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Testimony Before the District of Columbia Council
Committee on Human Services
June 28, 2018

Public Hearing:
Bill 22-097: Foster Parent Pre-Service Training Regulations Amendment Act of 2017

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Introduction

Good morning Chairperson Nadeau and members of the Committee on Human Services. My name is Mackenzie Becker. I am a staff attorney and Equal Justice Works fellow at Children's Law Center.¹ I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health, and a quality education. With more than 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. We serve as guardians *ad litem* attorneys² for hundreds of children in foster care and represent foster parents and relatives caring for children who are in the care, custody, and control of DC Child and Family Services Agency (CFSA). As an Equal Justice Works fellow, I am working to create a model for culturally competent legal representation for LGBTQ foster youth in DC by directly representing youth, engaging in coalition building and outreach efforts, and training stakeholders.

Children's Law Center supports The Foster Parent Pre-Service Training Regulations Amendment Act of 2017 ("the Act") because it will solidify the District's commitment to improving the lives and experiences of LGBTQ youth in foster care. Research has shown that LGBTQ youth are at an increased risk of suicide, depression, HIV, and sexually transmitted diseases when they experience high levels of rejection from caregivers because of their identity.³ I am grateful for the opportunity to address

the Act and share how the experiences of LGBTQ youth in care can be improved through cultural competency training.

The Impact of Cultural Competency

Nationally, LGBTQ youth experience various types of rejection.⁴ This rejection can be exacerbated by their experience in foster care. Some of our clients at the Children's Law Center entered foster care after being physically assaulted by family members following an emotional exchange about their sexual orientation. These clients were taken away from their families for their own physical safety, but the removal still contributes to their sense of loneliness. Their removal also took them away from friends and extended family members who provided support in the midst of rejection. This isolation places LGBTQ youth at a higher risk for self-harming behaviors.⁵ A foster parent's support can have a dramatic impact on the well-being of an LGBTQ child in care.⁶ However, few foster parents start their careers with the specific knowledge necessary to help LGBTQ youth navigate these experiences with the sufficient level of cultural competency.

Foster parents need cultural competency training that specifically focuses on the unique health and social service needs facing LGBTQ youth in care. While CFSA's pre-service training for foster parents currently includes some discussion of issues facing LGBTQ foster youth,⁷ a more targeted cultural competency training will increase foster parents' ability to effectively communicate their support and acceptance and prepare

that youth for adulthood. It will help foster parents understand why their transgender pre-teen foster daughter has a fear of entering puberty, how to respond when their foster child discloses they're being bullied at school because of their LGBTQ identity, and to understand that a youth questioning their gender identity or sexual orientation may not be ready to claim any one identity.

Research indicates that affirmation is the highest cultural competency standard for foster parents of LGBTQ youth in care. While an accepting foster parent can demonstrate a basic level of understanding of a youth's identity and be willing to welcome that youth into their home, an affirming foster parent demonstrates a higher level of respect and knowledge. A foster parent who affirms a youth's identity goes beyond mere tolerance to show a true commitment to supporting a youth's LGBTQ identity. Effective CFSA training will help give foster parents tools to communicate affirmation.

Effective cultural competency training should cover a wide range of topics and lay the foundation to create foster parents that are prepared to not only accept a child's identity but also provide positive, affirming support. In the *Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care*, the Child Welfare League of America recommends that foster parent training on caring for LGBT youth be mandatory, ongoing, and address topics including, but not limited to:

- A review of vocabulary and definitions relevant to LGBT youth;

- An exploration of myths and stereotypes regarding LGBT youth and adults;
- A review of the coming-out process and information about how family and adults can support a young person who is in the process of coming out;
- A discussion of how sexual orientation or gender identity may relate to the reasons the youth is in care; approaches to working with the families of LGBT youth and an understanding of how their acceptance or rejection affects the young person's health, mental health, and well-being; and
- Agency and community resources available to serve LGBT youth and their families.⁸

Strong Training Can Reduce Placement Disruptions

Strong training for foster parents can help reduce the higher than average number of placement disruptions that LGBTQ youth often experience.⁹ This higher rate of placement disruptions contributes to their lower rates of permanency and often leads to negative mental health outcomes and poor long-term prospects.¹⁰ Youth's abilities to form and maintain healthy relationships and to establish lifelong connections with caring adults are frequently impaired when they have a series of unstable placements.¹¹ This is very problematic because long-term connections are necessary to support their transition to adulthood.¹² When foster parents are trained on how to offer culturally

competent support to youth who are experiencing challenges related to their LGBTQ identity, the youth and the foster parent can start to form a bond that leads to stability.

