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LGBTQ YOUTH IN THE FOSTER CARE SYSTEM

“All young people, regardless of what they look like, which religion they follow, who they love, or the gender they identify with, deserve the chance to dream and grow in a loving, permanent home.”

— **President Obama**, National Foster Care Month 2015 Presidential Proclamation

It is undeniable that great progress is underway toward LGBTQ¹ equality in the United States. Marriage equality is sweeping the nation, the lived experiences of transgender Americans are more visible than ever before, and many youth are coming to identify as LGBTQ in environments far more welcoming and affirming than could have been imagined just a decade ago. However, this progress is not felt by all members of the LGBTQ community. Too many LGBTQ youth come out to family members only to face rejection, hatred, and violence. Those facing the most extreme levels of family rejection and maltreatment are often forced out of their homes, or will run away, becoming homeless or entering the foster care system.²

THE BASICS

What is foster care?

Foster care is defined as “24-hour substitute care for children placed away from their parents or guardians and for whom the [State] agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and preadoptive homes.”³

How many youth are in foster care nationally?

Nearly 400,000 children and youth are in foster care in the U.S.

- ¼ of those youth are awaiting adoption
- ¼ of those awaiting adoption (23,000) age out of care each year without permanent families⁴

What does it mean that LGBTQ youth are “over-represented” in foster care?

Research has shown that LGBTQ youth are over-represented in the foster care system. This means that the percentage of youth in foster care who are LGBTQ-identified is larger than the percentage of LGBTQ youth in the general youth population. LGBTQ youth in foster care also face disparities – differences in experiences in care or treatment by the system.

Why are LGBTQ youth in foster care?

LGBTQ youth enter the foster care system for many of the same reasons as non-LGBTQ youth in care, such as abuse, neglect, and parental substance abuse. Many LGBTQ youth have the added layer of trauma that comes with being rejected or mistreated because of their sexual orientation, gender identity or gender expression.



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LGBTQ YOUTH ARE OVER-REPRESENTED IN FOSTER CARE.

Nearly 400,000 children and youth are in foster care in the United States. These youth have been removed from their homes due to abuse or neglect. Data on the sexual orientation and gender identity of foster youth is limited since there is no clear mandate to track this information alongside other required data collection on demographics such as age, sex, and race/ethnicity. (See recommendations for policymakers to change this in “Call to Action” section.) The research that is available, however, has consistently shown that **LGBTQ youth are over-represented among the foster care population.** Many LGBTQ youth enter foster care after experiencing family rejection because of their gender identity, gender expression or sexual orientation.

A recent study in Los Angeles conducted by the Williams Institute found that nearly 1 out of 5 (19.1%) LA-based foster youth are LGBTQ and the percentage of youth in foster care who are LGBTQ is between 1.5 and 2 times that of youth living outside of foster care. More specifically, the research found that there are 13.6% LG-BQ-identified youth in foster care compared to 7.2% in the general youth population, and 5.6% transgender youth in foster care compared to 2.25% in the general youth population.⁵

Other studies in the past have revealed **several disparities in the experiences of LGBTQ youth in foster care** compared to their non-

LGBTQ peers in foster care. These disparities included a higher average number of foster care placements and a higher likelihood of living in a group home setting.⁶ For example, a 2002 study of 45 LGBTQ foster youth found the average number of placements for those youth to be 6.35.⁷ Compare this to the current average number of placements for a youth in foster care, which is around three.⁸ The 2014 study conducted in Los Angeles also found a higher total number of placements for LGBTQ youth (2.85 for LGBTQ youth compared to 2.43 for non-LGBTQ).⁹ These disparities are directly related to the non-affirming nature of foster placements for LGBTQ youth and the high level of bias and discrimination LGBTQ youth face.

LGBTQ YOUTH FACE BIAS AND DISCRIMINATION IN FOSTER CARE.

The unacceptable reality is that LGBTQ youth – after facing trauma and maltreatment from their families or caregivers – too often enter a **foster care system that is ill-equipped to competently meet their needs and subjects them to further bias and discrimination.** The U.S. Department of Health and Human Services Administration on Children, Youth and Families has called on all of those who work with youth in foster care to do better, stressing “every child and youth who is unable to live with his or her parents is entitled to a safe, loving and affirming foster care placement, irrespective of the young person’s sexual orientation, gender identity or gender expression.”¹⁰

Many of these LGBTQ youth live at the intersection of multiple identities and thus experience multiple forms of discrimination including on the basis of race, class, disability, sexual orientation and gender identity. Experiences of bias and discrimination come from interactions with social workers and group home staff as well as policy and structural barriers preventing LGBTQ youth from receiving the

“I was told that foster families didn’t want a gay kid in their home, so I grew up in group homes and residential centers where I was abused sexually, physically and emotionally.”

