, CO 80203
303/830-7400
www.matthewshepard.org

Safe Schools Coalition

Works to reduce bias-based bullying and violence in schools.

1002 East Seneca
Seattle, WA 98122-4203

877/SAFE-SAFE (877-723-3723)
www.safeschoolscoalition.org

U.S. Department of Education Office for Civil Rights

Enforces five federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability and age by public schools.

U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202
800/421-3481
www.ed.gov/ocr

Jasmine's Story:

Jasmine is a transgender young adult in foster care. She was born Jacob, but a couple years ago she told her family that she identified as transgender. A few months ago, Jasmine decided to begin transitioning. Now in care, Jasmine hopes to continue with her transition; however, the staff at her residential facility do not support her identity and have forbidden her from wearing girl's clothing. They insist on calling her Jacob and only address her with male pronouns. Last week Jasmine had her

first appointment with a counselor, who tried to convince her to reject her identity as transgender and embrace being a boy. Her friend takes hormones she gets on the street. She offers those hormones to Jasmine, who is considering taking them.

The Rights:

When you are in the foster care system you have a **right to health care**. This includes doctor visits and therapy sessions to ensure you are in good physical and mental health. It also requires the state to address any other health-related needs you may have. Protecting this right is especially important for transgender young adults in care and includes respecting your gender identity and using the name and pronouns you prefer. Child welfare agencies may not ignore the treatment plan created by a transgender young adult's doctor.

As a LGBTQ young adult, you have a **right to be treated equally** with your heterosexual peers. This right may translate to age-appropriate sex education and STD/HIV awareness. In some states, such as California, this means state agencies must take an open, nondiscriminatory approach to the standard sex education most young adults get in high school. For some examples, see www.cde.ca.gov/ls/he/se/.

The **right to equal health care options** also requires equal treatment when addressing your mental health.

Child welfare agencies and caregivers may not make you participate in unethical, discriminatory, or harmful therapy sessions. Specifically, they cannot make you attend "conversion therapy" or any other programs designed to "cure" your LGBTQ identity.

The Plan:

- If you feel your physical or mental health is in immediate danger, alert your advocate and your caseworker right away (conversion therapy counts as an immediate danger).
- Your lawyer can ask for an emergency hearing with the judge to address this issue. If your advocate does not respect your gender identity or use the name and pronouns you prefer, you can ask the judge for another advocate.
- If you receive discriminatory health care from a state agency or caregiver, your advocate can find out why and either informally request that you be treated equally or ask for a formal court order. This is also true for the name you would like to be called and the pronoun you would like others to use when referring to you.
- If the caregivers cannot guarantee that this will not happen again, ask to be moved to a different placement.
- Street hormones can be dangerous. If you want to consider hormone treatment, ask your caseworker to set up an appointment with a health care provider who specializes in transgender health. You can find doctors in your area on the Internet.



If you have questions about your health:

Advocates for Youth

Helps youth make informed, responsible decisions about sexual health.

1025 Vermont Avenue, NW, #200
Washington, DC 20005
202/347-5700
www.advocatesforyouth.org

Gay and Lesbian Medical Association

Promotes quality health care for LGBT people.

459 Fulton Street, Suite 107
San Francisco, CA 94102
415/255-4547
www.glma.org

Sex Information and Education Council of the United States

Promotes comprehensive sexuality education and sexual health promotion.

130 West 42nd Street, Suite 350
New York, NY 10036-7802
212/819-9770
www.siecus.org



What if I am on hormone treatment?

If you have begun a doctor-prescribed hormone treatment, you have a right to continue that treatment. Make sure that your social worker and advocate know who your doctor is and that your treatment is included in your case plan. Also, ensure that any placement will respect and support your treatment. If it does not, tell your caseworker and advocate that you want another placement.

VISITATION

Eli & Megan's Story:

Eli and Megan have been in foster care for two months. They are sisters. When Eli came out as a lesbian Megan's foster parents would not allow Eli to visit Megan because they were afraid Eli would convince Megan to be a lesbian. Eli attempted to call Megan, but Megan's foster parents would not allow her to talk to Eli on the phone. Eli felt like she had no way to see Megan, so she decided to skip school just to see her sister. She got in trouble with her foster family and her school. She felt as though she was out of options.

The Right:

It is important to **maintain relationships with your family** while you are in foster care. Federal law now requires the child welfare agency to try to place siblings together. If the agency cannot, it must arrange contact between siblings unless it is not best for them. In some states the social service agency must develop a plan for regular and ongoing visits between siblings in foster care. Even if your siblings are not in care with you, your advocate can ask the court to help you stay in contact with them.

