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INFORMATION MEMORANDUM

TO: State, Tribal and Territorial Agencies Administering or Supervising the Administration of Titles IV-B and IV-E of the Social Security Act, Indian Tribes and Indian Tribal Organizations

SUBJECT: Lesbian, Gay, Bisexual, Transgender and Questioning Youth in Foster Care

PURPOSE: To encourage child welfare agencies, foster and adoptive parents and others who work with young people in foster care to ensure that children are protected and supported while they are in foster care.

LEGAL AND RELATED REFERENCES: Titles IV-B and IV-E of the Social Security Act; 45 C.F.R. §1356.60

INFORMATION:

This Information Memorandum (IM) confirms and reiterates my fundamental belief that every child and youth who is unable to live with his or her parents is entitled to a safe, loving and affirming foster care placement, irrespective of the young person's sexual orientation, gender identity or gender expression. I encourage child welfare agencies, foster and adoptive parents and others who work with young people in foster care to ensure that their physical and emotional well-being are protected and supported while they are in foster care in order to thrive as adults.

Lesbian, gay, bisexual, transgender and questioning (LGBTQ) youth are often overrepresented in the population of youth served by the child welfare system and in the population of youth living on the streets. Approximately 5-10 percent of the general

population is estimated to be gay¹ yet in comparison, one study of youth aging out of the child welfare system in three Midwestern states found 23.8 percent of female respondents and 10.2 percent of male respondents reported a sexual orientation in a category other than completely heterosexual.² Similarly, the National Network of Runaway and Youth Services has estimated that between 20 and 40 percent of youth who become homeless each year are lesbian, gay or bisexual;³ these youth often cycle through foster homes, group homes, and the streets. One study found that 65 percent of LGBTQ youth had lived in a foster or group home and 39 percent were forced to leave their home because of their sexual orientation or gender identity.⁴ Though it is often difficult to identify these youth because they are unwilling, unable or not ready to disclose their sexual orientation or gender identity to service providers,⁵ the data demonstrate that efforts to support these youth are warranted.

I am encouraged that increasingly title IV-E agencies and other stakeholders who are responsible for caring for and protecting all young people are creatively and actively addressing the unique and sometimes challenging needs of young people in foster care who are LGBTQ. For example, I am pleased to see that one State recently advised its counties about the importance of serving young people who are in foster care and are LGBTQ. The State reiterated the need to recruit prospective parents who can provide supportive care in a connected, nurturing environment to LGBTQ young people. Additionally, the U.S. Department of Health and Human Services (HHS) funded entities such as AdoptUSKids and the National Resource Center for Family and Permanency Connections (NRCFPC) have developed resources that are available to child welfare agencies that can provide useful information about serving and caring for young people who are LGBTQ and in foster care (see the section entitled “Resources” on the next page). I urge child welfare agencies to continue to explore the ways in which they may improve daily life and outcomes for young people who are involved in the foster care system and who are LGBTQ.

Workforce Development

Once a young person who is LGBTQ enters the foster care system, his or her caseworker is an important link to support and safety. It is therefore critical that a young person’s caseworker has the capacity, understanding and willingness to support the child’s social and emotional development while in foster care. It is the caseworker’s responsibility to

¹ John C. Gonsiorek & James D. Weinrich, *The Definition and Scope of Sexual Orientation*, in *Homosexuality: Research Implications for Public Policy*, at 3-4 (John C. Gonsiorek & James D. Weinrich eds.), 1991.

² Courtney, M., Dworsky, A., Lee, J., & Raap, M. (2009) *Midwest evaluation of the adult functioning of former foster youth: Outcomes at age 23 and 24*. Chicago: Chapin Hall at the University of Chicago.

³ Tremblay, P.J. (1994). *The gay, lesbian and bisexual factor in the youth suicide problem*. Retrieved from <http://www.virtualcity.com/youthsuicide/book.html>.

⁴ Berberet, H.M. (2006). Putting the pieces together for queer youth: A model of integrated assessment of need and program planning. *Child Welfare*, 85, 361-384.

⁵ Jacobs, J., Freundlich, M, (2006). Achieving permanency for LGBTQ youth. *Child Welfare*, 85, 299-316.

assess and serve the needs of each child without bias and to ensure the safety of all children in foster care. I encourage title IV-E agencies to assess their training needs, and where appropriate, claim available title IV-E reimbursement for costs associated with training staff to increase their capacity to serve young people who identify as LGBTQ and to consider how the title IV-E agency can best serve young people and keep them safe.