Additionally, strong training of foster parents is especially important because CFSA does not consider the sexual orientation or gender identity of the child or a foster parent's acceptance of LGBTQ identities in its placement matching process.¹³ Placement matching that does not consider these factors is more likely to result in unstable placements for LGBTQ youth in foster care. In lieu of such considerations, it is critical that all foster parents receive strong culturally competent training on the needs of and resources available to LGBTQ youth in care.

Future Considerations: Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) Data Collection

In order to even beginning assessing the impact of training programs, changes in policy, and other efforts to support LGBTQ youth, the District needs an understanding of the number of youth in care that actually identify as LGBTQ.¹⁴ We are pleased to see that the council is considering LGBTQ Health Data Collection Amendment Act of 2018, which would require the Office of the State Superintendent of Education to include questions related sexual orientation, gender identity, and gender expression (SOGIE) in the annual Youth Risk Behavior Surveillance System.¹⁵ We hope CFSA will consider collecting SOGIE data. SOGIE data collection, like foster parent training, must be done in an appropriate, affirming manner. The Human Rights Campaign's All Children—All

Families project¹⁶ has created a detailed guide specifically for child welfare agencies to assess their readiness for formalizing SOGIE data collection as well as in-depth guidance on how to collect that information with youth and adults.¹⁷ We look forward to working with CFSA and the council to ensure that any future data collection is done in a way that protects clients from discrimination and bias.¹⁸

Conclusion

Thank you for the opportunity to testify. Children’s Law Center looks forward to working with CFSA and the Council to improve the foster care experience of LGBTQ youth. I look forward to answer any questions you have.

¹ Children’s Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren’t learning in school, or who have health problems that can’t be solved by medicine alone. With more than 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC’s poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² Guardian *ad litem*s are attorneys appointed by a judge to represent the best interest of a child when the government initiates a child abuse and neglect case in the DC Superior Court.

³ Caitlin Ryan, The Family Acceptance Project. *Supportive Families, Healthy Children: Helping Families with Lesbian, Gay, Bisexual & Transgender Children* at 5-6 (2009). Retrieved from https://familyproject.sfsu.edu/sites/default/files/FAP_English%20Booklet_pst.pdf.

⁴ See Amy Ellis Nutt. “LGBTQ teens face widespread feelings of fear and rejection, survey finds” Chicago Tribune (May 15, 2018). Retrieved from <http://www.chicagotribune.com/lifestyles/ct-lgbtq-teens-survey-20180515-story.html>. At this time, CFSA does not track the number of LGBTQ youth in care. Without it, the District will have a difficult time assessing the impact and effectiveness of this bill’s training requirements, to determine how to improve it, or to identify where other policy changes are needed.

⁵ Cheryl A. King and Christopher R. Merchant. Social and Interpersonal Factors Relating to Adolescent Suicidality: A Review of the Literature *Archives of suicide research : official journal of the International Academy for Suicide Research* 12.3 (2008): 181–196. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2989173/pdf/nihms-112847.pdf>.

⁶ *Supportive Families, Healthy Children*, at 5, 9.

⁷ Currently, CFSA’s pre-service training (MAPP) includes a case example used throughout 10 meetings involving a gay youth, and resources and discussion occur around that example throughout those meetings.

⁸ Child Welfare League of America. *CWLA Best Practice Guidelines: Serving LGBT Youth in Out-of-Home Care* at 43-44 (2006). Retrieved from https://familyproject.sfsu.edu/sites/default/files/bestpracticeslgbt_youth.pdf.

⁹ Center for the Study of Social Policy. *Out of the Shadows: Supporting LGBTQ Youth in Child Welfare through Cross-System Collaboration* at 8 (2016). Retrieved from <https://www.cssp.org/pages/body/Out-of-the-Shadows-Supporting-LGBTQ-youth-in-child-welfare-through-cross-system-collaboration-web.pdf>.