The Plan:

Talk to your caseworker if:

- your siblings are in foster care and you would like to see them but cannot contact them
- your foster family will not allow you to see your siblings

Talk to your lawyer if:

- your caseworker is not arranging visits and regular contact with your siblings
- your parents will not allow you to see your siblings

RELIGIOUS FREEDOM

Jordan's Story:

Jordan is a gay young adult in foster care. He has attended the same temple with his family his whole life. He is a part of the temple community and until recently attended services every Sunday. When he first came out, the congregation was very supportive of him. Jordan's foster family refuses to allow Jordan to attend services at his temple because their religion does not accept homosexuality. Jordan misses the supportive environment and the nurturance he received from his temple and is upset by the foster family's religious rejection of his LGBTQ identity. He asks his advocate about his options. His advocate talks to the caseworker who persuades the family that while they may not agree with the temple's teachings, it is in Jordan's best interest to attend services there. The next Sunday Jordan returns to his regular services.

The Right:

The First Amendment of the U.S. Constitution guarantees your **religious freedom**. While you are in foster care, neither the child welfare agency nor your foster parents may require you to participate in any religious activity. Service providers, such as counselors, cannot tell you they think you are a sinner based on their religious beliefs. You can practice any religion or choose not to believe in any religion at all. You also have the right to not attend any religious ceremonies or services that make you uncomfortable, including those that may put down LGBTQ people.

If you have questions or concerns about how religious groups treat LGBTQ people:

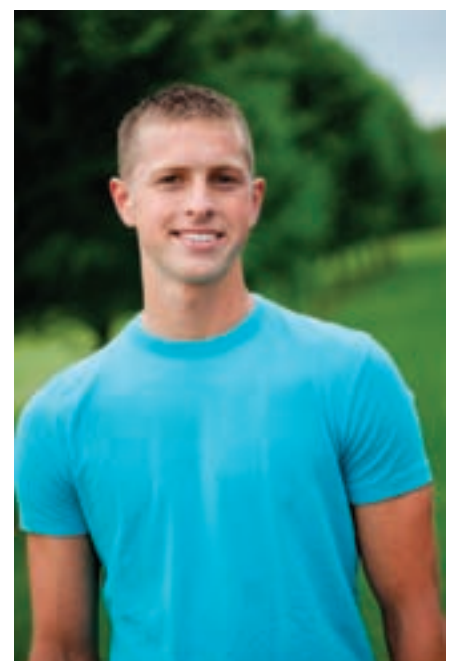
Soulforce

Seeks justice within religious communities for LGBTQ people.

PO Box 4467
Laguna Beach, CA 92652
1-877/705-6393
www.soulforce.org

The Plan:

- Tell your caseworker or advocate about your religious beliefs or preferences before placement.
- Ask about your potential placement's take on religion in the home.
- If you feel uncomfortable with any religious activity, tell your foster family or placement staff.
- If things do not change, tell your caseworker and your advocate. They might be able to end your involvement or ask a judge to protect your rights.
- If you wish to participate in religious services or ceremonies at a particular house of worship, talk to your foster family, caseworker, advocate, and if necessary, the judge to make it happen.



Carson and Allison's Story:

Carson and Allison met in a group home and immediately became best friends. When Carson came out to Allison as bisexual, Allison took it in stride. Other young adults at the residential facility and at their school did not. To combat their ignorance and hate, Carson and Allison started a gay-straight alliance (GSA). Carson asked a boy to the next dance at school and began preparing for their big night. A week later the residential staff told Carson he could not attend the dance if he took a boy as a date but could still go if he took a girl. The next morning the principal told them the GSA could no longer meet at the school and suggested they join the weekly bible study for the betterment of their souls.

The Rights:

There are two rights here. First, LGBTQ young adults in foster care are entitled to be treated the same way as all young adults in care. This includes being able to socialize with and date other young adults their age. Unless dating is generally prohibited, LGBTQ young adults cannot be singled out. Second, you may participate in extracurricular groups, like GSAs. These groups may not be banned by schools if they allow other noneducation-related groups, such as a bible study group.

The Plan:

- If residential staff members refuse to let you participate in an activity, ask them why?
- Also see if any other residents are similarly prohibited from participating.
- If a school official insists on prohibiting your GSA, ask them why and if other groups can meet at school.
- Tell your advocate if you feel you are being discriminated against and ask about your options.

TIPS

Am I safe on Facebook and other social networking sites?

In recent years some concerns have popped up about using internet social networking sites such as Facebook, MySpace, and Twitter. Your LGBTQ identity should not affect your use of these services. For many youth, social networking can be an effective way to keep in touch with friends and family, providing an important support system. However, many of the concerns are legitimate when it comes to your personal safety online. Follow these tips to stay safe online.

