

# LGBTQ Youth Advocacy Practice Kit

## Overview

Existing research has shown that lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth are overrepresented in foster care.<sup>1</sup> One study found that approximately 13% of youth in foster care identify as LGBTQ, compared to almost 7% in the general youth population, and approximately 5% of youth identified as transgender, while 2.25% of youth in the general population did.<sup>2</sup>

In addition to being at an increased risk for suicide, homelessness, and substance abuse,<sup>3</sup> LGBTQ youth also face “a foster care system that is ill-equipped to competently meet their needs and subjects them to further bias and discrimination.”<sup>4</sup> The American Bar Association’s Opening Doors Project reported that almost 75% of LGBTQ youth in foster care believe they experience prejudicial treatment by service providers because of their sexual orientation or gender identity.<sup>5</sup> Another 70% of LGBTQ youth in a group home setting reported experiencing violence based on their identity and 78% were removed or ran away from placement because of hostility toward their LGBTQ status.<sup>6</sup>

The 5<sup>th</sup> edition of Children’s Law Center’s LGBTQ Youth Advocacy Practice Kit, updated as of April 2018, is intended to serve as a resource for attorneys to better support and advocate for LGBTQ youth in foster care. Previous editions of this practice kit included extensive attachments. In an effort to streamline and make it more user-friendly, all attachments have been removed and replaced by documents containing short descriptions and links to relevant resources.

The practice kit is divided into eight chapters. Chapter II, entitled “Working with LGBTQ Youth,” provides essential, basic information for any advocate, including an acronym and terminology guide and background reading. Chapters III-VIII explore key topical areas, including education, health care, and juvenile justice. All chapters contain (1) a subsection detailing the legal rights and protections afforded to LGBTQ youth in that topical area and (2) an issues subsection that explores problems and areas of concern for LGBTQ youth in that topical area. In Chapters IV, VI, and VII, resources that are specific to transgender and gender expansive youth can be found within those issues subsections, while Chapters III and V have a separate subsection highlighting unique challenges that are faced solely or primarily by transgender and gender expansive youth.<sup>7</sup>

As of April 2018, the most current and up-to-date information should be included in all areas covered in this Practice Kit; however, the landscape in this area is rapidly changing. As such, practitioners should independently verify that any guidance or resources are still current before employing them in practice.

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<sup>1</sup> HUMAN RIGHTS CAMPAIGN, LGBTQ YOUTH IN THE FOSTER CARE SYSTEM 2, <https://bit.ly/2v1CThv>.

<sup>2</sup> *Id.*

<sup>3</sup> MIMI LAVER & ANDREA KHOURY, OPENING DOORS FOR LGBTQ YOUTH IN FOSTER CARE: A GUIDE FOR LAWYERS AND JUDGES 8-9 (2008), <https://bit.ly/2qaly0K>.

<sup>4</sup> HUMAN RIGHTS CAMPAIGN, *supra* note 1, at 2.

<sup>5</sup> MIMI LAVER & ANDREA KHOURY, *supra* note 3, at 9.

<sup>6</sup> *Id.* at 1.

<sup>7</sup> Please note, while Chapters III and V have these separate subsections, many of the resources contained in the LGBTQ issues subsections in those chapters will still be applicable to transgender and gender expansive youth.