

LGBTQ YOUTH IN THE FOSTER CARE SYSTEM



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At any one time there are approximately 260,000 youth in the foster care system in the United States.¹ While it is impossible to precisely determine the number of lesbian, gay, bisexual, transgender, or questioning (LGBTQ) youth in this system, recent studies suggest that these youth make up between 5 and 10 percent of the total foster youth population.² The actual percentage may be higher since LGBTQ youth are over-represented in the foster care pool because of discrimination and abuse many of these youth face in their families of origin and in their schools.³ In a terrible irony, many of these youth – as many as 78% as indicated in a recent study – endure further harassment or abuse after being placed in out-of-home care.⁴ As a result, some LGBTQ youth runaway from their placements, preferring to live on the street rather than in homophobic or transphobic settings where they are in danger of harassment or violence.

HOW LGBTQ YOUTH ENTER THE FOSTER CARE SYSTEM

Because of homophobia and transphobia in their homes, schools, and social settings, LGBTQ youth enter the foster care system at a disproportionate rate.

- Many LGBTQ youth face neglect or abuse from their families of origin because of their sexual orientation or gender identity. A recent study found that over 30% of LGBT youth reported suffering physical violence at the hands of a family member after coming out.⁵
- Because of lack of acceptance and abuse by their families of origin, many LGBTQ youth are removed from their homes or found to be "throwaways" by child protection agencies and placed in the foster care system.⁶
- In addition, many LGBT youth – 26% according to one study – are forced to leave their families of origin as a result of conflicts with their parents regarding their sexual orientation or gender identity.⁷
- Some LGBTQ youth enter the system for skipping or dropping out of school – steps some youth take to avoid the pervasive harassment and discrimination they face in school.⁸ A recent study found that over 80% of LGBTQ students reported verbal harassment because of their sexual orientation or gender identity while at school and nearly 70% reported feeling unsafe.⁹ According to another recent study, 20% of LGBTQ youth reported skipping school each month because of fear for their own safety.¹⁰ And another study found that 28% of LGB youth dropped out of school due to peer harassment.¹¹
- As a result of lack of acceptance and abuse in the home and at school, a disproportionate number of youth living on the streets are LGBTQ. The National Network of Runaway and Youth Services estimates that between 20-40% of homeless youth are LGBTQ.¹²

LGBTQ YOUTH EXPERIENCES IN THE FOSTER CARE SYSTEM

Once in the foster care system, LGBTQ youth are often neglected and/or discriminated against by facility staff and peers, facilitated by inadequate policies, protections, support services and staff sensitivity.

Few foster care facilities have policies prohibiting discrimination on the basis of sexual orientation or gender identity or provide training for staff on how to create safe and welcoming environments for LGBTQ youth.

“Coming out as a lesbian in your teens isn’t easy no matter where you are, but in my group home, I was treated differently from other residents. My actions were monitored more closely. I was told not to talk about my personal life...I was told that I was confused, and I frequently heard anti-lesbian slurs, which staff members did not attempt to stop.”¹³

Many LGBTQ youth in the foster care system experience verbal harassment and physical or sexual abuse because of their sexual orientation or gender identity. In one of the only studies of its kind, 100% of LGBTQ youth in New York City group homes reported that they were verbally harassed while at their group home and 70% reported physical violence due to their sexual orientation or gender identity.¹⁴ This abuse is perpetrated not only by youth peers, but also by facility staff and social workers. When the abuse is between peers, it either is condoned by facility staff or goes unchallenged.

“I had at least two fights a day. The boys used to do stupid things like throw rocks at me or put bleach in my food because I was gay. Once I was thrown down a flight of stairs, and I’ve had my nose broken twice. They even ripped up the only picture of my mother that I had.”¹⁵

One study found that 78% of LGBTQ youth were removed or ran away from their foster placements as a result of hostility toward their sexual orientation or gender identity.¹⁶ 56% of LGBTQ youth interviewed in a New York City study of LGBTQ youth in foster care spent time living on the streets because they felt “safer” there than they did living in their group or foster home.¹⁷

“I left in the morning for school. When I came back to go to my room, somebody had spray painted the word faggot on the door...The staff didn’t do nothing much but laugh when I told them.” Afraid for his safety, this youth went AWOL and was homeless for a year.¹⁸

When LGBTQ youth are harassed or discriminated against, foster care facilities sometimes respond by moving the LGBTQ youth to another — often more restrictive — facility or isolating them rather than addressing the underlying homophobia or transphobia.¹⁹

LGBTQ youth are also sometimes segregated or put in isolation based on a myth that LGBTQ youth will “prey” on other youth.

“After my foster mother found out that I was a lesbian, she told my social worker that she didn’t want me in her house. She was afraid I would try something with her 12-year-old biological daughter.”²⁰

This segregation not only reinforces the notion that the LGBTQ youth is bad or to blame for harassment directed at them, but can also result in further denial of access to resources and support.

Facilities often discipline LGBTQ youth for engaging in age-appropriate conduct that would not be punishable if between two youth of different sexes.