- Do not post anything you would not want to share with the whole world; this includes photographs, status updates, and comments on your page or a friend's page.
- Never exchange personal information with a person you do not know in real life.
- Be aware of cyber-bullying. Cyber-bullying is like physical bullying except instead of harassing someone to their face, bullies use the Internet or cell phones to hurt their victims. If you are being bullied online tell your case-worker, your foster parents, or your lawyer. They can help keep you safe.



Options

Guardianship

ADOPTION

YOUR PERMANENCY PLAN

What is Permanency Planning?

Permanency planning focuses on finding a **permanent** living arrangement, preferably one that includes a lasting and nurturing parental relationship. The placement options are:

- **Reunification:** return to parent(s)/guardian(s)
- **Adoption:** ending current parents' rights and creating a bond and new legal rights with another adult(s)
- **Guardianship or placement with a relative:** custody and legal rights to an adult(s) who is not your current parent
- **Another planned permanent living arrangement:** a placement that is planned and permanent with a strong connection to stable adult role models

Sometimes your identity as LGBTQ may cause child welfare professionals to overlook important permanency options, such as reunification or adoption. However, these are generally the best outcomes for young adults and you deserve an equal opportunity to explore them. Your permanency plan is not final; it will change as your situation and your needs change. Through open and honest communication with your caseworker and your lawyer, you can create the most appropriate permanency plan for you.

Permanency hearings will be held at least every 12 months while you are in foster care. At these hearings, the judge, your advocate, and your case-worker will evaluate the agency's effort to locate a permanent living situation for you. You have a legal right to be included in this process, so brainstorm with your advocate about how to make the most of this right. The agency must make "reasonable efforts" to create and implement the permanency plan. If it has not, the judge will issue an order requiring the agency to implement the permanency plan.

Like the case plan review hearings that are held every six months, permanency hearings let you share what you think is best for you. The law requires the judge to ask you what you want. It is very important that you attend these hearings and actively participate so you can have a say in your permanent living arrangement.

Talk to your advocate about the best way to talk to the judge. Tell your advocate that you want to ask the judge questions about your permanency plan. Talk to your advocate about disclosing your LGBTQ identity to the judge so the judge can help you get appropriate services, if necessary, and refer you to social networks that can support you. Make a list of things you want to talk to the judge about so you don't forget when you go into court. If you don't want to talk to the judge, ask your advocate to give your list to the judge.

TIPS

The judge and my advocate sometimes talk about "reasonable efforts." What is that?

"Reasonable efforts" is a term you may hear. The child welfare agency is required to make "reasonable efforts" to finalize your permanency plan. Reasonable efforts refers to what the agency has to do to make sure you have a stable and permanent home before you leave foster care. Examples of reasonable efforts are included under each permanency option in the next section.



If your family needs support from other LGBT families, contact:

Family Equality Council

Offers peer support, newsletters, conferences, and literature for LGBT parents and family groups.

PO Box 65327
Washington, DC 20035-5327
202/331-5015
www.familyequality.org

Families United Against Hate

A national network providing support and technical assistance for families and survivors of hate-motivated violence.

PO Box 6396
Olympia, WA 98507
360/888-5291
www.fuah.org

Parents, Families and Friends of Lesbians and Gays

Promotes the health and well-being of LGBT people through support, education, and advocacy.

1726 M Street, NW, Suite 400
Washington, DC 20036
202/467-8180
www.pflag.org

Permanency Options

REUNIFICATION

Most young adults who enter the foster care system reunite with their families. Visitation with parents, siblings, and other family members can improve your chances of reunification if it goes well. For this option to work, you and your family must follow the case plan and resolve the issues that led to your placement with child welfare services. If your LGBTQ identity played a role in your placement, then your family must show it can support you and provide you a safe and healthy home regardless of your sexuality. Your family may not have reacted well at first, but through education and support groups, like Parents and Families of Lesbians and Gays (PFLAG), they can show they are able to care for you. They may also need therapy, parenting courses, or drug and alcohol counseling. If you return home before these steps are taken, reunification will probably not work and your health and safety will be in danger. However, if you are reunified after these steps are taken, a positive outcome is likely.

Best situation for reunification:

- The agency has provided necessary services and your family has taken the recommended steps towards resolving issues.
- You feel comfortable returning home.
- Child welfare professionals do not believe reunification will endanger your physical or mental safety.
- You have the number of someone to call, such as a counselor, caseworker, advocate or CASA if things are not going well once you return home.

ADOPTION

If it is clear that reunification is unlikely, the child welfare agency must present a different plan at the permanency hearing. Adoption requires ending your current parents' rights and creating a new bond and new legal rights with another adult(s). Either you or the agency can identify adults who may want to adopt you. If this is your permanency plan, the agency should explain the steps they are taking to facilitate your adoption at the permanency hearing. This may include finding adoptive parents who identify as LGBTQ or who are friends of the LGBTQ community. If you are out to the agency or your caseworker, they should make sure any potential adoptive parents will support your LGBTQ identity.