¹⁰ Center for the Study of Social Policy. *Out of the Shadows: Supporting LGBTQ Youth in Child Welfare through Cross-System Collaboration* at 8 (2016). Retrieved from <https://www.cssp.org/pages/body/Out-of-the-Shadows-Supporting-LGBTQ-youth-in-child-welfare-through-cross-system-collaboration-web.pdf>; See also Child Welfare League of America. *CWLA Best Practice Guidelines: Serving LGBT Youth in Out-of-Home Care* at 43-44 (2006). Retrieved from https://familyproject.sfsu.edu/sites/default/files/bestpracticeslgbt_youth.pdf. The risks and poor outcomes that accompany placement disruptions can be reduced by considering the child's LGBTQ identity as well as a prospective foster parent's openness to accepting that identity in all facets of the placement matching process. The LGBTQ identity of the foster parent should also be a consideration in this process. If these factors are part of the placement matching process, failed placements will likely be reduced because there is a greater chance a child will be less concerned about rejection from their foster parent and more confident that their identity will be accepted. These considerations are also more likely to result in an LGBTQ-identified youth being placed with a foster parent who is prepared to address their needs in an accepting, affirming manner because they themselves identify as LGBTQ or because they are aware of the youth's identity and have affirmatively shown interest in fostering that youth.

¹¹ Child Welfare League of America. *CWLA Best Practice Guidelines: Serving LGBT Youth in Out-of-Home Care* at 41 (2006). Retrieved from https://familyproject.sfsu.edu/sites/default/files/bestpracticeslgbt_youth.pdf.

¹² *Id.*

¹³ CFSA only considers the sexual orientation or gender identity of the child and a foster parent's acceptance of LGBTQ identities in its placement matching process when a child is moved from a group home setting to a foster home. CFSA, *FY17 Budget Oversight Pre-Hearing Responses*, Q68. Making placement decisions based on an LGBTQ-identified youth's individual needs will also help create a more affirming foster care experience. According to its Fiscal Year 2017 (FY17) budget oversight responses, CFSA only considers the sexual orientation or gender identity of the child and a foster parent's acceptance of LGBTQ identities in its placement matching process when a child is moved from a group home setting to a foster home. Neither of these factors is considered when making an initial placement or when a child is moved from one foster home to another. The LGBTQ identity of a potential foster parent is similarly not considered. *Id.*

¹⁴ Comprehensive data that provides even the most basic insight into the number of LGBTQ identified youth in care is limited, with most data coming from surveys conducted in New York City and Los Angeles. Christina Wilson Remlin et al. *Safe Havens: Closing the Gap Between Recommended Practice and Reality for Transgender and Gender-Expansive Youth in Out-of-Home Care* at 3, Endnote 10, & 12 (2017). Retrieved from http://www.lambdalegal.org/sites/default/files/tgnc-policy-report_2017_final-web_05-02-17.pdf.

¹⁵ See B22-0840: LGBTQ Health Data Collection Amendment Act of 2018, at 3 (June 5, 2018). Retrieved from <http://lims.dccouncil.us/Download/40360/B22-0840-Introduction.pdf>.

¹⁶ HRC's All Children – All Families, a project of the Human Rights Campaign Foundation, promotes LGBTQ inclusive policies and affirming practices among child welfare agencies and formally recognizes those agencies that are leading the field with innovative approaches to inclusion. See Human Rights Campaign. *All Children – All Families: About the Initiative*. Retrieved from <https://www.hrc.org/resources/all-children-all-families-about-the-initiative>.

¹⁷ Human Rights Campaign. *SOGIE Data Collection* (2017). Retrieved from http://assets2.hrc.org/files/assets/resources/HRC_ACAF_SOGIE_Data_Collection_Guide.pdf. Most importantly, this guide emphasizes the importance of ensuring that an agency has worked to achieve internal cultural competency.

¹⁸ *Id.* at 3. SOGIE data collection should not open LGBTQ youth and adult to the risk of discrimination or insensitivity. Before beginning SOGIE data collection, it is critical to ensure that policies that protect LGBTQ youth and adults from discrimination and provide staff regular training in LGBTQ cultural competency. Youth need to be able to trust that the agency will protect their information, won't discriminate against them, and will honor confidentiality. Just as foster parents receive training on how to provide an affirming home, social workers and other agency staff should be equally prepared to affirm a child's identity, support their coming out process, and comfortably have discussions around sexual orientation, gender identity, and gender expression.