



CDSS

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REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

October 20, 2010

ALL COUNTY INFORMATION NOTICE I-81-10

TO: ALL COUNTY WELFARE DIRECTORS
 ALL CHIEF PROBATION OFFICERS
 ALL CALIFORNIA DEPARTMENT OF SOCIAL SERVICES ADOPTIONS DISTRICT OFFICES
 ALL ADOPTION SERVICE PROVIDERS
 TITLE IV-E AGREEMENT TRIBES
 FOSTER FAMILY AGENCIES AND GROUP HOMES

SUBJECT: SERVING LESBIAN, GAY BISEXUAL, TRANSGENDER AND QUESTIONING (LGBTQ) YOUTH, LGBTQ CAREGIVERS AND LGBT PROSPECTIVE FOSTER AND ADOPTIVE PARENTS

REFERENCE: ASSEMBLY BILL 458 (STATS. 2003, c. 331); WELFARE & INSTITUTIONS CODE (W&IC) SECTIONS 16001.9(a)(23), 16003(a)(1), 16013(a); HEALTH AND SAFETY CODE SECTIONS 1522.41(b)(3), 1522/41(c)(1)(H) 1522.41(f)(1), 1529.2(b)(4)(E) AND 1563(C)(5)

The purpose of this All County Information Notice (ACIN) is to provide public and private child welfare, adoption agencies and probation department's information on resources available to improve services to LGBTQ youth, their caregivers and LGBT prospective foster and adoptive parents.

All children need families that love and support them. Youth that are LGBTQ are no different. Every child and youth needs and deserves to feel love, a sense of belonging and have the continuity of family to support and guide them in their lives. Preserving or reunifying the family is the first priority, when possible, for all children and youth, including LGBTQ children and youth. With support, family acceptance is possible and gives youth a better chance of growing into healthy and productive adults. Like all youth, LGBTQ youth who cannot remain at home, need the opportunity to be connected to alternate families (through legal or relational permanency) rather than being placed in congregate care.

To ensure all children and youth in foster care achieve permanency, all families, including LGBT families, need to be recruited in order to provide all children a broader range of family

options. Abundant research indicates that expanding the pool of LGBT prospective foster and adoptive parents would be of value in significantly reducing the number of children waiting for permanence. Studies have also found that children reared by gay and lesbian parents fare favorably when compared to those children raised by heterosexual parents. Additionally, the children adjust positively and their families function well, including families formed through adoption. The following are links to several policy and practice papers available that support gay and lesbian parenting, as well as a resource guide for prospective caregivers and adoptive parents from the Human Rights Campaign:

- http://www.adoptioninstitute.org/policy/2006_Expanding_Resources_for_Children.php
- <http://pediatrics.aappublications.org/cgi/content/full/109/2/341>
- <http://www.urban.org/publications/411437.html>
- <http://www.hrc.org/issues/parenting.asp>

Not only are public and private child welfare agencies accountable to achieve optimal safety, permanency and well-being outcomes for all children receiving services, we have an obligation to treat LGBTQ children and youth fairly and equitably.

Assembly Bill (AB) 458 (Stats. 2003, c. 331)¹, was signed into law on September 6, 2003, and went into effect on January 1, 2004. The AB 458 prohibits discrimination in the California foster care system on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental/physical disability or Human Immunodeficiency Virus status. Due to the fact that training is crucial to enable service providers to fulfill their responsibilities to provide safe and nondiscriminatory care, placement and services to foster children, AB 458 also mandates initial and ongoing training for all group home administrators, foster parents, and department licensing personnel. Specifically, this law provides:

- All foster children² and all adults engaged in the provision of care and services to foster children³ have a right to fair and equal access to all available services, placement, care, treatment and benefits;
- All foster children⁴ and all adults engaged in the provision of care and services to foster children⁵ have a right not to be subjected to discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity;
- Adds these rights and protections to the California foster child list of rights⁶;
- All group home administrators⁷, foster parents,⁸ and group home and foster family agency staff⁹ must receive initial and ongoing training on the right of a foster child to

¹ A.B. 458 (Stats.2003, c. 331)

² W&IC § 16001.9(a)(23)

³ W&IC § 16001.9(a)(23)

⁴ W&IC § 16001.9(a)(23)

⁵ W&IC § 16013(a)

⁶ W&IC § 16001.9

have fair and equal access to all available services, placement, care, treatment and benefits, and to not be subjected to harassment or discrimination based on their actual or perceived sexual orientation or gender identity;

- All community college districts with a foster care education program must make available to relative and non-relative extended family caregivers orientation and training 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 identity¹⁰.