Best situation for adoption

- Reunification is not an option.
- The agency has identified an able and willing adult to adopt you.
- The adult is comfortable with you and your LGBTQ identity and will protect you from those who may not be as comfortable (even if they are members of the adult's extended family).
- You feel comfortable with your potential adoptive family.
- You've been to adoption counseling, if necessary.
- You have worked through any feelings you have about your parents' rights being terminated and you are comfortable with that.

GUARDIANSHIP OR PLACEMENT WITH A RELATIVE

If neither reunification nor adoption is a viable option, then the agency may consider guardianship or placement with a relative. Tell your caseworker or advocate if you know of an aunt, a grandparent, or some other adult who would support and care for you. Relatives who may not be able to adopt you may still serve as legal guardians and provide a permanent home and connection to your family.

Best situation for guardianship

- Your relative or guardian is comfortable with you and your LGBTQ identity and will protect you from those who may not be as comfortable (even if they are members of the adult's extended family).
- The agency searched extensively for relatives.
- The caseworker included you when considering who your guardian should be and was willing to do home evaluations of the people you suggested.
- You feel safe in the home of this relative and do not feel pressure to return to your parents or act in a way your parents would like.
- The relative or guardian is willing to commit to caring for you for the long term.

ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT

If none of the above are options for you, then the agency may pursue another planned permanent living arrangement (APPLA). These planned permanent living arrangements include group homes. Even if you have an APPLA, the caseworker should still try to help you maintain a relationship with your siblings and other family members. Also, emergency shelters or multiple group homes do not count as an APPLA. Your caseworker should work with you to be sure you have at least one adult with whom you feel connected.

Best situation for APPLA

- The other plans have been ruled out.
- Your living situation is stable.
- You are receiving services to help you transition into adulthood.
- You have at least one adult with whom you have a good relationship that will last after you leave foster care.
- The law requires that you have a transition plan before you leave foster care. Refer to the next section for more detail. Talk to your advocate and caseworker about your transition plan.

GENERAL TIPS AND ADVICE

- All of these permanency options can be effective; any one of them may be right for you.
- Having the right permanency plan is important to your development while you are in care.
- Your LGBTQ identity may not be central to crafting the permanency plan, but any effective plan will ensure a placement that nurtures and supports you and your identity.
- Your permanency plan is not set in stone and can change to a more permanent option.
- Make sure you are getting the most out of your plan by maintaining good communication with your caseworker and your advocate.



YOUR LIFE

AFTER FOSTER CARE

Exiting Foster Care

If you do not exit the foster care system through reunification or adoption, you will remain in foster care at least until your eighteenth birthday. In most states, after you turn 18 you will no longer be legally required to be in foster care. This can be exciting, overwhelming, or both. At 18 you are a legal adult and have the same legal rights and responsibilities as all other adults. This means you will have to learn to take care of yourself physically, emotionally, and financially. However, this does not mean you have to do these things by yourself. This section discusses your options as you leave foster care and the tools and resources to make a smooth transition.

TRANSITION PLANNING

Federal law now requires a transition plan to be included in your case file at least 90 days before you exit care. A transition plan explains how you are going to get out of foster care and be successful. The law requires that you be the driving force behind that plan. Talk to your advocate and caseworker to assist you in creating this plan. The plan should include:

Housing

- How will you find it?
- How will you pay for it?
- Who will live with you?
- Is the placement LGBTQ friendly?

Education

- Will you graduate from high school or get a GED?
- Will you go to college or a vocational training program?
- How will you pay for it?
- Are there any extra tutoring or support services you need?

Health Care

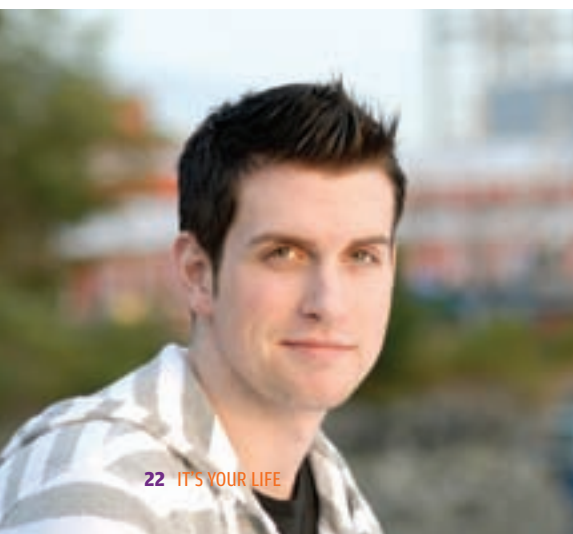
- How will you get insurance?
- If you have special health issues, how will those be addressed?
- If you are transgender, is your doctor supporting your transition? Who is your doctor?
- Does your prescription health care insurance cover hormones?
- Do you know how to make an appointment and pay for doctor and hospital visits?

