



**all children all families**

# **GUIDANCE FOR THE PLACEMENT OF TRANSGENDER, NON-BINARY, AND GENDER EXPANSIVE YOUTH IN CONGREGATE CARE**

## **Introduction**

Lesbian, gay, bisexual, transgender, and queer (LGBTQ+) youth are overrepresented in child welfare with some studies estimating as many as 30% of youth in care being LGBTQ+. Therefore, it is incumbent upon child welfare agencies and organizations to adopt inclusive policies and practices to support LGBTQ+ youth in care as well as LGBTQ+ families.

The following guidance focuses on the placement of transgender, non-binary, and gender expansive youth in congregate care such as group homes or residential treatment facilities. State facility licensing regulations may require separation based on gender, especially when making rooming decisions, and many congregate care facilities segregate youth by their sex assigned at birth and do not account for transgender, non-binary, and gender expansive youth. While affirming a youth's gender identity and supporting their age-appropriate gender expression are paramount, there are many factors to consider when deciding the placement of transgender, non-binary, and gender expansive youth:

1. Engage transgender, non-binary, and gender expansive young people in the process.
2. Ensure the safety and well-being of all youth in care.
3. Respect, affirm, and celebrate the gender identity and expression of youth in care.
4. Provide training and professional development for staff.
5. Ensure the privacy and confidentiality of young people.
6. Connect transgender, non-binary, and gender expansive youth to affirming activities and interests.
7. Seek regular feedback from youth in care.



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## 1. Engage transgender, non-binary, and gender expansive young people in the process.

First and foremost, transgender, non-binary, and gender expansive young people should be actively and intentionally engaged in things that impact them directly, including their placement in congregate care. This engagement should occur from first contact and continue throughout their time in care. Young people should be viewed as the expert when it comes to their identity, the development of their goals, the identification of the supports that make the best sense for them, strategies to manage their emotional regulation, expression of their preferences and needs, and how to improve program/residential experiences. This active engagement goes a long way to develop professional relationships that help young people feel safe, seen, and heard.

Some examples of questions one might ask related to supporting youth experiencing congregate care:

- **Who do you want to stay/be in connection with while in congregate care?**
- **Do you have any key relationship(s) such as a friend, romantic partner, or others to stay in touch with?**
- **What is the best way to go about keeping those connections?**

Avoid asking questions that assume a youth has family members with whom they are in contact. Rather, ask a generalized question (see above) as *family* might be defined as biological, or they might be friends and community members. Traditional familial connections may be a source of trauma for LGBTQ+ youth.

Young people in congregate care need access to those individuals within their definition of family. **Chosen family** takes on meaning for youth, and for LGBTQ+ youth and BIPOC youth (Black, Indigenous, and other People of Color) this family is often found in community connections and friends who may be drag queens or friends in the *queer house community* (folks who, for example, vogue, dance, or perform as a chosen family or “house”). For example, some youth may even use the term “aunties” and that does not necessarily mean they are a blood relative aunt, but rather may fill that role for them. **Framily**, a term used for chosen family, are just as important to many youth as their biological family or family of origin. We need to ask “help me understand what you mean by that (word/term/phrase)” to support the connections they identify and need. Additionally, do not assume that friend connections are romantic or related to a youth’s sexual orientation.

- **What kind of hair and body care products do you need to take care of yourself?**

This can help get targeted and specific donations for youth in addition to what a facility might order as not all youth use the same kinds of hair products or toiletries, and folks have different hair types, styles, and care needs.

- **Do you prefer rooming with boys, girls, both, or on your own?**

Talk to young people about where they may feel the most comfortable. When able, provide room setups based on youth comfort and preference. For instance, a trans girl may feel best in the boy’s unit, a nonbinary youth may feel best in a setting that is different from what you would assume, so ask! They may have even developed solid connections and community that we do not need to disrupt. \*Note that this *does not* mean to ask invasive questions about a youth’s body,





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rather if they know they might room best with other boys, girls, trans and nonbinary youth and what feels safe for them. This might sound like “where do you feel you might be most comfortable sleeping/living?” or “who might you be most comfortable living in shared housing with?” without them needing to go into detail about why that setup feels best for them.

Automatically placing transgender, non-binary, and gender expansive youth in a space just for them may not be the best option for all transgender, non-binary, and gender expansive youth. While placing a youth on their own may resolve privacy concerns, it can be very isolating for the young person and may draw unwanted attention to them, particularly if other youth are sharing space.

- **Do you want to be part of our youth advisory council where you can help us improve our program and shape the activities we do?**

See “Seek regular feedback from youth in care” below for more information.

## **2. Ensure the safety and well-being of all youth in care.**

Congregate care settings should have policies in place to ensure the safety of all residents, including transgender, non-binary, and gender expansive youth. Work to develop a supportive, affirming environment so all feel welcome without an over-emphasis on **unnecessary risk avoidance**.

