



Office of Children and Family Services

Andrew M. Cuomo
Governor

52 WASHINGTON STREET
RENSSELAER, NY 12144

Sheila J. Poole
Commissioner

Informational Letter

Transmittal:	20-OCFS-INF-10
To:	Commissioners of Social Services Executive Directors of Voluntary Authorized Agencies Executive Directors of Detention Programs Youth Bureau Directors
Issuing Division/Office:	Youth Development and Partnerships for Success
Date:	July 14, 2020
Subject:	Child Welfare League of America and Lambda Legal Toolkit: <i>Getting Down to Basics: Tools to Support LGBTQ Youth in Care</i>
Suggested Distribution:	Directors of Social Services Voluntary Agency Program Directors Child Welfare Supervisors Foster Care Supervisors Staff Development Coordinators Adoption Supervisors Youth Bureau Directors Directors of Detention Programs Child Advocacy Center (CAC) Staff Planning Coordinators
Contact Person(s):	See Section IV.
Attachments:	None

Filing References

Previous ADMs/INFs	Releases Cancelled	NYS Regs.	Soc. Serv. Law & Other Legal Ref.	Manual Ref.	Misc. Ref.

09-OCFS-INF-06 16-OCFS-ADM-02 16-OCFS-INF-10 16-OCFS-INF-04		9 NYCRR 180.5(a)(6), 182-1.5(g)(l), 182-2.5(g)(1) 18 NYCRR 421.3(d), 423.4(m)(7), 441.19(d), 441.24			
--	--	---	--	--	--

I. Purpose

The purpose of this Informational Letter (INF) is to inform local departments of social services (LDSSs), voluntary authorized agencies (VAs), detention providers, and youth bureaus of the availability of resources for improving practice and outcomes for lesbian, gay, bisexual, transgender, queer, questioning (LGBTQ), transgender and gender nonconforming (TGNC) youth and young adults. These resources include prior guidance from the New York State Office of Children and Family Services (OCFS) and the toolkit *Getting Down to Basics: Tools to Support LGBTQ Youth in Care*, which was developed in partnership with the Child Welfare League of America (CWLA) and Lambda Legal.

The toolkit provides guidance on an array of practice areas assisting organizations and staff that provide services and out-of-home care to LGBTQ and TGNC youth and young adults. In this document, the acronym “LGBTQ+” will be used to reflect the breadth of identities in the LGBTQ and TGNC communities.

II. Background

Young people who are LGBTQ+ enter the child welfare system for reasons similar to those of other children and youth: that is that their families cannot provide a safe, stable, and nurturing home. However, in some cases, families reject, neglect, or abuse young people when they learn that they identify as LGBTQ+ or are questioning their romantic/sexual orientation or gender identity and expression (SOGIE). Some youth may be forced from their homes because of conflict between their caretakers after their SOGIE is disclosed or discovered. Physical violence at the hands of a family member after a youth comes out as LGBTQ+ is also a concern.¹ LGBTQ+ children and youth are disproportionately represented in child welfare² and juvenile justice systems.³ Those systems are sometimes unprepared to provide LGBTQ+ culturally competent and responsive environments, supports, and services. To address this disparity, child welfare and juvenile justice professionals must have the knowledge and skills to serve these young people and their

¹ Child Welfare/Youth.gov. Youth.gov/youth-topics/lgbtq-youth/child-welfare. Accessed 26 June 2020.

² Beams L, Wilson BDM, Russell ST. *LGBTQ Youth in Unstable Housing and Foster Care, Pediatrics*. 2019; 143(3): e20174211,

³ Annie E. Casey Foundation, 2015. *Lesbian, Gay, Bisexual, and Transgender Youth in the Juvenile Justice System*.

families with competence and compassion. While OCFS has developed policies to support well-informed, culturally competent care and practice with youth, families, and persons who identify as LGBTQ+, additional resources may help in the continued improvement of outcomes.

In 2009, OCFS published [09-OCFS-INF-06. *Promoting a Safe and Respectful Environment for Lesbian, Gay, Bisexual, Transgender and Questioning Children and Youth in Out-of-Home Placement*](#). In 2013, OCFS issued regulations as noted in [16-OCFS-ADM-02-Regulations Prohibiting Discrimination and Harassment in Child Welfare and Youth Programs](#) that increased the protections afforded to LGBTQ+ individuals by prohibiting discrimination and harassment by LDSS and VA staff, volunteers, and certified or approved foster parents. This also included protections for applicants for adoption services, families receiving preventive services, prospective foster parents, foster parents and foster children, youth in Runaway and Homeless Youth programs, and youth in detention on the basis of race, creed, color, national origin, age, sex, sexual orientation, gender identity or expression, marital status, religion, and/or disability, to promote and maintain a safe environment for children, youth, and families.