Employment

- How will you financially support yourself?
- Do you have a job?
- Is this job temporary?
- Do you have plans for changing jobs?
- Have you had any issues with LGBTQ discrimination at your job?
- Do you know how to address those issues?

Social Structure

- Who are your lifetime support people?
- Are those people aware that you are LGBTQ?
- Do they support your identity?
- How often do you see them?
- Can you rely on them for help?



As stated earlier, attend your court hearings. Talk to the judge about the transition plan. Tell the judge if you are unsure about anything in the plan. The judge can order your caseworker or advocate to help you secure housing, a job, health care, or other needed services through the transition plan.



How do I pay for college?

College can be expensive. There are many resources available to former foster youth. Visit these Web sites for more information on scholarships and financial aid.

www.finaid.org
www.pointfoundation.org
www.leaguefoundation.org

Possible Destinations

HIGHER EDUCATION AND COLLEGE

A college education is important to your development as an adult and your future career prospects. As an LGBTQ young adult in foster care there are many resources to help you explore higher education. You may be eligible for grants and scholarships. Ask your teachers, caseworker, school counselor, or advocate about your options. The adults in your life and the listed Web sites may provide guidance while you make this educational transition.

In addition to traditional four-year colleges, many young adults begin their higher education at community colleges and technical schools. These schools are often easier to enroll in and provide a quality education without a large financial commitment. Community colleges also offer GED programs for young adults who may not have completed high school but would like to earn a high school diploma. Explore these options in addition to four-year colleges to find a good fit.

RESOURCES FOR YOUR COLLEGE SEARCH

www.CampusPride.org
www.CampusClimateIndex.org
The Advocate College Guide for LGBTQ Students by Shane Windmeyer

PUBLIC SERVICE

You may not feel ready for college right after finishing high school or getting your GED. Programs like AmeriCorps, City Year, or the National Conservation Corps. offer meaningful experiences. These programs allow you to develop professional skills by helping people in need. Typical projects include working at a food bank, helping victims of domestic violence, or organizing relief efforts for the American Red Cross. In return you get a monthly stipend, money for college, and sometimes housing during the program. Visit their Web sites or ask your caseworker or advocate for more information on these and similar projects.

WORKING WORLD

For some young adults, life after foster care leads to the working world. As an adult you are entitled to legal protections while at work. Federal law makes it illegal to discriminate against lesbian or gay employees. Employers also may not discriminate against people based on gender or gender expression. If you feel you have been discriminated against, contact a lawyer, the Equal Employment Opportunity Commission (eoc.gov), or the American Civil Liberties Union (aclu.org).

EMANCIPATION

Young adults under age 18 may be emancipated from their legal guardians. An emancipated minor has many of the same rights as an adult but must still follow the same laws as other young adults. For example, an emancipated minor may sign a contract as an adult but may not vote. Depending on where you live, you will have to fulfill different requirements. Emancipation is a major decision and requires careful consideration. Discuss this option with your caseworker and advocate before taking any major steps. The three common avenues to emancipation are discussed below.

Court Order In most cases a judge can emancipate you from your legal guardians if you can show it is in your best interest. Most states have a minimum age for emancipation, require that you manage your own finances, and that you live away from your parents or guardian. The court will notify your legal guardians of any proceedings and they will have an opportunity to present their case to the court.

Marriage Young adults can be legally emancipated upon marriage with parental consent. Depending on where you live, this may be an option. Most states continue to deny LGBTQ individuals the right to marry. However, more and more states do not. If you want to get married, discuss your options with your advocate and your caseworker.

Armed Forces Young adults under age 18 may be emancipated if they join the armed forces with parental consent. If you wish to join the military it is important that you learn about the military's Don't Ask Don't Tell (DADT) policy. Under this policy you can serve in the military if you identify as LGBTQ, but you may not disclose your identity to the military. If you do disclose your identity either directly or indirectly, you will be dismissed from the military and this may affect your ability to find a job in the future. The armed forces are currently reviewing this policy and many elected officials are considering repealing it. For more information on this policy visit www.sldn.org.

If you are interested in programs that support LGBTQ youth:

Youth Guardian Services

A youth-run organization that provides support services on the Internet to LGBTQ youth.

101 East State Street, # 299
Ithaca, NY 14850
877/270-5152
www.youth-guard.org/

Youth Resource – a project of Advocates for Youth

Supports youth who are questioning their sexual orientation through online support groups.

1025 Vermont Avenue, NW, Suite 200
Washington, DC 20005
202/347-5700
www.youthresource.com/

Pongo Publishing Teen Writing Project

Provides opportunities for LGBT youth to write and publish poetry about their lives.