– **Kristopher Sharp**, eight years in foster care



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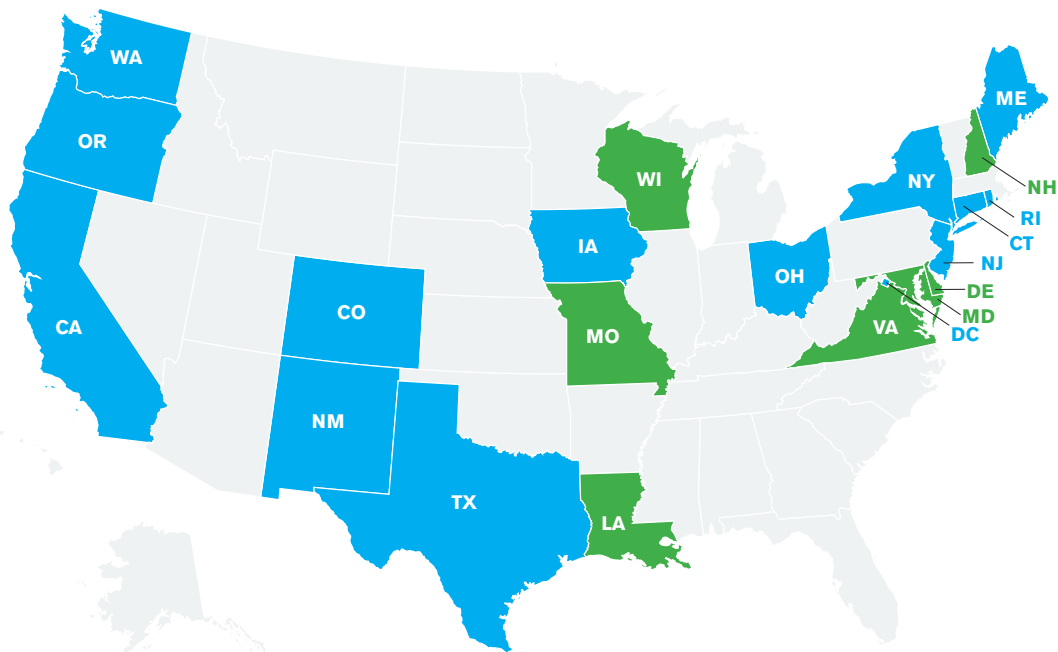
services they need. Research shows that LGBTQ youth are more than twice as likely as their non-LGBTQ peers to report being treated poorly by the foster care system.¹¹ A survey of LGBTQ youth in out-of-home care in New York City found:

- 78 percent of LGBTQ youth were removed or ran away from their foster placements as a result of hostility toward their sexual orientation or gender identity.
- 100 percent of LGBTQ youth in group homes reported verbal harassment.
- 70 percent of LGBTQ youth reported physical violence in group homes.¹²

These experiences of hostility within systems of care force many LGBTQ youth to make difficult decisions in order to meet their most basic needs, including engaging in “survival sex” or “couch surfing” that involves sexual exchange rather than subjecting themselves to abuse within foster care.¹³ These activities often lead to involvement with the juvenile justice system, a system in which LGBTQ youth are also over-represented and often face further abuse.¹⁴

LGBTQ YOUTH FACE A PATCHWORK LANDSCAPE OF LEGAL PROTECTIONS.

Laws and policies protecting **LGBTQ youth in foster care from discrimination are a patchwork from state to state.** Only 13 states and the District of Columbia have explicit laws or policies in place to protect foster youth from discrimination based on both sexual orientation and gender identity. Seven additional states explicitly protect foster youth from discrimination on the basis of sexual orientation but not gender identity.¹⁵



States with Foster Care Non-Discrimination Laws or Policies Inclusive of Sexual Orientation and Gender Identity

- | | |
|----------------|------------------|
| 1. California | 8. New Mexico |
| 2. Colorado | 9. New York |
| 3. Connecticut | 10. Ohio |
| 4. DC | 11. Oregon |
| 5. Iowa | 12. Rhode Island |
| 6. Maine | 13. Texas |
| 7. New Jersey | 14. Washington |

States with Foster Care Non-Discrimination Laws or Policies Inclusive of Sexual Orientation Only

1. Delaware
2. Louisiana
3. Maryland
4. Missouri
5. New Hampshire
6. Virginia
7. Wisconsin



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LGBTQ YOUTH LACK AFFIRMING FOSTER PLACEMENTS.

Even the most LGBTQ-inclusive agencies can struggle to find qualified foster parents who are ready and willing to welcome LGBTQ youth into their homes. **Child welfare agencies must actively assess the readiness of current foster parents to affirm LGBTQ youth and include LGBTQ issues in foster parent training.** Recognizing that LGBTQ adults are one potential group that could provide affirming foster homes for LGBTQ youth, agencies should engage LGBTQ adults who may be interested in becoming foster parents. In his Presidential Proclamation quoted at the beginning of this report, President Obama also stressed that when agencies work to find resource families, “it is important to ensure all qualified caregivers have the opportunity to serve as foster or adoptive parents, regardless of race, religion, sexual orientation, gender identity, or marital status.” However, LGBTQ adults frequently face discrimination when interacting with foster care agencies. Only 14 states plus the District of Columbia provide explicit non-discrimination protections for LGBTQ adults who are willing to provide foster care homes (California, Colorado, Illinois, Iowa, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, New York, Oregon, Rhode Island, Washington, and Wisconsin).¹⁶

A CALL TO ACTION

Every one of us can do our part to improve the experiences of LGBTQ youth in America’s foster care system. Below are a few suggested actions to take.

