



Volume 11, Issue 4

August 2010

Opening Doors Project: Improving the Legal System's Approach to LGBTQ Youth in Foster Care

The Opening Doors Project, located at the American Bar Association (ABA) Center on Children and the Law, was funded to address barriers for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth in the child welfare system. The goal of Opening Doors is two-fold: (1) increase the legal community's awareness of LGBTQ youth in foster care and the unique issues they face and (2) provide the legal community with advocacy and decision-making tools to successfully assist these youth. The Opening Doors Project offers training and technical assistance, publishes written materials for youth and the legal community, and provides information about available resources. Categories of resources include legal advocacy organizations, nonlegal advocacy organizations, direct services for LGBTQ youth, caregiver support programs, school-based support programs, and websites for LGBTQ youth. The latest information about Opening Doors is available at <http://www.abanet.org/child/lgbtq.shtml>.

Since its founding, Opening Doors has published two resources: *It's Your Life*, a handbook for LGBTQ youth, and *Opening Doors for LGBTQ Youth in Foster Care: A Guide for Lawyers and Judges*. To supplement the information contained in *It's Your Life*, the Opening Doors Project launched a companion website. The website expands on the handbook and is found at <http://new.abanet.org/child/Pages/lgbtq.youth.aspx>.

What Can Opening Doors Do For Your Court or Organization?

- ❖ *Provide a workshop on improving outcomes for LGBTQ youth in foster care at a state or judicial conference.*
- ❖ *Meet with youth concerning issues set out in It's Your Life.*
- ❖ *Conduct a more intensive half- or full-day training for a multidisciplinary child welfare professional audience.*
- ❖ *Help a court with a variety of activities, such as conducting trainings, developing a resource guide, designing a data study about the LGBTQ population, bringing together important community stakeholders to facilitate discussions that focus on the needs of LGBTQ youth, and connecting with other jurisdictions doing similar work.*

Opening Doors for LGBTQ Youth in Foster Care: A Guide for Lawyers and Judges

Before the Opening Doors Project designed the *It's Your Life* handbook and website in 2010, it published a book for lawyers and judges: *Opening Doors for LGBTQ Youth in Foster Care: A Guide for Lawyers and Judges*. This book was written to increase the legal community's awareness of LGBTQ youth in foster care and the issues they face. It focuses on the role of the legal community in protecting LGBTQ youth, the examination of attitudes and beliefs, how to build strong client relationships, and the improvement of legal advocacy and decision making. It includes several interviews with judges, LGBTQ adults with experience in the child welfare system, counselors, and attorneys who have experience representing LGBTQ youth.

❖ ***Your Role in Protecting LGBTQ Youth***

This chapter explores the special risks related to the sexual orientation and gender identity of LGBTQ youth that set them apart from non-LGBTQ youth in foster care, such as suicide, homelessness, safety at school, prejudicial treatment, and substance abuse. Judges and lawyers, through their legal interactions with LGBTQ youth, can help reduce these risks. To provide good representation and make the best decisions for LGBTQ youth, attorneys and judges must recognize their beliefs about sexual orientation and gender identity and not let negative attitudes impact their representation and decisions.

❖ ***Examining Your Attitudes and Beliefs***

All individuals approach their jobs with ideas and attitudes based on their upbringing, religious beliefs, politics, and interactions with others. The authors held five listening forums around the country, explored the impact of negative attitudes, and provided tools for exploring and discussing attitudes. Lawyers and judges need to develop cultural competency around LGBTQ issues so youth can be comfortable trusting and relying on them.

❖ ***Building Strong Client Relationships***

This chapter considers the importance of knowing the client's LGBTQ status. It also addresses relationship-building skills for attorneys and judges. Lawyers and judges need to be willing to put forth extra effort to relate to LGBTQ youth and gain their trust.

