



Listening to Their Voices

The Executive Summary

Contributors:

Sarah Ganzhorn

Michael Curtis

Darcy Kues

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Introduction

Adolescence is overwhelming for everyone. Yet, in addition to the challenges faced by all teens, lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth must also confront rejection by their families, harassment by their peers, and discrimination by a society that continues to stigmatize the LGBTQ community.

A growing body of research is focused on the barriers encountered by LGBTQ youth as they mature in such a difficult environment. However, there is limited research focused on LGBTQ youth who are involved in the child welfare and juvenile justice systems. The existing research indicates that LGBTQ youth are overrepresented within these systems and are likely to experience significant mistreatment because of their sexual orientation and/or gender identity.

The eQuality Project, led by the Center for Children & Youth Justice (CCYJ), is the first research effort designed to study the experiences of LGBTQ youth in Washington State's child welfare and juvenile justice systems. Since 2013, CCYJ has gathered first-hand accounts from LGBTQ system alumni, collected the observations of system professionals and community-based service providers about their experiences working with LGBTQ youth, and conducted extensive reviews of existing research, laws, policies, and practices relevant to system-involved LGBTQ youth.

Listening to Their Voices: The Executive Summary is divided into the four following sections:

1. Barriers identified by LGBTQ system alumni, system professionals, and community-based service providers;
2. Existing landscape of laws, policies, and practices relevant to system-involved LGBTQ youth in Washington State and nationally;
3. CCYJ's 12 recommendations for system improvement; and
4. Additional information about CCYJ's research.

The purpose of this report is to inform law and policy makers, system leaders, and community stakeholders about the unique circumstances of system-involved LGBTQ youth, enhance existing system-reform efforts, and identify additional system changes needed to ensure the safety, equal treatment, and well-being of LGBTQ youth in Washington's child welfare and juvenile justice systems.

Barriers for LGBTQ Youth

Gathering first-hand accounts from LGBTQ system alumni in addition to observations from system professionals and community-based service providers was a primary focus of CCYJ's research. In order to develop informed system reform strategies, CCYJ believes it is critical to understand how LGBTQ youth become system involved, what they experience while involved, and what outcomes they have after exiting system care.

System Entry

Many LGBTQ system alumni become initially involved in the child welfare system at very young ages for reasons not directly tied to their sexual orientation and/or gender identity. For others, their family's reaction to their LGBTQ identity is a direct factor in how they become system-involved. Such youth experience family rejection and abuse leading them to either run away or get kicked out of their home. Once homeless, LGBTQ youth might be discovered by the child welfare system while others might be charged with minor offenses or with status offenses (such as running away), initiating their entry into the juvenile justice system.

DUAL SYSTEM INVOLVEMENT

Approximately 50% of the LGBTQ system alumni participants have been involved in both the child welfare and the juvenile justice systems.

School experiences and peer relationships also have significant impacts on juvenile justice system entry. LGBTQ youth experience harassment and bullying at school, leading them to skip class or school entirely. As a result of unexcused absences, youth become court-involved through truancy petitions. Fighting and other aggressive behavior, often a reaction to harassment and

bullying, can also lead to juvenile justice system involvement for LGBTQ youth.

Involvement in both the child welfare and the juvenile justice system, known as dual system-involvement, is common for LGBTQ youth.



Experiences While System-Involved

Once in the child welfare and/or juvenile justice system, many LGBTQ youth experience significant mistreatment including discrimination, abuse, harassment, and additional trauma at the hands of caretakers, system professionals, and peers.

Frequent placement change is a common experience for LGBTQ youth within the child welfare system. The lack of LGBTQ-accepting placement options hinders social workers from consistently placing LGBTQ youth in accepting homes. In addition, placements are not always screened for their acceptance of LGBTQ youth. When youth are placed in unaccepting homes, it is very likely that the placement will be unsuccessful. Both system alumni and child welfare professionals cite foster family conflict and youth running away as the two most likely causes for placement change for LGBTQ youth.

“I felt more neglected in the foster care system than at home with my real parents”

– Seattle Area Focus Group Participant

Within the juvenile justice system, unaddressed harassment and bullying from peers and detention or JR facility staff was a common experience. Juvenile justice professionals agree that peer harassment is a likely experience for LGBTQ youth.