2701 California Avenue, SW
Seattle, WA 98116
www.pongopublishing.org

LGBT Local Support Groups

A state-by-state list of LGBT support groups developed by The Legal Aid Society-Juvenile Rights Practice Special Litigation and Law Reform Unit, New York, NY. Available at
<http://new.abanet.org/child/Pages/lgbtq.youth.aspx>



What to Take With You

Regardless of how you leave the foster care system or where you go after foster care, you will need certain information to join society upon your exit.

These include:

- your foster care records or case file;
- personal documents: state-issued I.D., birth certificate, social security card, and medical and school records;
- information on any siblings who are still in care;

- information on your options should you choose to re-enter foster care;
- contact information for your lawyer and your caseworker.

You may need to work with your caseworker or advocate to get these documents. Do not wait until you are about to leave foster care before you start the process because sometimes there are hold-ups.

Life After Care: Personal Stories

How young adults experience foster care varies depending on what supports and services they receive. The following stories share the experiences of two LGBTQ youth who have been in the foster care system. They have very different stories with different results. Lessons learned are offered after each story to highlight what went well and what could have been done differently.

James's Story

James spent his time in a respite care home, and most of his system involvement took place in residential treatment centers and independent living homes. He is currently attending school in Texas.

What do you wish you knew at the beginning of your foster care experience?

I think my biggest concern when I entered the system was, "What next?" I had no idea what this change in my life meant for my future, my education, even my friends.

What was the best thing about your experience?

The help I received that I would not have otherwise. I was given the opportunity to engage in therapy to work out my issues. Also, prior to emancipation I was taught an entire range of skills, from how to create a budget to how to apply for scholarships.

What was most challenging?

The most challenging aspect of being in the system was living with a wide and diverse group of young adults. I lived in close quarters with people of different religions, cultural backgrounds, rocky pasts, and outlooks on life. It was very challenging for me at first, as I encountered people I never would have chosen to interact with before my time in the system. I am grateful though, my interpersonal skills are excellent and some of those "scary" people are now my best friends.

Who helped you during your time in foster care?

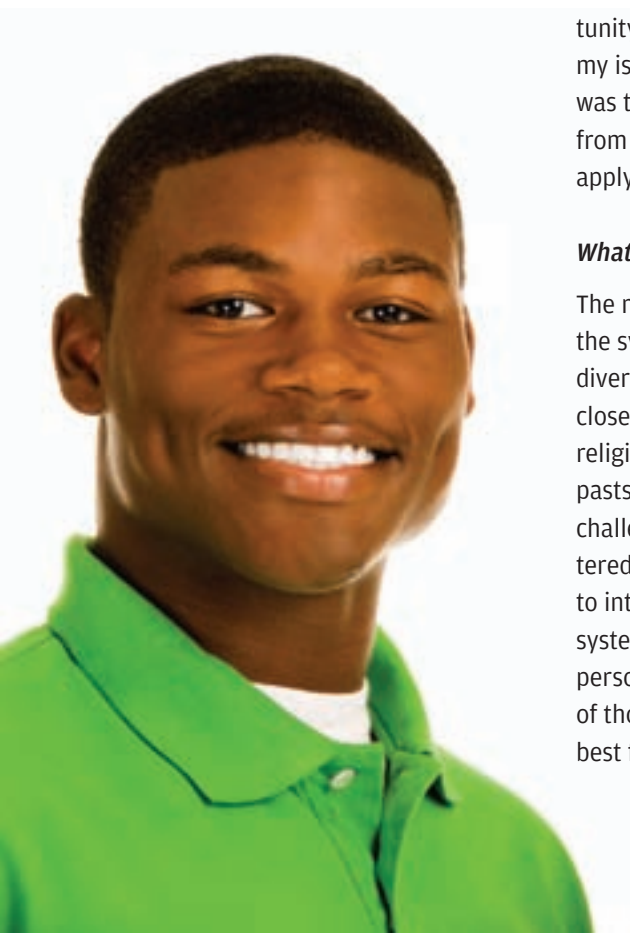
A woman named Whitney Bell. She was the residential supervisor of the independent living home I emancipated from. She was, with every young adult she worked with, always firm, fair, and consistent. Beyond that, it was obvious that she cared about our outcomes, I never once thought that she was just there for the job, as I did with so many professionals I encountered.

What was the most confusing or frustrating aspect of foster care?

The fact that I couldn't be like other young adults in my age group. I couldn't go on dates, or try to get my driver's permit, or even go for a walk whenever I felt like it. I felt like I was less than my non-system involved peer group, and I didn't know why that had to be the case.

What's the best advice you've gotten about navigating the foster care system?

I was told to respect the red tape and the hoops that I had to jump through, recognize them as steps I had to take to achieve my goals and make it successfully through the system. This advice was given to me by the above woman, Whitney Bell.



