CWLA
Best Practice Guidelines

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The Child Welfare League of America is the nation’s oldest and largest membership-based child welfare organization. We are committed to engaging people everywhere in promoting the well-being of children, youth, and their families, and protecting every child from harm.

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LGBT Youth in Out-of-Home Care

On any given day, more than half a million children and youth nationally are living away from their families and in the custody of foster care or juvenile justice systems. Quantifying the number of LGBT youth in out-of-home care is difficult because many of these youth hide their sexual orientation and gender identity from adults and peers whom they perceive as rejecting or unsupportive. Research has shown that these fears are well-founded. In a survey of 400 homeless LGBT youth in San Diego, for example, 74% of youth surveyed believed they had received prejudicial treatment, including harassment or threats, after disclosing their sexual or gender identity to providers (Berberet, 2004).

Although there are no reliable statistics, providers and other individuals who work in child welfare and juvenile justice systems consistently report that LGBT youth are disproportionately represented among youth in out-of-home care (CWLA & Lambda Legal, 2006). This chapter discusses the process by which LGBT youth become aware of their sexual orientation or gender identity, the experiences and social conditions that lead to or deepen their involvement in child welfare and juvenile justice systems, and the mistreatment and discrimination people subject them to in out-of-home care.

Self-Awareness of Sexual Orientation and Gender Identity

Sexual orientation is an enduring emotional, romantic, sexual, and affectional attraction to others that is shaped at an early age (American Psychological Association, n.d.). Although there are many theories about the origin of sexual orientation, most scientists agree that it is probably the result of a complex interaction of environmental, cognitive, and biological factors. Sexual orientation exists on a continuum from exclusively homosexual (attraction to same-sex people) to exclusively heterosexual (attraction to opposite-sex people), and includes varied expressions of bisexuality (attraction to same-sex and opposite-sex people).
Many youth realize that they are lesbian, gay, or bisexual long before they become sexually active, some by age 5 (Ryan & Diaz, 2005). Contrary to common misconceptions, adolescents do not need to have a sexual relationship with an opposite-sex (or same-sex) partner to understand their sexual orientation. Likewise, many young people do not identify themselves as lesbian or gay even though they are attracted to people of the same gender. Moreover, no reliable method of determining whether a young person is lesbian, gay, or bisexual simply from his or her appearance or behavior exists.

*Gender identity* is distinct from sexual orientation and refers to a person’s internal identification or self-image as male or female (Kessler & McKenna, 1978; Money, 1973). Every person has a gender identity. Most people’s gender identity—their understanding of themselves as male or female—is consistent with their anatomical sex. For a transgender person, however, there is a conflict between the two; the individual’s internal identification as male or female differs from his or her anatomical sex (Cole, Emory, Huang, & Meyer, 1994). Gender identity is also established at an early age, generally by age 3.

*Gender roles* or *sex roles* are social and cultural expectations and beliefs about appropriate male or female behavior. Children generally internalize expectations related to gender roles between ages 3 and 7. Adults often expect children to adhere to culturally defined gender roles and may subtly or overtly sanction children who exhibit behavior contrary to these expectations.

Increasingly, young people who identify as transgender do so during adolescence. Many youth who later identify as transgender report feeling that they were in the wrong body as a young child. This incongruence may cause significant distress, particularly when adults do not understand the child’s concerns and try to force the child to comply with the cultural expectations associated with his or her birth gender. Children who understand that the gender messages they get from parents or adults are different from what they feel internally learn to hide these feelings to avoid disapproval or punitive reactions from adults.

Some lesbian, gay, and bisexual individuals exhibit gender-nonconforming behaviors, whereas others fully conform to cultural and social expectations of masculinity and femininity. Regardless of their sexual orientation or gender identity, however, youth who are visibly gender nonconforming are often perceived to be gay or lesbian. Thus, gender nonconformity may fuel