All children and youth are best served by professionals that understand and nurture their individual needs. The LGBTQ children and youth do not have unique needs. They do, however, have distinct experiences and stressors generated by society's misunderstanding and biases. Public and private child welfare practitioners need to increase their understanding and tailor their services and supports in ways that respect these individuals' experiences. As part of their work, child welfare and juvenile justice professionals also can work to assist birth families, relatives, other caregivers and community partners to understand, affirm and nurture LGBTQ youth. Implementation of best practices will produce safety, permanency and well-being and will ultimately support lifelong success for children, youth and families. There are several resources available to inform this work and the implementation of policies and practices that produce better outcomes.

Family Acceptance Project is a community research, intervention and education initiative to study the impact of family acceptance and rejection on the health, mental health and well-being of lesbian, gay and bisexual and transgender youth. Results will be used to help families provide support for LGBTQ youth, to develop appropriate interventions, programs and policies, and to train providers to improve the quality of services and care they receive. The project is funded by The California Endowment, the Annie E. Casey Foundation, the Robert Wood Johnson Foundation, the California Department of Social Services (CDSS) and individual donors.

Home: <http://familyproject.sfsu.edu/>

Publications: <http://familyproject.sfsu.edu/publications>

Research: <http://familyproject.sfsu.edu/research>

Child Welfare League of America Best Practice guidelines for serving LGBTQ youth in out-of-home care is the first policy and practice guide to establish best practice recommendations for working effectively with LGBTQ youth in child welfare and juvenile justice settings. Written by experts in the field, this publication includes step-by-step

⁷ Health & Safety Code § 1522.41(f)(1) and 1522.4(c)(1)(H). Failure to comply with this section shall constitute cause for revocation of the license of the facility. Health & Safety Code § 1522.41(b)(3)

⁸ Health & Safety Code § 1529.2(b)(3)(F); § 1529.2(b)(4)(F)

⁹ Health & Safety Code § 1563(c)(5)

¹⁰ W&IC § 16003(a)(1)

guidelines for providing appropriate care for LGBTQ adolescents, based on professional standards, the law, and current social science research.

Executive summary:

http://www.nclrights.org/site/DocServer/BPG_execsummary.pdf?docID=2801

PPT Summary: http://www.nclrights.org/site/DocServer/BPG_Powerpoint.pdf?docID=2802

Full Guidelines:

<http://www.nclrights.org/site/DocServer/bestpracticeslgbyouth.pdf?docID=1322>

All Children, All Families is an initiative of the Human Rights Campaign a national organization that seeks to enhance LGBTQ cultural competence among child welfare professionals and educate LGBT people about opportunities to become foster or adoptive parents to waiting children.

About the Initiative: <http://www.hrc.org/issues/parenting/adoptions/12111.htm>

How to Participate: <http://www.hrc.org/issues/7609.htm>

California Social Work Education Center (CalSWEC) is the nation's largest state coalition of social work educators and practitioners. It is a consortium of California's 20 accredited social work graduate schools, its 58 county departments of social services and mental health, CDSS, and the California Chapter of the National Association of Social Workers. The curricula is a compilation of training materials related to providing effective services to LGBTQ youth in the child welfare system, with the goal of providing child welfare practitioners with practical information and skills that will enable them to best provide and coordinate effective services to LGBTQ youth and LGBT families.

http://calswec.berkeley.edu/CalSWEC/Training_Curric_GLBTQQ.html

The CDSS is committed to achieving optimal safety, permanency and well-being outcomes for all children receiving services through California's child welfare system. Ensuring that the individual needs of all children are met is the key to achieving this. We strongly encourage public and private child welfare organizations to take steps to implement and support practices that achieve that end.

If you have any questions or concerns regarding this ACIN, please contact me at (916) 651- 7464.

Sincerely,

Original Document Signed By:

Original Document Signed By:

KAREN B. GUNDERSON, Chief
Child and Youth Permanency Branch
Children and Family Services Division

SERGIO RAMIREZ, Program Administrator
Children's Residential Program Offices
Community Care Licensing Division