POLICYMAKERS

- Congress should protect LGBTQ youth from discrimination by passing legislation prohibiting discrimination based on sexual orientation and gender identity by recipients of federal funds, including foster care agencies receiving funding under title IV-E of the Social Security Act.
- The Administration for Children and Families (ACF) should issue separate guidance clarifying the obligations of state child welfare agencies that receive federal funds to adopt and implement policies prohibiting discrimination based on sexual orientation and gender identity.
- ACF should continue to offer federal financial participation under the title IV-E program for high quality LGBT cultural competency training and technical assistance.
- ACF and state agencies should assess local and state programs as potential models such as those in California, New York, Massachusetts, and Pennsylvania that have implemented LGBTQ nondiscrimination policies, adopted data collection on sexual orientation and gender identity, and mandated associated training or are in the process of doing so.
- Policymakers at the local and state level should protect LGBTQ youth and adults from discrimination in the foster care system by passing non-discrimination laws or policies that include both sexual orientation and gender identity.
- Policymakers at the local and state level should pass legislation modeled after a District of Columbia law that ensures that all youth out-of-home service providers receive LGBT cultural competency training.
- Policymakers at the state and local level should develop and implement Foster Children’s Bills of Rights, which explicitly prohibit discrimination based on sexual orientation, gender identity or expression. Policymakers and advocates should engage foster youth in this process.
- Policymakers should create youth-friendly mechanisms for reporting abuse at the state level.

“LGBTQ parents who are qualified to foster provide LGBTQ youth with that safe, worry-free home. They understand what the youth is going through.”

– **Ernesto**, LGBTQ foster youth from Texas



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AGENCY ADMINISTRATORS

- Include sexual orientation and gender identity in agency data collection systems and intake forms. See “Guidelines for Managing Information Related to the Sexual Orientation, Gender Identity and Expression of Children in Child Welfare Settings.”
- Implement explicit agency non-discrimination policies inclusive of “sexual orientation, and gender identity and expression.” Visit www.hrc.org/acaf for model policies and guidance.
- Conduct comprehensive LGBTQ cultural competency training for all staff that come in contact with youth and families in care. Visit www.hrc.org/acaf for an outline of the essential components to a comprehensive training.
- Take a systems-change approach to LGBTQ-inclusion by participating in HRC’s All Children All Families (ACAF) project. ACAF staff and consultants provide training and guidance to agencies as they implement essential best practices for working with LGBTQ youth and adults.

CHILD WELFARE PROFESSIONALS

- Download HRC’s “Caring for LGBTQ Children & Youth: A Guide for Child Welfare Providers”
- Learn from the stories of LGBTQ young people who have had experiences in foster care. Start with FosterClub’s youth leaders.
- Educate yourself on the specific experiences and challenges faced by LGBTQ youth of color. For example, download the GSA Network’s report on the disparate impact of harsh discipline policies, school push-out and the school-to-prison pipeline on LGBTQ youth of color.
- Take advantage of the nearly two decades of resource development related to serving LGBTQ youth in child welfare to educate yourself and your colleagues. HRC has many of these resources compiled for easy reference at www.hrc.org/acaf-resources.
- Work to increase levels of acceptance among family members and other supportive adults in the lives of LGBTQ youth. Download SAMHSA’s “A Practitioner’s Resource Guide: Helping Families to Support Their LGBT Children.”

“It is incredibly challenging to face ignorance and disrespect, especially when you feel you have no one to vouch for you.”

– **Julia from Florida**, FosterClub Member

CURRENT FOSTER PARENTS

- Educate yourself and your foster parent community about the experiences and needs of LGBTQ youth in care as well as the resources in your community available for LGBTQ youth. Read the Child Welfare Information Gateway’s “Supporting Your LGBTQ Youth: A Guide for Foster Parents.”
- Once you’ve learned more about LGBTQ issues and how to support LGBTQ youth, don’t wait for a young person to come out to you before discussing LGBTQ issues. Remember that many youth will hesitate to come out for fear of rejection. Sending clear signals to youth that you are an affirming person will go a long way in easing their fears and making them feel comfortable to come out if and when they decide to do so.

OTHER CARING ADULTS

- Learn more about LGBTQ youth and issues around sexual orientation, gender identity and gender expression.



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- Help youth make safe decisions on when and to whom to come out. Have conversations using resources like The Trevor Project's Coming Out Constellation.
- Read and share the Family Acceptance Project's research on the importance of family acceptance and the impact a family's response has on the health and well-being of youth.
- Consider becoming a foster parent. Learn more at HRC.org.
- Consider volunteering as a mentor for youth in your community.

CITATIONS

- 1 In this report, the LGBTQ acronym stands for "lesbian, gay, bisexual, transgender, queer and/or questioning." "LGBT" will be used at times for consistency with cited research or reports.
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