*“A straight person could bring a girl over and take her to his room in the group home and nothing would happen. But if two gay kids got caught, it would be like somebody blew up the house.”*²¹

LGBTQ youth are sometimes subjected to reparative or conversion therapy (overt attempts to change one’s sexual orientation) by foster care staff and/or social workers.²²

*“They had a behavior modification kind of program. Like, I could get a day pass or a weekend pass if I spent the afternoon playing football. They knew I was gay and that was the lifestyle I wanted, but they thought maybe they could change me.”*²³

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ENDNOTES

¹ According to the U.S Department of Health and Human Services, Administration on Children, Youth, and Families, and the Children’s Bureau on September 30, 2003 there were 523,000 kids in foster care in the United States. The median age for these kids was 10.9 years old. Approximately 50% or 258,470 were over the age of 11. Statistics available at: http://www.acf.dhhs.gov/programs/cb/stats_research/afcars/tar/report10.htm (last visited May 31, 2006).

² See Lambda Legal Defense and Education Fund, *Youth in the Margins: A Report on the Unmet Needs of Lesbian, Gay, Bisexual, and Transgender Adolescents in Foster Care* 11 (2001) [hereinafter *Youth in the Margins*].

³ See *id.*

⁴ See Urban Justice Center, *Justice for All? A Report on Lesbian, Gay, Bisexual and Transgendered Youth in the New York Juvenile Justice System* 16 (2001) [hereinafter *Justice for All*] (citing Joint Task Force of New York City’s Child Welfare Administration and the Council of Family and Child Caring Agencies, *Improving Services for Gay and Lesbian youth in NYC’s Child Welfare System: A Task Force Report* (1994) (hereinafter *New York Task Force Report*)).

⁵ See *Youth in the Margins*, at 11 (citing Philadelphia Lesbian and Gay Task Force, *Discrimination and Violence Against Lesbian Women and Gay Men in Philadelphia and the Commonwealth of Pennsylvania* (1996)).

⁶ See *Youth in the Margins*, at 11.

⁷ See *id.* See also Colleen Sullivan, *Kids, Courts and Queers: Lesbian and Gay Youth in the Juvenile Justice and Foster Care Systems*, 6 *Law & Sexuality* 31, 57 (1996) (citing Paul Gibson, U.S. Dep’t Health and Human Serv., *Gay Male and Lesbian Youth Suicide, in Report of the Secretary’s Task Force on Youth Suicide* 113 (1989)).

⁸ See *Justice for All*, at 16-17.

⁹ 2001 National School Climate Survey released by Gay, Lesbian, Straight, Education Network. The survey is available at www.glsen.org

¹⁰ Massachusetts Department of Education, 1999 Massachusetts Youth Risk Behavior Survey [Electronic Version], available at http://www.doe.mass.edu/hssss/yrbs99/glb_rslts.html (last visited December 1, 2003).

¹¹ See RC Savin-Williams, *Verbal and Physical Abuse as Stressors in the Lives of Lesbian, Gay Male, and Bisexual Youths: Associations With School Problems, Running Away, Substance Abuse, Prostitution, and Suicide*, 62 *J. Consult. Clin. Psychol.* 26 (1994). See also Sullivan, *supra* n. 7, at 57.

¹² See *Youth in the Margins*, at 11; *Justice for All*, at 1 (citing Laurie Schaffner, *Violence and Female Delinquency: Gender Transgressions and Gender Invisibility*, 14 *Berkeley Women’s L. J.* 40 (1999)).

¹³ See ACLU of Southern California publication, available at www.aclu-sc.org/news/releases/2001/100165 (last visited November 26, 2003).

¹⁴ See *Justice for All*, at 16 (citing *New York Task Force Report*).

¹⁵ Al Desetta, *In the System and In the Life: A Guide for Teens and Staff to the Gay Experience in Foster Care*, 46-47 (2003) (hereinafter *In the System*).

¹⁶ See *Justice for All*, at 16 (citing *New York Task Force Report*).

¹⁷ See *id.*

¹⁸ *In the System*, at 50.

¹⁹ See *Youth in the Margins*, at 15; Gerald P. Mallon, WE DON'T EXACTLY GET THE WELCOME WAGON: THE EXPERIENCES OF GAY AND LESBIAN ADOLESCENTS IN CHILD WELFARE SYSTEMS (1998).

²⁰ *In the System*, at 60.

²¹ *Id.* at 51.

²² See *Youth in the Margins*, at 9.

²³ Wendell Ricketts, LESBIAN AND GAY MEN AS FOSTER PARENTS 122 (1991).

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YOUTH PROJECT has been advocating for LGBTQ youth in schools, foster care, juvenile justice settings, and the mental health system since 1993. The Project provides direct, free legal information to youth, legal advocates, and activists through a toll-free line; advocates for policies that protect and support LGBTQ youth in these different arenas; and litigates cases that are creating new legal protections for youth in schools, foster care, juvenile justice, and other settings.

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