

Laws & Policies Protecting LGBTQ+ Youth in Systems of Care



Safety in Foster Care

Foster youth have a right not to be subjected to discrimination and harassment based on actual or perceived sexual orientation or gender identity. Youth have the right to be placed in homes and facilities that align with their gender. Caregiver trainings must be culturally competent. Caregivers must protect the youth's confidential information and undergo training that includes best practices for caring for LGBTQ+ youth.

The CA Foster Care Non-Discrimination Act, AB 1856 - Foster Youth: LGBT Cultural Competency (HSC§1522, §1522.41, §1529.2, and §1563; WIC §903.7, §16001.9, §16003, and §16013), & Protection from Discrimination Based on Sexual Orientation and Gender Identity in State Operated or State Funded Programs (GOV§11135), SB 731



Foster Youth Rights in Schools

Training programs for foster youth, child welfare personnel, foster parents, and relative caregivers must include information on current school safety laws that protect students from bias-motivated harassment and discrimination.

Foster Youth School Safety Education (HSC §1522.41, and §1529.2; WIC §16003, and §16013).



Mental Health Care

Youth ages 12-17 can consent to mental health treatment or counseling when the attending professional believes the youth is mature enough to participate. Youth 12 and older have a right to confidentiality when speaking with a provider; the provider cannot share records regarding treatment with a parent or guardian without the youth's consent. Care should be culturally competent and should not utilize conversion therapy or attempts to change a minor client's sexual orientation or gender identity.

Mental Health Services for At-Risk Youth (HSC §124260; WIC §14029.8), Protecting LGBT Youth from Psychological Abuse (BPC §865), FAM §6924, HSC §12460, HSC §123110(a), and Cal. Civ. Code § 56.10(b)(7), 56.11(c); 45 C.F.R. 164.502(g)(3), 164.508a(a).



Safety in Detention

Harassment and discrimination based on actual or perceived sex, sexual orientation, and gender identity is prohibited in Department of Juvenile Justice facilities. Facilities must screen all individuals to assess risk of experiencing abuse and all staff must receive culturally competent training. Housing for transgender and intersex individuals should be made on a case-by-case basis.

The CA Juvenile Justice Safety and Protection (WIC §224.70-224.74) & Prison Rape Elimination Act (PREA)



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The California Foster Care Non-Discrimination Act - AB 458 (2003)

All foster children and all adults engaged in the provision of care and services to foster children have a right to fair and equal access to all available services, placement, care, treatment and benefits. All foster children and all adults engaged in the provision of care and services to foster children have a right not to be subjected to discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity. All community college districts that provide orientation and training to relative caregivers must make available to relative and extended family caregivers courses that cover the right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits and the right of foster youth not to be subjected to discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity.

Protection from Discrimination Based on Sexual Orientation and Gender Identity in State Operated or State Funded Programs in California - SB 1441 (2006)

Amended the existing California Bias Free Government Funded State Services & Programs Law, section 11135 of the CA Government Code, so that it explicitly includes sexual orientation and gender identity as prohibited grounds for discrimination. Section 11135 prohibits discrimination against individuals applying for, participating in, or receiving services from: any program or activity operated, administered, or conducted by the state; any program or activity operated, administered, or conducted by any state agency; or any program or activity that receives funding or financial assistance from the state. In addition to the programs and activities that California directly operates, SB 1441 also covers programs the state also funds or gives financial assistance to (in the form of a contract or a grant, for example), many different activities, programs, and local agencies across the state.

The California Juvenile Justice Safety and Protection Act - SB 518 (2007)

Prohibits harassment and discrimination based on actual or perceived sex, sexual orientation, gender identity, and HIV status in all California Department of Juvenile Justice (DJJ) facilities. That means that all DJJ facilities must ensure the safety and dignity of every youth in their care, and must provide care, placement, and services to youth without discriminating on these bases. SB 518 establishes a Youth Bill of Rights, requires all DJJ facilities to inform youth about their rights during orientation and to give youth a copy of these rights, and requires the DJJ ombudsperson to monitor a toll-free helpline and investigate all complaints from youth and parents.

Foster Youth School Safety Education - AB 3015 (2008)

Requires that existing training programs for foster youth, foster youth group homes, child welfare personnel, foster parents, and relative caregivers, include information on school safety laws that protect students from bias-motivated harassment and discrimination.

Mental Health Services for At-Risk Youth - SB 543 (2010)

Allows youth ages 12 - 17 to consent to mental health treatment or counseling when the attending professional believes the youth is mature enough to participate intelligently in the services or when the youth would present a danger of serious physical or mental harm to self or others without the services. SB 543 still requires the involvement of the minor's parent /guardian if/when it is determined that parental involvement is appropriate.

Foster Youth: LGBT Cultural Competency - AB 1856 (2012)

Requires that existing training programs for foster youth caregivers include information related to cultural competency and best practices for serving lesbian, gay, bisexual, and transgender (LGBT) youth.

Protecting LGBT Youth from Psychological Abuse - SB 1172 (2012)

Prohibits mental health professionals from using "conversion therapy" to attempt to change a minor client's sexual orientation.

PREA: Prison Rape Elimination Act (2012)

PREA Standards are a comprehensive set of federal rules that address all aspects of a facility's operations as they relate to preventing, detecting, and responding to abuse. Among the protections are the following: Facilities must screen all individuals at admission and upon transfer to assess their risk of experiencing or perpetrating abuse, including identifying those who may be at risk because of their transgender status, gender nonconformity, sexual orientation, or intersex condition. Decisions about where a transgender person, or a person with an intersex condition, is housed must be made on a case-by-case basis; they cannot be made solely on the basis of a person's anatomy or gender assigned at birth. All facilities must train staff on a variety of issues related to sexual abuse prevention, including interacting professionally with LGBT and gender nonconforming people and those with intersex conditions.

Respecting Gender Identity in Foster Youth Placements - SB 731 (2015)

Youth in out-of-home care have the right to be placed in homes and facilities according to their gender identity, regardless of their biological sex. SB 731 ensures that caregivers provide appropriate supportive care, including respecting and affirming every child's gender identity. This bill enables a child welfare worker to place a child according to the child's gender identity by amending the Foster Care Bill of Rights. It also directed the Department of Community Care Licensing to develop regulations to implement this right.