

Addressing the Needs of LGBTQQI+ Children and Youth in Child Welfare and OYA

Judge Amy Holmes Hehn
Judge Beth A. Allen
Judge Pro Tem Heidi Strauch
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With great appreciation to
Talía Guerriero of
Bennett, Hartman, Morris & Kaplan, LLP



Part 1: Introduction

Judge Amy Holmes Hehn

Judge Beth A. Allen

Special Guests



The Importance of Family to LGBTQQI+ Youth

- ◆ Only 24% of LGBTQQI+ youth report they can definitely identify as LGBTQ at home.
- ◆ Only 25% of LGBTQQI+ youth have families who help them by getting involved in the LGBTQ and ally communities.
- ◆ 67% of LGBTQQI+ youth hear family members make disparaging comments about LGBTQQI+ people (increases to 78% for those youth who are not out to family).

The Importance of School Acceptance for LGBTQQI+ Youth

- ◆ Only 27% feel they can “definitely” be themselves in school.
- ◆ Only 13% report hearing positive messages about being LGBTQQI+ in school.
- ◆ Only 26% say they always feel safe in the classroom.
- ◆ 73% have experienced verbal threats because of their actual or perceived LGBTQQI+ identity.
- ◆ 70% have been bullied at school because of their actual or perceived LGBTQQI+ identity.

It Gets Worse for Trans Youth

- ◆ Only 31% may express themselves in a way that completely reflects their gender identity in school.
- ◆ Only 1 in 3 is called by their “true” name in school.
- ◆ Only 1 in 5 are called by the pronouns that matches their gender identity at school.
- ◆ More than half are not permitted to use restrooms or locker rooms that match their gender identity.
- ◆ Highly gender nonconforming girls were nine times more likely to be victimized with a weapon, compared to moderately gender nonconforming girls (36% and 4%, respectively).

More General Transgender Stats

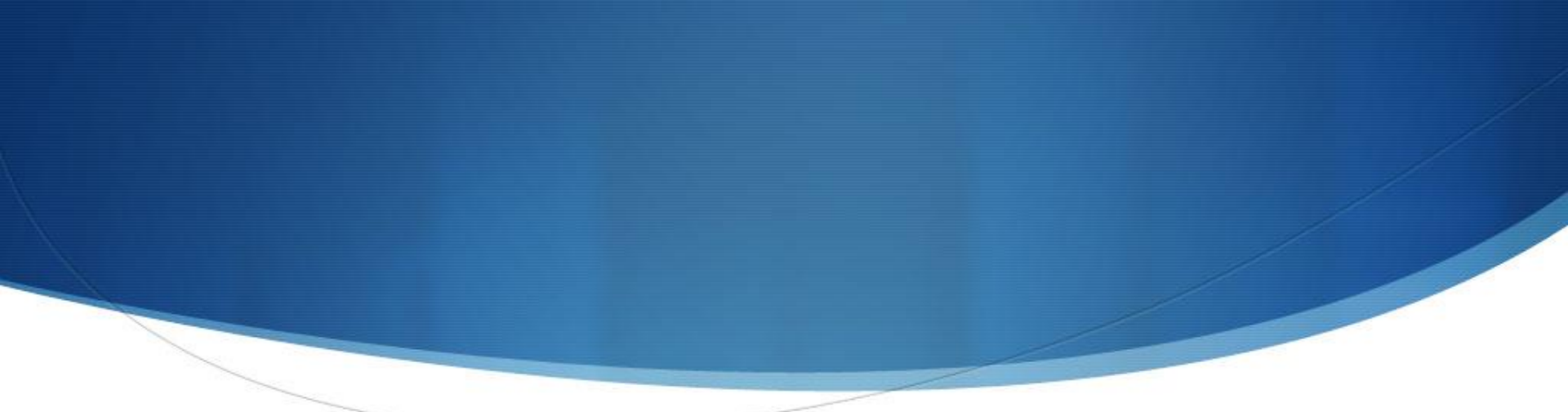
- ◆ 53% of respondents were harassed or mistreated in a public accommodation.
- ◆ More than 50% rejected by family. Of those, more than 50% attempted suicide.
- ◆ 61% experienced harassment, assault or expulsion in school.
- ◆ As many as 25% have been homeless.
- ◆ More than 90% experienced job discrimination.
- ◆ 19% were outright denied medical treatment because they were transgender.
- ◆ 50% saw doctors who did not have knowledge about transgender issues.