LGBTQ youth do not feel safe disclosing their sexual orientation and gender identity to system professionals and caretakers because they fear further mistreatment and marginalization. For several system alumni, such fears were realized when others found out about their LGBTQ identity, and they suffered additional trauma. Yet, system professionals report that when they are not aware of a youth’s sexual orientation and/or gender identity, they cannot effectively identify and address their needs.

FEAR OF DISCLOSURE

Over 60% of the LGBTQ system alumni said they didn’t feel safe or comfortable disclosing their LGBTQ identity to system professionals.

All system-involved youth often experience challenges such as behavioral health and trauma. Respectful and culturally competent services are necessary to address their needs. The availability of culturally competent services and LGBTQ resources for system-involved LGBTQ youth is inconsistent statewide. When such services and resources are

available, LGBTQ youth are not always given access to them. Instead, LGBTQ youth have been referred to providers who are not culturally competent and try to discount or change their sexual orientation and/or gender identity. The lack of culturally competent services is a significant barrier to the effectiveness of services for LGBTQ youth.

The rights of system-involved LGBTQ youth have been neglected. LGBTQ youth are not provided adequate information about their rights within the systems nor are they given adequate instruction on how to report grievances. When youth do make reports, the system response is not always timely or helpful.

System and agency policies and practices regarding how clients are to be treated are critical for informing professionals in how they are to interact with system-involved LGBTQ youth. Approximately 30 percent of professionals in both the child welfare and juvenile justice systems indicated that they are unaware of any policies regarding the treatment of LGBTQ youth in their department or agency. Furthermore, system professionals report that cultural competence training on working with LGBTQ youth is not always available and is rarely required for their positions.



Outcomes

System-involvement substantially impacts LGBTQ youth even after they exit either system. LGBTQ system alumni's experiences impact their behavioral health, self-acceptance, and sense of belonging. Outcomes such as suicidal ideation and chemical dependency in addition to experiences with discrimination, harassment from others, and victimization are also likely outcomes for LGBTQ system alumni.

HOMELESSNESS

Over 80% of participants have experienced unstable housing at least once in their life.

System alumni, system professionals, and community-based service providers agree that homelessness is a significant issue for LGBTQ youth. CCYJ's research indicates that homelessness is both an outcome for LGBTQ youth when they exit the systems and a significant risk while they are still system-involved.

The Policy Landscape

In order to develop truly informed system changes, it is critical to fully understand the existing landscape of policies regarding the treatment of LGBTQ youth in the child welfare and juvenile justice systems. CCYJ has conducted extensive reviews assessing the existing laws, policies, and practices relevant to system-involved LGBTQ youth in Washington State and on a national level.

Washington State

There have been exciting new developments that affect system-involved LGBTQ youth in Washington State. In accordance with the Prison Rape Elimination Act (PREA), the Juvenile Justice & Rehabilitation Administration (JJ&RA) has adopted a groundbreaking policy that includes several protections (including discrimination and harassment) for incarcerated LGBTQ youth, training requirements for JJ&RA staff, and much more. The Alliance for Child Welfare Excellence, who provides training for Children's Administration (CA) employees and caretakers, is currently revising their training competencies and requirements specific to LGBTQ cultural competence have been proposed for adoption. The Washington State Criminal Justice Training Commission (WSCJTC) has begun providing LGBTQ training as part of the new combined training academy for county probation officers and detention workers. These new developments are critically important steps toward significant system reform for LGBTQ youth.

While Washington's systems have made great strides, there are also significant gaps and inconsistencies—especially regarding non-discrimination policies. While discrimination based on sexual orientation and gender identity is prohibited by the Revised Code of Washington (RCW), the Department of Social & Health Services (DSHS) non-discrimination policy does not explicitly include protections for gender identity. CA's policy does not explicitly protect either sexual orientation or gender identity. CA's mechanism for informing system-involved youth of their rights does not include information about LGBTQ rights. CA policies informing culturally competent service provision do not explicitly include sexual orientation or gender identity as cultural dimensions requiring consideration.

Nationwide

State legislatures, departments, and cities throughout the United States have implemented non-discrimination policies that include protections for sexual orientation and gender identity. Court cases regarding the protection of incarcerated LGBTQ youth from violence and medical services for system-involved transgender youth have ruled in the favor of LGBTQ youth. In addition, several organizations throughout the nation have developed model policies and practices regulating the treatment of system-involved LGBTQ youth that can be used as templates for state, local governments, and systems to implement.