James's Story

***How was your educational experience?
What could have made it better?***

My educational experience was horrendous. My credits didn't transfer. The special school I was sent to offered no challenge to me whatsoever and the teachers were overwhelmed by the sheer number of young adults they had to deal with and the number of behavioral problems present in each and every one of us. Some of these problems could have been solved if my past and present schools could have communicated with each other a bit more. Also, the opportunity to seek out more challenging educational opportunities, such as online college classes, would have made me feel as if I wasn't wasting my time.

Describe your experience with the legal system.

I attended no hearings in reference to my becoming or staying a ward of the state. I have no idea what happened at these hearings, I was never invited, and I don't know how I was represented.

Do you think your identity as LGBTQ affected your experience?

I don't think that any of the technical aspects of my experience were affected by the fact that I'm gay. My therapy and the support groups were affected by my sexual orientation however, with a focus on coming to terms with my identity and building a support network in the greater community that consisted of young adults like me.

How did being in care affect your coming-out process?

I feel that it was slowed down by my being in care. I was just starting to come to terms with my sexuality and sharing it with friends at my high school

when I was taken out of the home and put into the system. Being surrounded by new people, many of whom were intimidating or alien to me, took me back to the closet for a much longer time than was necessary.

How did coming out affect your home life or treatment in the system?

It allowed me to explore the feelings that I had in a safe therapeutic environment, and connected me to organizations such as InsideOut, a community support group of LGBTQ young adults in Colorado Springs. It was scary to start to come out in the independent living home, but seeing a group of ex-gang members, criminals, and other hardened and discarded young adults accept me, despite my orientation, showed me that I could come out to anybody.

Were any of your needs as an LGBTQ young adult ignored by professionals in the system or your family? Were any addressed well?

I struggled with my bio family, and still do to some extent when it comes to discussing my sexual identity, even making remarks about my boyfriend can make them uncomfortable. If I had the opportunity to, I would have liked it to be a topic of family therapy. I also had no idea how to build a healthy homosexual relationship upon leaving the system. There were various resources available to my heterosexual counterparts on how to build stable relationships, but none specific to LGBTQ young adults.

Do you have any advice for LGBTQ young adults currently in the foster care system?

Don't be afraid. In my experience it always turns out better than you think it will, and there are probably one or two people around you who are just as scared to be themselves. Lead by example.

How did your sexuality most significantly affect your life in foster care?

The shame I felt for so many things, the crimes I had committed, the people I had hurt, the ways I had been victimized was crushing for so many years. When I began to deal with the shame of being gay and dealing with it successfully, I was able to work on the shame from everything else.

LESSONS LEARNED



- Don't be afraid. Find at least one person you trust so when you are confused you can ask questions.
- Do communicate. No one can help you unless they know something is wrong and what you want to happen instead.
- Don't give up. Foster care is run by human beings, who are not perfect. Sometimes things can go wrong. If you hang in there, like James did, you will find a solution.
- You'll need to prepare before leaving foster care. Your advocate and caseworker should tell you about services and supports that can help you gain the knowledge and skills to make this transition to life on your own.
- Supportive people are all around you. For James, the youth living in his placement proved to be people he relied on and formed lasting relationships with. The supervisor at his independent living program also played a key role in his life.
- You are not alone. Many organizations support the needs of LGBTQ young adults. Ask your caseworker or advocate for help finding them in your community.
- Sometimes getting others to accept you requires learning to accept them. James grew to respect the "scary" youth in his group home, and in turn they grew to respect him. We are all different and getting along and respecting one another works both ways.

“I would say never lose sight of who you are. Being LGBTQ is NOT a choice, but choosing how you live your life is.”

— QUENTIN

Quentin's Story

Quentin entered foster care at age six and went through 11 foster homes, two group homes, and a Children's Home. He was allowed to live on his own through an independent living program at age 16. He aged out of the system after graduating from high school in 2002 at age 18.

What do you wish you knew at the beginning of your foster care experience?

This is a hard question because I wish I knew everything. I guess what I wish I knew from the beginning was to hide my sexual orientation – it would have saved me many years of tears and “disciplining.”

What was the best thing about your experience? What was the most challenging?

Unfortunately, the best thing about my experience was living on my own. I successfully proved that I could take care of myself without the system.

The most challenging thing I faced was repetitive abuse while in care. It seemed that I was automatically considered a liar

or a bad kid because I was in therapeutic foster care. When I cried for help and reported abuse the only thing that got me attention was acting out or running away—when in fact I always tried asking for help first.

Who was most helpful during your time in foster care?

The most helpful person I met in foster care was my sixth grade music teacher who offered me voice and acting lessons in trade for lawn and housework. He is soon to adopt me.

What is the best advice you have gotten about navigating the foster care system? Who gave it to you?