- Talk to the young people in your program, on a regular basis, about what safety means to them. Are they able to validate they are regularly and consistently experiencing physical and psychological safety?
- Ask yourself, is the safety issue a concern for those living and working in the space or, has it been voiced by an outside source?
- Distinguish between concerns around youth safety and youth’s comfort level with sharing space with youth of different identities. Are there actual physical safety concerns or feelings of discomfort with someone new?
- Track disciplinary action for all youth and ask, are transgender, non-binary, and/or gender expansive youth experiencing more disciplinary action than their cisgender peers and if so, what can be done to address this disparity?
- Consider ways that transmisogyny\* or transmisogynoir\*\* can show up in safety related decisions. Transgender, non-binary, and gender expansive youth are not more violent and do not impose any additional threat to cisgender youth. For example, trans girls are often not seen as girls, but as boys, and boys are often viewed as more violent or threatening to cisgender girls. So, if two girls (one cisgender and one transgender) end up in a physical altercation, the best course of action may not be to remove the trans girl from the girls setting and place her with boys or even by herself. Challenge the idea that aggression is gendered and consider who we assume might be the aggressor. Trans women, by default, are not inherently more aggressive than cisgender women. In this example, this is not a young man fighting a young woman, these are two young women in a fight.





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### **3. Respect, affirm, and celebrate the gender identity and expression of youth in care.**

It is important to ensure that transgender, non-binary, and gender expansive youth can express their gender in a way that is authentic and affirming to them no matter where they are placed in congregate care. This includes the ability to wear clothing or use personal hygiene items that align with their gender identity, and the consistent use of the pronouns and names that they use. Other considerations include:

- Use inclusive documentation regarding names and pronouns. Wherever possible, the youth's chosen name should be used, and only, where required, use the youth's legal name. For transgender, non-binary, and gender expansive BIPOC youth, take extra care to ensure the correct spelling and pronunciation of chosen names.
- All staff (including reception, maintenance, and kitchen staff) should be ready to interact with all youth respectfully and with authenticity, including consistently using youth's chosen name and pronouns. Develop a meaningful strategy to address staff that are not yet willing to do so.
- Ensure all staff are prepared to use names and pronouns and understand these may change over time. Adolescence is all about identity development and it is not unusual for any young person to use this time to find the identity that is the best and right fit for them. Staff should support young people as they find names and pronouns, and even identity terms, which fit who they are, AND understand that these can change as the young person develops a clearer sense of self. This is not a phase, this is a normal, healthy part of one's development.
- For BIPOC LGBTQ+, consider culturally specific ways of supporting young people that account for how racism and discrimination impact access to hair and skin care services and products, or access to religious garb (such as a yarmulke or a hijab). Recognize and interrupt the over sexualizing or over policing of gender expression and sexuality, particularly of BIPOC LGBTQ+ youth. Lastly, ensure youth stay connected to their community connections and culture (faith and spirituality, food, events/activities) wherever possible. Access to culture and connections can help a youth navigate becoming all of who they are, rather than siloing off aspects of their identities.
- Youth should have access to age-appropriate clothing without restriction in expressing themselves. This means all youth can have access to clothing that is age-appropriate and allows them to express themselves regardless of gender identity. If dress codes exist, ensure they are gender neutral and focus on the article of clothing regardless of the gender of the youth wearing them (i.e., skirts and dresses must be below the knee).
- Affirm their placement choice as well as their identity. Trans girls might feel more comfortable in housing with cisgender boys, and that does not change the fact that their identity and pronouns should be honored. They might choose that space because of friends and support system, feeling more comfortable in that space. There is no need to disconnect youth from relationships simply because of their gender identity. Safety is not the only consideration in these decisions and gendered assumptions may interrupt them being where they feel most supported and welcomed.



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#### 4. Provide training and professional development for staff.

All staff members should receive training on how to specifically support transgender, non-binary, and gender expansive youth in care. Staff should also be willing to work with transgender, non-binary, and gender expansive young people to address any concerns or needs they may have. Ensure professional development which includes training, coaching, and reflective supervision is available to all staff, especially those working directly with youth like therapists, case workers, youth workers, and peer support. Make sure to include front desk staff, general administration, and maintenance staff in the training as anyone can be in interactions with youth at any time, and should always be affirming.