Trans Language

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- ◆ **Transgender:** A person whose gender identity is different from the sex they were assigned at birth.
- ◆ **Assigned Sex:** The sex a person is given at birth, usually based on genitals or chromosomes.
- ◆ **Gender Identity:** A person's innate sense of who they are and what their gender is.
- ◆ **Transition:** The process of changing one's life or body to bring it into harmony with their gender identity.

Who Might Be Transgender?

- ◆ People who **dress in a way** that is associated with one sex, even though they were raised as another sex
- ◆ People who **identify** as a particular sex or gender, even though they were raised as a different sex or gender
- ◆ People who simply **do not identify with either** male or female at all
- ◆ People who identify with **parts of one sex or gender** and **parts of another** sex or gender



OK, so who are we talking
about?



Instagram





Chenoa Roseberry

2 hrs · 

2 years together for these nerds, and loving every moment.





Part 2: Legal Framework

Judge Beth Allen



Oregon Statutes Prohibiting Discrimination

- ◆ Sexual orientation discrimination is prohibited in “public accommodations.” ORS 659A.006.
- ◆ sexual orientation is defined generally as an “individual's actual or perceived heterosexuality, homosexuality, bisexuality or **gender identity**, regardless of whether the individual’s gender identity, appearance, expression or behavior differs from that traditionally associated with the individual’s sex at birth.” ORS 174.100

ORS 659.850

Schools, School Activities

- ◆ A person may not be subjected to discrimination [on the basis of SOGIE*] in any public elementary, secondary or community college education program or service, school or interschool activity or in any higher education program or service, school or interschool activity where the program, service, school or activity is financed in whole or in part by moneys appropriated by the Legislative Assembly.
- ◆ *SOGIE: Sexual Orientation and/or Gender Identity/Expression

What Law Applies in JJ settings?

- ◆ Sexual orientation discrimination is expressly prohibited in Youth Correctional Facilities. ORS 179.750(2)
- ◆ “Youth correction facility” means a facility used for the confinement of youth offenders and other persons placed in the legal or physical custody of the youth authority and includes secure regional youth facilities, regional accountability camps, residential academies and satellites, camps and branches of those facilities.
- ◆ Discrimination prohibited in the provision of or access to educational facilities and services and recreational facilities and services to any person in juvenile justice institutions on the basis of sexual orientation. ORS 179.159.

What Law Applies for DHS?

- ◆ Non-discrimination for foster parents, applicants.
- ◆ Determination of child refugee status. ORS 418.925.
- ◆ Non-discrimination for evaluation and treatment? ORS 430.550.

Part 3: Efforts to meet the
needs of LGBTQQI+ youth &
Increasing available resource
families through
DHS Child Welfare

Melanie Parent, LCSW
Foster Care Coordinator



Recruitment in the LGBTQ+ community

- ◆ Targeted messages in the LGBTQ+ community
- ◆ Pride festivals (e.g. Portland PRIDE, Capitol Pride)
- ◆ Partnering with other groups (e.g. Multnomah County LGBTQ committee)
- ◆ Specific recruitment materials

Recruitment materials, moms



Strong, stable, and caring families like yours are needed across Oregon to keep kids safe, give hope to a child in need and strengthen our community. We value and support our LGBTQ foster and adoptive parents. Call or visit us today to learn how you can reach out to an Oregon child.



fosterORadopt.com

Recruitment materials, dads



Strong, stable, and caring families like yours are needed across Oregon to keep kids safe, give hope to a child in need and strengthen our community. We value and support our LGBTQ foster and adoptive parents. Call or visit us today to learn how you can reach out to an Oregon child.



fosterORadopt.com

LGBTQQI+ youth need affirming families



Safe and supportive foster parents are needed across Oregon for children who may be lesbian, gay, bisexual, transgender or questioning. You can make a difference by giving them a family that embraces them for who they are. Reach out to a kid who is LGBTQ. Learn how today.



fosterORadopt.com

Training and Resource Materials for Staff

- ◆ Training for certification staff & casework staff
- ◆ Various entities facilitate training:
 - DHS Child Welfare Training Manager
 - DHS Office of Equity and Multicultural Services (OEMS)
 - Portland State University Child Welfare Partnership
 - Local managers arrange local trainings
 - Diversity Committees & ERGs in local offices may support
 - Central Office staff provide training, resources, and information

Training for Foster Families and Relative Caregivers

- ◆ Foster Parent Training Website
<https://www.Oregon.gov/DHS/CHILDREN/FOSTERPARENT/Pages/resources.aspx>
- ◆ Caregiver redesign workgroup planning improvements to ‘Foundations Training’ to improve LGBTQQI+ content
- ◆ Caregiver training after Foundations

