

LGBTQ+ Youth-in-Out-of-Home Care: AB99 & AB180 (2017)

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ON BEHALF OF THE LGBTQ+ YOUTH IN OUT OF HOME CARE WORK GROUP

TO THE LEGISLATIVE COMMITTEE ON CHILD WELFARE AND JUVENILE JUSTICE

AUGUST 28, 2020



LGBTQ+

Lesbian

Gay

Bisexual/Bi-romantic

Transgender

Queer/Questioning

+ (and other identities not listed)

The Impetus for AB99 and AB180 (2017)

A lack of knowledge by child welfare and juvenile justice staff, on how to properly care for and serve youth that identify as LGBTQ+, based on national professional standards.

Experiences in care of LGBTQ+ youth who provided their voices and input on the bills.

There was existing protection against discrimination on the basis of sexual orientation and gender identity (SOGI), and other protected classes, for youth in foster care, but not for youth in the juvenile justice system.

Formation of an Ongoing Work Group (2016)

A collection of local and national organizations, and individuals, began to meet over concerns with the well-being of youth in child welfare, juvenile justice systems and youth receiving services related to homelessness.

The work group focuses on improving safety and well-being of LGBTQ+ youth in out-of-home-care by improving law, policy, and practice.

The work group successfully prepared and advocated for passage of AB99 (2017) & AB180 (2017).

Membership of Work Group

Silver State Equality Institute

Children's Advocacy Alliance

The LGBTQ+ Center of Southern Nevada (The Center)

Nevada Institute for Children's Research and Policy

American Civil Liberties Union – Nevada (ACLU-NV)

Legal Aid Center of Southern Nevada

Specialized Alternatives for Families and Youth (SAFY)

Nevada Partnership for Homeless Youth (NPHY)

St. Jude's Ranch for Children

Foster Care Alumni of America – Nevada Chapter

Transgender Allies Group

Lambda Legal*

True Colors United*

*National Organization

Provision of AB99 & AB180 (2017)

AB99 –

- Updated the statutory landscape to protect and respect gender identity of youth in child welfare and juvenile justice systems.
 - Regardless of the biological sex of a foster child, a provider of foster care shall ensure that each foster child placed in the foster home is treated in all respects as having the gender with which the foster child identifies, unless doing so could be harmful to the physical health of the child.
- Requires agencies to implement cultural competency trainings on LGBTQ+ topics and issues for youth in care as part of existing training.
- Requires the implementation of a grievance process for youth in care.

AB180 –

- Enacted the Juvenile Justice Bill of Rights with nondiscrimination protections providing children in care and custody of State detention facilities with the right to be free from discrimination or harassment on the basis of sexual orientation, gender identity, or gender expression among other protected classes.

Steps Taken to Fulfill AB99 & AB180

Clark County Department of Family Services requires six (6) hours of cultural competency training on LGBTQ+ youth in out of home care for its staff in partnership with UNLV's School of Social Work.

- Foster Parents may receive an online training, through the Quality Parenting Initiative (QPI) that does not mirror the overall content, length and breadth of training that staff receives, which can lead to problems.

The Division of Child & Family Services' Systems of Care trained hundreds of its staff through a contract with The LGBTQ+ Center of Southern Nevada.

Department of Juvenile Justice provided training for its staff through a contract with The LGBTQ+ Center of Southern Nevada.

- Summit View Correctional Center
- Caliente Youth Center
- Elko Juvenile Detention Center
- Youth Parole Bureau (North & South)

Opposition Trainer Experienced from Juvenile Detention Staff

Overt opposition from staff.

Blatant disregard for training materials and topic.

Trainer felt threatened and fearful due to the amount and type of hostility and resistance she received from staff.



Opposition Trainer Experienced from Juvenile Detention Staff

Examples of opposition:

- Refusal to acknowledge the seriousness of the training.
 - The juvenile staff trainer who also oversees the sex offender training was going to incorporate LGBTTTQ+ training into the module about sex offenders.
 - This is dangerous, because it conflates two issues that have nothing to do with one another and may lead to a negative impact on LGBTQ+ youth.

Juvenile staff trainer in Elko accused the trainer from the LGBTQ+ Center of spreading lies, leftist propaganda, and “femi-nazi” information.

- Juvenile staff trainer insisted that his staff was not going to ‘lie to the kids.’

Reports of Maltreatment of LGBTQ+ Youth in Out-of-Home Care

These reports are largely anecdotal due to youth not making formal reports.

Grievance Process

Incidents are not being reported at the state or local level.

- The number of or percentage of is unknown.

Clark County Ombudsmen receives some grievances and complaints that are shared with Clark County Department of Family Services.

Departments and agencies have a grievance process in place.

The grievance processes need to be enhanced.

Full Implementation of AB99 and AB180 Has Not Been Met

Are all agencies and staff implementing the required training of LGBTQ+ competencies?

What are the current grievance processes and how well do they work?

- What is the option to set up a neutral third-party system to manage and operate a grievance line?

Have state regulations related to AB99 and/or AB180 been created and implemented?

The state has not developed more detailed policy and/or practice guidance for child welfare and juvenile justice agency staff and contractors as other states have done.

Action Needed

Determine status of trainings required by AB99.

- Address the harassing and disrespectful behavior of training attendees and hold them accountable.

Implement a grievance process that is operated and managed by a third-party non-government entity.

- Report out on number of and types of grievances.
- Fully investigate grievances.

Department decision makers meet with the LGBTQ+ work group and other stakeholders to develop LGBTQ+ specific agency policy and/or practice guidance for child welfare and juvenile justice systems.

Action Needed

- Investigate anecdotal reports of abuse and maltreatment.
- Work to systematically collect sexual orientation and gender identity (SOGI) data in child welfare, juvenile justice, mental health.
 - Know the prevalence of LGBTQ+ youth in care.
 - Better understand outcomes of these youth and the proportionate number who may use the grievance process to report maltreatment and/or concerns.

A Look at Other States

Child Welfare

Juvenile Justice



Thank you for your time and consideration.

