

Overview Special child welfare practice considerations related to lesbian, gay, bi-sexual, transgender, and questioning (LGBTQ) youth are presented in this OPP chapter to support adherence to the policy of the Department of Family and Children's Services (DFCS). Human sexual development is particularly accentuated during adolescence by pronounced physical, cognitive, psychological and social challenges and changes. Individual identity issues, including those related to sexual identity/orientation, emerge as primary developmental concerns and continue to be important concerns well into the youth's twenties.

Adolescence is a particularly vulnerable time for LGBTQ youth. They are at risk for personal conflicts and problems (including low self-esteem, substance abuse, and suicidal ideation) due to the perceived and real intolerance by important people in their lives, as well as possible dissonance about what the youth is experiencing sexually.

Policy Statement It is the policy of the Santa Clara County Department of Family and Children's Services to respect, support, and nurture each individual foster child's total development, including issues of sexual identity. To this end, DFCS recognizes that special placement, disclosure/privacy, court, and licensing/approval considerations are intrinsic to appropriately serving lesbian, gay, bi-sexual, transgender, and questioning (LGBTQ) youth.

The efforts of the following the collaborative agencies were instrumental in creating this policy statement:

- Associate Dependency Attorneys
 - Child Advocates
 - Department of Family and Children's Services
 - Dependency Legal Services
 - Lesbian, Gay, Bisexual and Transgender Employee Committee
 - Legal Advocates for Children and Youth
 - Legal Aid Society
 - Office of the County Counsel
 - Office of the District Attorney
 - Superior Court
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Social Worker's Responsibilities In order to respect, support, and nurture LGBTQ youth, social workers:

- Ensure that prospective resource families are:

- Non-judgmental
 - Able to individualize each youth and his or her sexual needs
 - Support the youth's positive and healthy understanding of his or her own sexuality.
- Work with the youth to safeguard the youth's privacy and to thoughtfully manage, as necessary, how disclosure of the youth's sexual identification and behaviors is conducted.
 - Reporting to the Court is a particularly important area of concern.
 - Ensure that appropriate services tailored to the needs of the youth and his or her family is provided.
 - See [Other References](#) below.
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Placement
Considerations

Before placing a LGBTQ youth in out-of-home care, the social worker:

- Discusses with the youth issues regarding disclosure of the youth's sexual activity or orientation to the prospective resource family.
 - If the youth's health or safety is at risk because of sexual activity, or if the behavior of the youth may cause risk to other youth in the resource home, the youth must be informed that sensitive information regarding his or her sexual activity and orientation must be disclosed to the resource family and other professionals as minimally necessary. The youth will be informed why this information cannot remain private.
 - Evaluates the resource families considered for placement of a LGBTQ youth for the families' sensitivity for LGBTQ issues.
 - Consults with each resource family's licensing social worker or a social worker in the Placement Resource Unit to determine the appropriateness of each resource family or placement facility considered.
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Caregiver
Licensing and
Approval

- Licensed resource family is informed by their licensing social worker that foster youth have a right to openly identify as a LGBTQ

Considerations

individual.

- During the approval process of a relative or non-relative extended family member, the youth's social worker informs the prospective caregiver that the youth has a right to openly identify as a LGBTQ individual.
- All social work staff performing assessments of resource families for licensing or approval must provide the resource family with a copy of the agency LGBTQ youth policy, guidelines, and resource information to assist the caregiver in parenting the LGBTQ youth.
- Licensed foster parents, foster family agencies, group homes, and other placements must adhere to state and federal laws regarding non-discrimination.
- All social work staff performing assessments of resource families for licensing or approval must inform resource families that they are prohibited from engaging in any activity to persuade a youth to change his or her sexual orientation.
- Resource families are informed by the youth's social worker that they must be supportive of a youth who has identified as lesbian, gay, bi-sexual, or transgender or who is questioning his or her sexual identity.

Disclosure Considerations

In disclosing information regarding a youth's sexual identity, the social worker must consider that:

- LGBTQ youth have a right to privacy.
- Discretion must be used when providing information regarding a youth's sexual identification or activity.
 - Social workers may disclose information to the child's therapist, counselor, child advocates and other helping professions when disclosure is in the best interest of the child.
- Information gathered by the social worker regarding the child's sexual orientation and/or activity is documented in the CWS/CMS

contact notebook and a hardcopy is placed in the youth's case file to ensure that the youth's ongoing needs are met.

Considerations in Disclosing to Court

In determining what information regarding a youth's sexual identity should be shared with the court or in a court report, the social worker considers carefully whether to include information regarding a youth's sexual orientation or activity in court reports as this information is often embarrassing and may be culturally sensitive for a teen.

- The mere fact that a dependent child is sexually active or has identified as lesbian, gay, bisexual, or is questioning his/her sexual orientation does not necessarily require disclosure to the Court.
 - The following are examples of instances when it could be appropriate to include discussion of sexual orientation or activity in a court report.
 - Services for the youth and/or the family to help address issues of sexual orientation are ordered by the court.
 - The youth's sexual orientation precludes or affects the family's willingness to reunify.
 - The youth's sexual orientation or activity causes disruption in the placement or affects the availability of a suitable placement.
 - The youth is involved in a sexual activity that could be illegal (e.g., the youth is having sexual contact with an adult, a much older youth, or was involved in a sexual assault.)

When disclosure is made to the Court regarding a youth's sexual orientation or activity, accuracy as well as sensitivity should be used in the presentation of the information. For example, if a youth were having sex with an adult or much older youth, the court report should refer to the partner as molesting the youth rather than the partner as having a sexual relationship.

If information concerning the sexual activity or orientation of a youth is included in a court report, the social worker should explain to the youth what information is being included so that he or she is aware of what information is being disseminated to his or her family and others. When a discovery request is made that would necessitate producing contact notes concerning sexual activity and orientation, the social worker contacts County Counsel for advice. If dissemination of the information requested could damage the

youth's psychological health or compromise the safety of the youth, County Counsel can take appropriate measures to ask for an in-camera review of the notes by the judicial officer for a ruling on whether the information must be produced.

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Other
References

- [OPP Chapter 22-7: Resources for LGBTQ Youth](#)

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