- Science-based sexuality and gender training, which includes addressing myths and stereotypes of this population, as well as identifying biases should be required for all staff and include:
  - ✦ Prevention of oversexualizing all youth; specifically, BIPOC youth.
  - ✦ Developmentally appropriate exploration of sexuality and gender identity development in adolescence.
- HRCF All Children – All Families (ACAF) Field Forward Webinar series offers free live webinars on a variety of topics related to LGBTQ+ youth as well as an archive of recorded webinars (<https://www.thehrcfoundation.org/professional-resources/all-children-all-families-online-learning-offerings>). The program also offers additional fee-for-service training (<https://www.thehrcfoundation.org/professional-resources/all-children-all-families-training-program>)
- Representation matters. It is important to recruit, hire and support staff who are reflective of the population of youth served by your agency. Young people connect to people, not programs, and it is important to maintain a diverse staff from the communities represented in the program, with whom young people feel comfortable. Youth spend most of their time in these facilities and need staff who feel familiar to them. Having access to staff who understand cultural reference points, such as language, music, and even food or clothing can help young people feel as though they are as close to home as one could be in this setting. When this connection is present youth can build a community rooted in cultural appreciation, which can create opportunities to bond. Staff can help with considerations around things like donations of hair care products for all hair types, lotion vs coconut oil and more.
- Staff work to create, support, and maintain access to youth activities, both internally and in the community. Staff are aware of resources within the community and help young people get connected (and transported) to activities including and not limited to: Pride events and activities, equity and pride center programs, Gay and Sexuality Alliances (GSAs) at school and in the community, and support groups identified by the youth. Check out CenterLink's database of local LGBTQ+ community centers and resources to see what's in your agency's area – <https://www.lgbtqcenters.org/LGBTCenters>.
- All youth in congregate care should have the same rules around dating and guests that account for all sexualities, gender identities, and expressions. Additionally, staff should support young people dating those to whom they are attracted, regardless of gender, without being controlling, authoritative or judgmental.



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## **5. Ensure the privacy and confidentiality of young people.**

- Congregate care settings should have policies in place to ensure the privacy of all residents, including transgender, non-binary youth, and gender expansive youth. This may include providing separate, private sleeping, and bathroom facilities for those who are not comfortable using facilities designated for a specific gender.
- Protect personal data and information. This protection should include youth's legal name (sometimes referred to as dead name), sex assigned at birth, transgender status, for example, as well as medical information related to gender-affirming care, such as puberty blockers or hormones, as well as all health decisions, experiences, and information. Staff should never share information about a transgender, non-binary, or gender expansive youth's body without their written consent and permission. Learn more about collecting sexual orientation, gender identity, and gender expression (SOGIE) data and keeping it confidential with ACAF's SOGIE Data Collection Guide (<http://hrc.im/acaf-sogie>).
- When talking to youth team members and adults in the youth's life, staff should NOT assume that youth has shared all aspects of their identity with their team. If team members seek information about this young person, to the best of your ability, you should ensure what information about their identity is safe to share, by seeking explicit consent from the youth themselves.

## **6. Connect transgender, non-binary, and gender expansive youth to affirming activities and interests.**

Youth should have access to activities that are available to their same-age peers including sports, drama, clubs, and just hanging out with their friends.

- Take time to find out the interests of youth in your program. Do they like sports, theater, cooking, gaming?
- Support youth in accessing their interests. This might look like access to clothing, makeup, hygiene products, literature, media and more.
- If you know of a youth's interest and can find activities or groups in the community that they can participate in, this can also support normalcy and the development of relationships beyond the congregate care setting.
- Consider offering all activities to all youth, as stereotypical gendered activities may not be of interest to only those we assume would be interested. Football and dance are not exclusive to one gender or another.
- Work closely with outside resources and community organizations, which provide transgender and non-binary youth with the activities, supports, and resources they need.





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## 7. Seek regular feedback from youth in care

Federal child welfare regulations require the inclusion of youth voice to inform their own care and recognize that inclusion of the experiences of young people impacted by our systems and programs should be an intentional part of all aspects of our work. Many congregate care facilities currently work to include feedback from young people in program improvement efforts. However, these efforts must go beyond having a few young people suggest activities or attend an occasional meeting. Organizations should work to have all voices, including the voices of transgender, non-binary, and gender expansive youth represented in the feedback process. Consider what processes are in place in your facility for all youth to have an opportunity to inform, improve, and change programs that are part of their care. Examples include advisory councils, youth boards, town halls of program participants, anonymous surveys and more.

- \* Transmisogyny describes the intersecting oppressions and discriminations of transphobia and misogyny (Sojka 2017). Transphobia is the discrimination and oppression of trans people for their gender expression. Misogyny is the hatred and devaluation of women and of femininity (Kacere 2018).
- \*\* Transmisogynoir is similar to transmisogyny, but with an added identity. Transmisogynoir highlights the intersection between transphobia, misogyny, and anti-Blackness. The term was coined by the writer Trudy. It stems from the term “misogynoir.” Misogynoir emphasizes the intersections of misogyny and anti-Blackness, particularly towards Black cis women. This term was coined by Moya Bailey.

### AUTHORS

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**Elliott Orrin Hinkle** (they/them), BS, Unicorn Solutions LLC

**Jean Carpenter-Williams** (she/her), The University of Oklahoma Outreach National Resource Center

### CONTRIBUTORS

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**Ellen Kahn** (she/her), Human Rights Campaign Foundation

**Ted Lewis** (they/them), Human Rights Campaign Foundation

**Phii Regis** (they/them), Human Rights Campaign Foundation