Recommendations

While significant efforts have been made in Washington to improve services for all system-involved youth, CCYJ's research has discovered multiple barriers for system-involved LGBTQ youth and policy gaps that need immediate attention. In order to address these issues, CCYJ offers 12 recommendations for how Washington's child welfare and juvenile justice system can improve in order to better serve LGBTQ youth. While many of these recommendations are comparable to best practices for serving all system-involved youth, they are especially critical for the safety, equal treatment, and well-being of LGBTQ youth. CCYJ believes these recommendations will enhance existing system reform goals and efforts.

1. **Permanency:** Improve permanency outcomes for LGBTQ youth in the child welfare system by increasing the number of accepting, long-term placements, consistently screening potential placements for LGBTQ acceptance, including LGBTQ youth in the placement process, and evaluating placements when unsuccessful.
2. **Housing:** Ensure appropriate housing for LGBTQ youth in both systems by considering the youth's gender identity and safety concerns when placing youth in facilities divided by gender (detention, congregate care, etc.). Prohibit the separation or isolation of LGBTQ youth from other youth because of their LGBTQ identity.
3. **Equitable Treatment:** Provide equitable treatment for LGBTQ youth regarding rules and sanctions. Explicitly prohibit the labeling of LGBTQ youth as sexually deviant or as sex offenders based on their sexual orientation and/or gender identity.
4. **Harassment:** Develop effective strategies to address harassment and bullying against LGBTQ youth from peers and adults. Ensure that such harmful behavior can be easily reported.
5. **Cultural Competence:** Expand the existing cultural competence framework to explicitly include sexual orientation and gender identity. Require all services (mental health, family reunification, etc.) to be culturally competent for LGBTQ youth.
6. **Non-Discrimination Policies:** Update all non-discrimination policies to explicitly prohibit discrimination based on actual or perceived sexual orientation and gender identity. Train all system professionals on these policies and implement effective enforcement mechanisms.
7. **Training:** Provide training to all system professionals on LGBTQ identities and issues, referring LGBTQ youth to appropriate services, and respectfully identifying a youth's sexual orientation, gender identity, and preferred pronouns.

- 8. Visibility:** Improve the knowledge and visibility of LGBTQ youth by expanding existing data collection methods (intake forms, assessments, etc.) to respectfully gather information on sexual orientation, gender identity, and preferred pronouns. Ensure that this data is kept confidential and only used to identify needed services or safety risks.
- 9. Rights:** Ensure that LGBTQ youth are informed about their rights (in general, and specifically regarding their rights as LGBTQ youth) and how they can report grievances through age-appropriate and up-to-date strategies. Reports should be promptly and appropriately addressed.
- 10. Community Resources:** Connect LGBTQ youth with resources such as information on healthy identity development, local LGBTQ organizations or clubs, and other affirming educational and social opportunities.
- 11. Dual-System Involvement:** Research factors leading to dual system-involvement for LGBTQ youth in order to reduce the prevalence of dual system-involvement for this population.
- 12. Homelessness:** Research the relationship between system-involvement and homelessness for LGBTQ youth in order to reduce the prevalence of homelessness among currently and formerly system-involved LGBTQ youth.

Washington has already taken groundbreaking steps to ensure legal protection and marriage equality for LGBTQ people. These accomplishments set the stage for child welfare and juvenile justice system reform that purposely considers and addresses the unique needs of system-involved LGBTQ youth. CCYJ is dedicated to collaborating closely with law and policy makers, system leaders, and community stakeholders to ensure that LGBTQ youth are given the equal protection and the respectful services they deserve. While Washington's systems face resource deficits and other limitations, addressing the needs of LGBTQ youth not only improves the experiences of system-involved LGBTQ youth but also improves services for all system-involved youth. We hope you will join us in these vital efforts.



Additional Information

This article is the Executive Summary of *Listening to Their Voices: Enhancing Successful Outcomes for LGBTQ Youth in Washington State's Child Welfare and Juvenile Justice Systems*, which presents all of the research CCYJ conducted through the eQuality Project.

To read more about the eQuality Project and our research please visit CCYJ's website at www.ccyj.org

Listening to Their Voices: Enhancing Successful Outcomes for LGBTQ Youth in Washington State's Child Welfare and Juvenile Justice Systems will be available on CCYJ's website in mid-February 2015.

If you have questions or would like additional information about the eQuality Project and *Listening to Their Voices*, please contact Nicholas Oakley at noakley@ccyj.org or 206-696-7503 ext. 25.