In 2016, OCFS published, [16-OCFS-INF-10. *Sexual Orientation, Gender Identity, and Gender Expression \(SOGIE\)*](#), to provide staff with guidance and resources related to sexual orientation, gender identity, and gender expression (SOGIE). The goal of providing education and resources on SOGIE terminology is to promote a safe and respectful environment for all children, youth, and adults.

In addition, OCFS published [16-OCFS-INF-04. *Substance Abuse and Mental Health Services Administration and Family Acceptance Project Release: A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children*](#), to inform LDSSs and VAs of the availability of *A Practitioner's Resource Guide: Helping Families to Support Their LGBT Children*, a resource guide released by the Substance Abuse and Mental Health Services Administration (SAMHSA) and the Family Acceptance Project.

OCFS intends to revise [09-OCFS-INF-06. *Promoting a Safe and Respectful Environment for Lesbian, Gay, Bisexual, Transgender and Questioning Children and Youth in Out-of-Home Placement*](#), to reflect current terminology and practice recommendations. This update will modernize practices regarding the safety, permanency, and well-being of LGBTQ+ youth in care, and incorporate language and concepts found in recently released guidance from the New York State Division of Human Rights (DHR), created to reflect the [2019 Gender Expression Non-Discrimination Act \(GENDA\) legislation](#).

In 2002, Lambda Legal and CWLA combined their respective expertise in child welfare and LGBTQ+ practice and launched a historic partnership, titled *Fostering Transitions*, to promote best practices in the child welfare and juvenile justice systems regarding LGBTQ+ youth and their families. The toolkit [Getting Down to Basics: Tools to Support LGBTQ Youth in Care \(2014\)](#), provides materials that can be shared directly with youth, families, foster parents and/or staff in a variety of settings, and offers information on specific risks faced by LGBTQ+ youth.

In addition to this toolkit, *Fostering Transitions* has other materials that may be of assistance in crafting a system to best meet the needs of LGBTQ+ youth and families, including [Out of the Margins: A Report on Regional Listening Forums Highlighting the Experiences of Lesbian, Gay, Bisexual, Transgender, and Questioning Youth in Care](#).

III. Program Implications

The toolkit is available on the internet in English and Spanish, and may be downloaded, reproduced, or copied without permission from CWLA/LAMDA Legal at:

<https://www.lambdalegal.org/publications/getting-down-to-basics>

To request free printed copies of the *Getting Down to Basics* toolkit, the *Out of the Margins* report, and other resources, contact Lambda Legal toll free at 1-866-LGBTteen (1-866-542-8336) or 212-809-8585.

IV. Contacts

Questions concerning this release should be directed to the appropriate regional office, Division of Child Welfare and Community Services or the Division of Youth and Partnerships for Success:

Buffalo Regional Office-Amanda Darling (716) 847-3145

Amanda.Darling@ocfs.ny.gov

Rochester Regional Office-Chris Bruno (585) 238-8201

Christopher.Bruno@ocfs.ny.gov

Syracuse Regional Office-Sara Simon (315) 423-1200

Sara.Simon@ocfs.ny.gov

Albany Regional Office-John Lockwood (518) 486-7078

John.Lockwood@ocfs.ny.gov

Westchester Regional Office-Sheletha Chang (845) 708-2498

Sheletha.Chang@ocfs.ny.gov

New York City Regional Office-Ronni Fuchs (212) 383-1788

Ronni.Fuchs@ocfs.ny.gov

Native American Services-Heather LaForme (716) 847-3123

Heather.LaForme@ocfs.ny.gov

Close to Home Oversight-Jewel Brown-Gregory (212) 383-1828

Jewel.Brown-Gregory@ocfs.ny.gov

Detention Director-Dan Hulihan (518) 473-4511

Daniel.Hulihan@ocfs.ny.gov

Youth Development Director-Matt Beck (518) 402-3296

Matt.Beck@ocfs.ny.gov

/s/ Nina Aledort, Ph.D., LMSW

Issued By:

Name: Nina Aledort, Ph.D., LMSW

Title: Deputy Commissioner

Division/Office: Youth Development and Partnerships for Success