

KNOW YOUR RIGHTS

LBGT YOUTH IN OUT-OF-HOME CARE

1. Can I choose to come out as lesbian, gay, bisexual, or transgender? Yes.

- You have the right to identify as LGBTQ and coming out is up to you.
- All foster homes, group homes, and facilities must be safe and secure for all youth.
- Caseworkers and staff must respect your dignity and treat you in a fair and culturally competent manner (this means they recognize and address LGBTQ needs, concerns, issues).

2. What is the benefit of coming out when I feel like I'm in a safe environment?

- You have the right to have your unique needs, including those that come along with being LGBTQ, recognized, respected, and met.

3. Can anyone force me to come out as lesbian, gay, bisexual, or transgender? No.

- Only you can decide when you are ready to disclose your gender identity or sexual orientation.
- Staff can't ask you or force you to disclose your gender identity or sexual orientation.
- Staff can't ask you direct questions about your sexual orientation or gender identity

4. If I come out as lesbian, gay, bisexual, or transgender, can they tell anyone? It depends.

- The way you choose to identify when it comes to sexual orientation or gender is sensitive information and, in most circumstances, cannot be disclosed without your consent.
- It can be disclosed for safety or health concerns and staff may not need your consent because of state and or federal law.
- You have the right to know if they are going to disclose your sexual orientation or gender identity, to whom, and why.

5. Are there rules to protect me if I come out? Yes.

- You have the right to be free from any form of bias, harassment, discrimination based on your actual or perceived sexual orientation, gender identity, or gender expression.
- Caseworker and staff must give you a written copy and a verbal explanation of the agency's non-discrimination policy.
- If you experience any verbal or physical discrimination, caseworkers and/or staff must immediately intervene, take your concerns seriously, and address them promptly.
- Caseworkers and staff are prohibited from imposing their personal, religious or organizational beliefs on you. They can't tell you it's wrong to be LGBTQ or that you should/could change.

6. Can I ask staff to use a name I choose, instead of my legal one? Yes.

- You have the right to request that your preferred first name be used. You have the right to be referred to by the pronoun that reflects your gender identity or expression.

You have the right to ask your caseworker and/or staff about legally changing your name.

- However, if you are in an OCFS facility, the staff may have to speak with your family before they start using your preferred name and you can only ask them to use a new name once every 6 months.

7. If identify as lesbian, gay, bisexual, or transgender, can I request to be seen by a doctor who understands what that means? Yes.

- You have the right to meet with a physician capable of addressing LGBTQ needs.

8. If I want to start hormone therapy, can I ask the agency? Yes.

- You have the right to request hormone therapy. The agency must consider this request, but starting hormone therapy is not guaranteed.
- You have the right to ask your doctor about other gender-affirming healthcare such as surgery. Remember, for sex-reassignment surgery you must be at least 16 years old.

9. If I was using hormones before I was in care, can I keep taking them? It depends.

- You have the right to continue taking hormones that had been prescribed by a licensed medical provider in the community.
- If you were taking non-prescribed hormones, you have the right to be referred to a culturally competent doctor who will determine whether you should be prescribed hormones.
- You have the right to be monitored for side-effects and symptoms if you are taken off of your hormones.

10. Can I wear the clothing I'm comfortable in? Yes.

- You have the right to wear clothing that is consistent with your gender identity. In DYFJ this includes when you go to court.
- For DYCF and OCFS, you have the right to request clothing, including underwear, that fits your gender identity. If you make such a request, it should be handled immediately. If you're not happy with the response, you can appeal.

11. Can I look the way I want? Yes.

- You have the right to style yourself including your hair and nails the way you want. If you're in foster care, the agency has to help you pay to do this.
- For DYFJ and OCFS, you cannot be forced to cut or not cut your hair.

12. If I ask, will they take my gender identity or expression into account when they place me? Yes.

- You have the right to be evaluated on an individual basis with your gender identity taken into account, when staff decide your placement.
- Youth who identify as transgender should not be automatically placed by birth sex.

13. If I identify as transgender, can I sleep in my own room? Yes.

- Youth who identify as transgender should have individual sleeping quarters for privacy.

14. If I want to speak to someone privately and safely about being LGBTQ, can I? Yes.

- You have the right to counseling services provided by culturally competent and LGBTQ affirming professionals.

15. If I don't feel safe, can I be transferred? Yes.

- You have the right to make a request a transfer to an LGBTQ affirming placement.
- At DYFJ, you can make this request to a staff member during reception, the intake process, or at any other time.
- If you are in a OCFS facility your request must be handled immediately and you should receive a response within 2 weeks. If you're not happy with the response, you can appeal their decision.

16. If I want to find out more about LGBTQ stuff while I'm in care, can I? Yes.

- You have the right to LGBTQ affirming books, booklists, websites, and resources.
- You have the right to culturally competent, appropriate and LGBTQ inclusive information about medical, mental and sexual health needs.
- Every foster care agency must have an LGBTQ Point Person and you have the right to access that person.



MAKING THE CASE FOR HUMANITY

The Legal Aid Society
199 Water Street
New York, NY 10038
Phone: 212-577-3300
Fax: 212-509-8432
www.legal-aid.org

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