OARs, Procedures, Forms

- ◆ **Foster Care Standards and Responsibilities**
- ◆ **Oregon Foster Children's Bill of Rights**
- ◆ **Foster Parent Bill of Rights poster**
- ◆ **Legal name change outside adoption process and legally changing minor's sex designation**
- ◆ **Future potential for more state-wide comprehensive efforts**

Part 4: LGBTQQI+ Services and Supports in the Oregon Youth Authority

Erin Fuimaono

Assistant Director, Development Services
Oregon Youth Authority



Gender Identity Committee

- ◆ **Development was driven by youth self-advocacy**
- ◆ **Established in 2015**
- ◆ **Purpose and scope constantly evolving**
 - ◆ **Compliance with PREA and statutory requirements**
 - ◆ **Responding to youth requests for services and accommodations**
 - ◆ **Lead development of effective, appropriate service for transgender, intersex and LGBTQQI+ youth throughout OYA**
- ◆ **Formal purpose: Review, make recommendations/decisions on placement and care of transgender, gender nonconforming and intersex youth at intake and in response to youth request for accommodations.**

Rule/Policy Development

- ◆ OAR 416-435 established in 12/2017
- ◆ Working toward since 2015
- ◆ Will be “live” in July, includes
- ◆ Constantly evolving as we learn
- ◆ Policy includes
 - ◆ Definition of terms
 - ◆ Legal protections
 - ◆ Social accommodations
 - ◆ Preferred gender searches and supervision
 - ◆ Housing/placement decisions
 - ◆ Medical services
 - ◆ Legal name change

Services

- ◆ LGBTQQI+ support groups, Pride events
- ◆ Social accommodations – name, pronouns, clothing, hygiene products/practices
- ◆ Gender identity specific therapy
- ◆ Medical intervention
- ◆ Placement considerations

Community Placement

- ◆ Rivera House
- ◆ Foster care options

Staff Training

- ◆ Executive Team
- ◆ Specific facility teams
- ◆ New employee training

Next Steps

- ◆ Agency-wide training roll out to support policy
- ◆ More robust training for new employees
- ◆ Establish external LGBTQQI+ Advisory Committee
- ◆ Development of website resource page for staff to find information for youth
- ◆ POP requesting an LGBTQQI+ Youth Services Coordinator
- ◆ Continue to learn and evolve to incorporate best practice

Part 5: Practical Steps for Juvenile Court Judges

Judge Beth Allen
Pro Tem Judge Heidi Strauch



Judge's Checklist: In the Courtroom

- ◆ Do I ensure that caseworkers take appropriate steps to meet the needs of the LGBTQQI+ foster youth who are in their care?
- ◆ Am I aware of the preferred name of anyone who appears in my court (if different from legal name) and pronoun?
- ◆ Do I follow the cues of a party's attorney for how to address a party?
- ◆ Do I require counsel and caseworkers to refer to a party by their preferred name and pronoun while addressing the court?

Judge's Checklist: In the Courthouse

- ◆ Is courthouse staff aware of the importance of respecting pronoun preference in interacting with parties and do they know that you expect this of them?
- ◆ Is there signage outside the courtroom letting people know that your courtroom is a place where their gender identity and orientation will be respected (inviting them to notify the court of the correct pronunciation of their name and the preferred pronoun or sign indicating that your courtroom is a Safe Zone)?

Judge's Checklist: Outside the Courthouse

- ◆ Call a meeting of the relevant groups that touch on the lives of foster youth (DHS, AAG, CASA, CRB, service providers, former foster youth, foster parents, etc.)

Judge's Checklist: Outside the Courthouse

- ◆ Assess whether or not your county is effectively serving the needs of LGBTQ foster youth:
 - ◆ Are you aware of any LGBTQQI+ foster youth served by your court?
 - ◆ If so, are their unique needs being met?
 - ◆ If not, why not (foster youth may not be “out” or those responsible for their care may be ignoring their status and needs)?
 - ◆ Are caseworkers adequately trained and supported by their branch?
 - ◆ Is CRB holding DHS accountable for serving foster youth who identify as LGBTQQI+?
 - ◆ Is CASA screening and training volunteers?
 - ◆ Are there service providers (such as medical and mental health) in your community who are adequately trained to serve the unique needs of LGBTQQI+ foster youth?

Judge's Checklist: Outside the Courthouse

- ◆ Assemble representatives of core groups (DHS, AAG, CASA, CRB, service providers, former foster youth, foster parents, etc) to work toward filling service gaps.

Part 6: Question and Discussion Time

Judge Amy Holmes Hehn

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