Biological, Relative Legal Guardian, Foster and Adoptive Parent Training, Support and Recruitment

All children need loving and supportive care when they are not able to live with their families of origin. While young people who are LGBTQ have many of the same needs as other young people who are in foster care, they also may have specialized needs that relate specifically to their sexual orientation, gender identity or gender expression. As such, title IV-E agencies must be particularly attuned to placing young people who identify as LGBTQ with foster families who are committed to providing a safe, supportive and affirming environment for the young person while in care. Agencies that have not already done so should develop mechanisms to recruit, train and provide ongoing support to families, including LGBT individuals and families, who are able to provide a safe, loving family placement for young people who are LGBTQ and are involved with the child welfare system. LGBT foster and adoptive parents can provide a loving, stable home, responsive to the needs of LGBTQ youth in care, and are a largely untapped resource- an estimated 2 million LGB individuals are interested in adopting.⁶ Similarly, where reunification is part of a child's case plan, title IV-E agencies should support the families of young people to ensure that the parents or guardians develop the capacity to address the young person's needs in a healthy, understanding manner when the family is reunified. I note that Federal financial participation under the title IV-E program is available for many such training activities for foster and adoptive parents and relative legal guardians, and encourage agencies to avail themselves of it.

Safety of young people in foster care who are LGBTQ

I am aware and concerned that physical safety is a heightened concern for many young people who are LGBTQ and are in foster care, regardless of the setting in which they are placed. President Obama, Secretary Sebelius and I are clear that bullying based on an individual's actual or perceived sexual orientation, gender identity or gender expression is not acceptable under any circumstances. As such, the Administration is making active efforts to improve life for all American children, and particularly for the children and youth who are served by our programs in the HHS. As part of the "It Gets Better Project," the Secretary explained to children and youth in a video-taped message (<http://youtu.be/yXc-tc97XXA>) that America needs the talents of each individual, now and in

⁶Gates, G., Badgett, M.V.L., Macomber, J.E., Chambers, J. (2007). *Adoption and foster care by lesbian and gay parents in the United States*. Retrieved from <http://www.urban.org/publications/411437.html>.

the future. I reiterate the Secretary's message of support for all LGBTQ young people, and particularly for LGBTQ young people who are served by the child welfare system.

Children and youth who are in foster care are at a particularly vulnerable and inherently unstable time in their lives. I, therefore, urge every title IV-E agency to develop procedures that ascertain that young people in foster care who are LGBTQ are physically safe from harm and bullying whether they are placed in a foster family home or a congregate care setting with other children.

Resources

LGBT parents should be considered among the available options for States and jurisdictions to provide timely and safe placement of children in need of foster or adoptive homes. To support States, the NRCFPC has developed multiple, downloadable print resources on LGBTQ issues and child welfare that are available on the NRCFPC website: <http://www.hunter.cuny.edu/socwork/nrcfpc/>.

The NRCFPC also provides training and technical assistance to States and Indian Tribes on a wide variety of LGBTQ-related issues, including, but not limited to such topics as:

- Engaging foster and adoptive families who are LGBTQ;
- How to develop support for foster and adoptive families who are LGBTQ;
- Working with family support and preservation workers to support young people who are LGBTQ and remaining in their families of origin;
- Working to facilitate all forms of permanency (reunification, kinship, guardianship and adoption) for young people who are LGBTQ and
- Working with States and Tribes to develop LGBTQ affirming policies and practices.

Additionally, the NRCFPC has developed multiple resources on recruiting, engaging and working with LGBTQ foster and adoptive parents. These materials include, but are not limited to such topics as:

- Promoting the practice of family search and engagement strategies to identify all family members including LGBTQ family members for children and youth separated from their birth families;
- Retention and support of resource families and dual licensure issues for LGBTQ-headed foster and adoptive families;
- How to develop support for LGBTQ foster and adoptive families; and
- Materials from a participatory leadership symposium held in October 2010 that brought together LGBTQ foster and adoptive parents to discuss policies and best practices in adoption, fostering and kinship care for LGBTQ parents and families.

The PowerPoints and proceedings from this event are posted on the NRCPPFC website: http://www.hunter.cuny.edu/socwork/nrcfcp/info_services/download/LGBT.Symposium.Program.10.29.30.Final.pdf.

Similarly, AdoptUsKids has collaborated with other entities to develop a number of valuable resources to support the efforts of States, Tribes and Territories in recruiting and retaining LGBTQ foster and adoptive parents. Additionally, AdoptUsKids provides services aimed at reducing the barriers encountered by prospective and current foster and adoptive individuals and couples who are LGBTQ. These services include, but are not limited to:

- Information, referral and support services for prospective LGBTQ families; and
- Providing mini-grants to LGBTQ parent support groups.

Publications and additional information on supporting LGBTQ foster and adoptive families can be located at AdoptUsKids' website:

<http://adoptuskids.org/content.aspx?k=LGBT-Resources>.

I look forward to continuing to work with title IV-E agencies to improve the daily lives and long-term outcomes for young people who are LGBTQ and who are involved with the foster care system, as well as for LGBTQ prospective foster and adoptive families. I encourage States, Tribes and child welfare agencies to take advantage of the resources that are available through our National Resource Centers and elsewhere. Working alongside our title IV-E partners and other stakeholders, we all can demonstrate to young people that things will be better in the future, and that we in the Administration for Children and Families are working to make that future better now.

/s/

Bryan Samuels
Commissioner