The best advice I got was from another older foster kid who said just survive until you age out. It gets better once you have control of your own life.

How was your educational experience? What could have made it better?

I switched high schools three times and elementary schools five times. I actually lost an entire semester because I moved high schools/homes the week before finals. I ended up taking double math, English, and science my junior year to catch up.

Describe your experience with the legal system?

I never attended a hearing and am not sure if I was adequately represented. I wasn't notified of hearings.

Were you “out” to your social worker or your attorney?

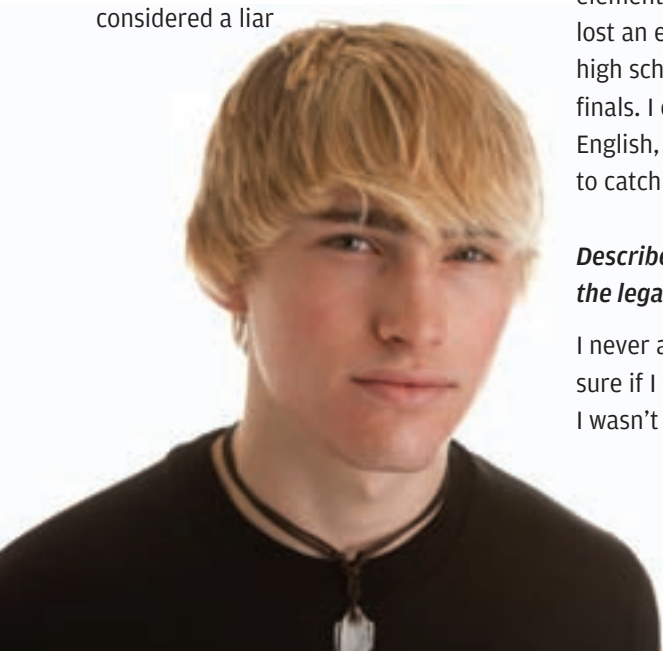
I wasn't out, but I was out-ed by a foster parent. My last foster home I was in with a single mother who was incredibly religious. I had my first breakup and like anyone who loses their first connection was devastated. She jokingly said, “What did you break up with your boyfriend?” I said, “Actually, yes.” She smacked me and said that no one would believe a lying little faggot. After I was out-ed in care I ran away and then lived on my own.

Do you think your identity as LGBTQ affected your experience in your residential placement or at your educational placement?

No, I wasn't out in college, and in care I was out-ed right before I moved out.

How did being in care affect your coming-out process?

It was rough. My first experience was learning that it wasn't ok to be gay. What hurt most is that the foster mother I was with, I really cared about. My being gay turned our relationship upside down and I lost someone I cared about and started caring for myself less.



Were there any needs that were not addressed by professionals in the system or your family? Were there any that were addressed well?

The only need that was met, was when they found out I was gay they made me go to therapy and get an HIV test. No joke that was it.

Can you describe how your sexuality most affected your life in foster care?

My negative experience was when I came out my foster mom smacked me and called me a fag.

Do you have any advice for LGBTQ young adults currently in the foster care system?

It depends on their situation. I would say never lose sight of who you are. Being LGBTQ is NOT a choice, but choosing how you live your life is. Know that if you're under 18 and in a bad situation that it is only temporary and will get better after you age out. But if you have a good relationship and support, use that assistance because you are honestly lucky!

LESSONS LEARNED

- A bad situation, no matter how difficult, is only temporary.
- Even if a situation seems unmanageable, there may be a solution you don't know about. Give the system a chance to help you.
- Just because a foster care placement is not right for you, does not mean foster care cannot help you.
- Education instability is a common problem for young adults in foster care. The law ensures that you stay in the same school, when possible, or that efforts are made to help you transition to your new school so your learning is not delayed. Speak with your advocate about your education rights if your placement changes.
- You have a right to be safe and to be treated equally in your placement. If you ever experience abuse or unfair treatment, contact your advocate or caseworker.
- Supportive people are all around you (e.g., teachers, coaches). These people can help you during your time in care and beyond. They may even be placement resources if you cannot return home.
- Be involved in your legal proceedings. Ask your advocate about upcoming hearings and make it clear you want to participate.
- Relationships sometimes change when you share your LGBTQ identity. Don't assume the worst. With time and understanding, important people in your life can come to value this part of who you are. Ask your caseworker or advocate about services and supports to help rebuild relationships.



If you have questions or concerns about how the media portrays LGBTQ people:

Gay and Lesbian Alliance Against Defamation

Works to end homophobia and discrimination by promoting fair, accurate, and inclusive representation of individuals and events in the media.

800-GAY-MEDIA
www.glaad.org





Identity

RESPECT

No Harassment

No Discrimination

LGBTQ

Equal Treatment

Long-term Relationships

COURT INVOLVEMENT