❖ ***Improving Legal Advocacy and Decision Making***

The final chapter considers the role of youth in court, and examines the best advocacy practices at each stage of the case. Youth benefit from appearing in court because it gives them a sense of control, helps them understand the process, and lets them see that adults care

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Judicial Guidelines

- ❖ *Analyze your attitude toward LGBTQ youth. Work on changing negative attitudes.*
- ❖ *You may think and believe what you want, but those thoughts may not impact the treatment clients and litigants receive.*
- ❖ *Learn about sexual development and healthy sexual development of all young people, including LGBTQ youth.*
- ❖ *Become familiar with state laws and policies protecting LGBTQ youth.*
- ❖ *Learn LGBTQ terminology and become comfortable using it.*
- ❖ *Understand that LGBTQ youth are not mentally ill.*
- ❖ *Help develop nondiscrimination policies covering LGBTQ youth.*
- ❖ *Help develop procedures that assure the safety of LGBTQ youth.*
- ❖ *Require court staff training regarding treatment of LGBTQ youth.*
- ❖ *Promote the development of recreational programs and opportunities for LGBTQ youth to interact.*
- ❖ *Ensure LGBTQ youth have access to the same programs as their heterosexual peers.*
- ❖ *Ensure court staff are respectful to all individuals in the courthouse, including LGBTQ youth.*
- ❖ *Visit websites of service providers to determine if they provide services in an LGBTQ-affirming manner.*

These guidelines, and *Supporting LGBTQ Youth: A Judicial Bench Card*, are available online at <http://www.abanet.org/child/lgbtq.shtml>.

about them and their futures. In turn, the court benefits because the youth can speak to his case more accurately than any other person in the case.

It is also critical that the lawyer advocate for the client between hearings by participating in important meetings and speaking regularly with the client. LGBTQ youth may be dealing with difficult relationships with families, foster parents, schoolmates, and others, making strong advocacy crucial.

It's Your Life: Handbook and Website

In 2010, Opening Doors published *It's Your Life*, a handbook to help LGBTQ youth understand what to expect in the child welfare legal system. The handbook explains the rights of LGBTQ youth, what they can expect from

child welfare professionals, and how to determine if those professionals are meeting their needs. It provides tools and supports so they can make the best of their experience in the child welfare system.

Specifically, *It's Your Life* provides an overview of a child welfare case, from initial placement to closure. It devotes a chapter to placement, detailing what to look for in a placement, coming out while in foster care, and what happens if a young adult is asked to leave foster care due to his or her LGBTQ identity. The handbook provides a list of questions LGBTQ youth should ask about the placement, for example:

- ❖ Does the placement have any experience with LGBTQ young adults?
- ❖ Are there currently any other LGBTQ young adults in the placement?
- ❖ Do the caretakers, staff, or other young adults in the home receive training or instruction on LGBTQ inclusiveness?
- ❖ Does the agency use LGBTQ-friendly service providers?
- ❖ Does the placement have a nondiscrimination or bullying policy?
- ❖ Does the residential placement restrict a young adult's clothing choices or discussions about sexual orientation?

Other chapters address the rights of LGBTQ youth while in placement, permanency plans, and life after foster care. The handbook provides LGBTQ youth with lists of books, videos, agencies, and other resources that provide information, support, and services. In addition, LGBTQ youth share personal stories about their experiences on topics such as personal safety and appearance, health care, visitation, religious freedom, and participation in social or extracurricular events.

For information about training and technical assistance, contact Mimi Laver, LaverM@staff.abanet.org; Andrea Khoury, KhouryA@staff.abanet.org; or Garry Bevel, BevelG@staff.abanet.org.

This article is adapted from Krishna Desai, Mimi Laver, and Andrea Khoury, *It's Your Life* (ABA Center on Children and the Law 2010) and Mimi Laver and Andrea Khoury, *Opening Doors for LGBTQ Youth in Foster Care: A Guide for Lawyers and Judges* (ABA Center on Children and the Law 2008). Books can be downloaded from the Opening Doors website or ordered at <http://www.abanet.org/abastore/index.cfm>.

Upcoming Issues of CCW.....

- ❖ ***ABA Approves Standards for Judicial Excellence in Child Welfare Cases***
- ❖ ***Court Improvement Program: Update on Innovative Projects***



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Child CourtWorks is published bimonthly by the National Child Welfare Resource Center on Legal and Judicial Issues, a service of the Children's Bureau. This publication is made possible through a grant from the Children's Bureau, US Department of Health and Human Services. The views expressed herein have not been approved by the House of Delegates or Board of Governors of the American Bar Association or by the Children's Bureau and should not be construed as representing the policy of either.