

Equitable Treatment of LGBTQ+ Foster Youth: A Policy Analysis

Brandon E. Simons

Department of Social Work Education

A project submitted in partial fulfillment of the requirements for the degree of

Master of Social Work in the College of Health and Human Services

California State University, Fresno

May 2023

TABLE OF CONTENTS

	PAGE
ABSTRACT	
ACKNOWLEDGMENTS	
CHAPTER 1: Introduction	5
CHAPTER 2: Literature Review	15
CHAPTER 3: Policy Analysis, Conclusion, and Recommendations	28

Abstract

Foster youth are a vulnerable population that have laws in place that are supposed to protect them from discrimination while in care. Foster youth who identify as being Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ+) have additional risk factors attributed to them after they leave the system, such as low educational outcomes, increased risk of homelessness, greater propensity for substance abuse, and greater likelihood of incarceration. While in care, LGBTQ+ youth are overrepresented and experience more instances of double standards, placement changes, and hospitalizations when compared to non-LGBTQ+ foster youth. The California Foster Care Non-Discrimination Act, or AB 458, and the LGBT Disparities Reduction Act, or AB 959, are two California Assembly Bills that were enacted to protect this population. The California Foster Care Non-Discrimination Act has added to the foster youth bill of rights that foster youth are not to be discriminated against based on their sexual orientation and/or gender identity while in care and created a mandate for initial trainings for care providers on sexual orientation and gender identity. The LGBT Disparities Reduction Act initiated policies for human services agencies to collect voluntary information regarding clients' Sexual Orientation, Gender Identity, and Expression (SOGIE) so that disparities for this population can be identified. The McInnis-Dittrich model is an eight-step model for policy analysis that is comprised of "Approach," "Need," "Assessment," "Logic," "Your Reaction," "Support," "Innovation," and "Social Justice". The model was applied to the assembly bills and the policies were found to lack complete definitions as to what constitutes abuse, lacked thorough SOGIE acceptance trainings for care providers, and lacked human service agencies policies that would ensure that staff are collecting SOGIE information, as minimal progress has been made in this endeavor. It is recommended that human services agencies mandate more extensive SOGIE acceptance trainings for care providers, more complete definitions of discrimination for this population, and more enforcement guidelines for social workers to document SOGIE clients in order to protect this population from discrimination.

ACKNOWLEDGEMENTS

The process of thinking out, researching, and creating this project has been quite a journey for myself. A journey that was originally intimidating for me to begin, as I felt I did not know to move forward with a project that I would be working on for a year. Luckily, I had the help and support of many people who made it possible.

I want to thank my chair, Dr. Nedegaard, who always made himself available for me whenever I did not understand a concept or how to develop a portion of a chapter. I appreciate that Dr. Nedegaard gave me words of encouragement when I had a traumatic life situation occur and made sure that I did not fall off track with completing this project. I also want to thank my reader, Dr. Crawford, who gave me helpful advice on how to edit my chapters and even gave great information on how the policies discussed in this project are possibly changing currently. That information certainly found a way to slide into my chapter 3.

Lastly, I want to thank all of my family, friends, and colleagues who are a part of my daily life and give me emotional support each and every day. You all know who you are and help me get through my struggles on a daily basis. I also want to thank my friends and colleagues who are a part of the SOGIE workgroup with Fresno County DSS. We all try to advocate for this population on a daily basis and our endeavors are what has encouraged me to complete this project. Thank you everyone.

Equitable Treatment of LGBTQ+ Foster Youth: A Policy Analysis

Chapter One: Introduction

Introduction of the Problem

This study will review, analyze, and compare the current policies, laws, and regulations in California that govern the trainings and practice policies for care providers and social workers that provide services to Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ+) foster youth. More specifically, this project will utilize some examples from Fresno County child welfare and how the agency implements some of the policies and the training mandates set forth by the California Department of Social Services (CDSS) to best serve this population. This issue remains important, as past research has suggested that many LGBTQ+ youth who exit foster care, have indicated that their sexual orientation and/or gender identity resulted in family or caregiver rejection and a barrier to permanency (Mountz & Capous-Desyllas, 2020).

Youth in Foster Care

Foster care has had a complex evolution throughout history in regards to policies, laws, and reasons why agencies intervene in families' lives, but typically, the idea of modern foster care is that sometimes children are removed from their parents due to parental abuse, neglect, or exploitation. These children are then placed with licensed care providers with the goal of ultimately reunifying with their parents as the parents address the issues that resulted in the children being removed from their care (California Department of Social Services [CDSS], n.d.).

The number of youth who enter foster care vary from region to region. National databases indicate that 24, 748 youth entered foster care in California during the 2020 fiscal year, whereas 23, 704 exited foster care. In that same year, national databases recorded the reasons for youth exiting foster care in California as 22.3 % of youth were adopted, 8.6 % of youth entered legal guardianship, 54.5 % successfully reunified, and 14.5 % exited via other means (Children's bureau, n.d.).

Establishing an accurate number of youth in foster care that identify as LGBTQ+ can be difficult, as not all LGBTQ+ youth may be forthcoming with the information due to past rejection. In 2021, the United States census began to ask questions regarding a person's sexual orientation and gender identity. More information is known regarding adults who identify as LGBTQ+, as according to the 2021 Census, 9.2 % of adults over the age of 18 who responded to the census, identified as LGBTQ+ (United States Census Bureau, n.d.). This data is important to know so comparisons between LGBTQ+ and non-LGBTQ+ populations can be made.

In 2015, the State of California passed Assembly Bill 959 (AB 959), otherwise known as the Lesbian, Gay, Bisexual, and Transgender Disparities Reduction Act. This legislation made it mandatory for several agencies, including the Department of Social Services (DSS), to begin collecting demographic information as it related to clients' sexual orientation and gender identity. Written policies and procedures did not begin to be enforced until All County Letter 19-20 (ACL 19-20) was issued to California DSS agencies (CDSS, n.d.).

Past research has indicated that LGBTQ+ youth are overrepresented in foster care. A National survey conducted in 2020 showed that respondents indicated that 4.1 % of LGBTQ+ youth aged 13-24 were in foster care at one time when compared to 2.6 % of the general population (The Trevor Project, 2021). Even though identifying LGBTQ+ youth in foster care is difficult and still in its infancy, these statistics would suggest that there is a disproportionality of LGBTQ+ youth in foster care when compared to non-LGBTQ+ youth. Wilson and Kastanis (2015) reported that LGBTQ+ youth are represented in the foster care population at about 1.5 to two times that of the general population.

Challenges for LGBTQ+ Foster Youth

Youth who are placed in foster care experience challenges that other youth often do not experience. Some of the shared challenges include questioning whether or not they are going to be able to go back home to their parents or whether or not they will find a permanent home

should family reunification not be viable. Youth who identify as LGBTQ+ may find themselves facing additional barriers when compared to youth who do not identify as being LGBTQ+.

While many youth who are placed in foster care experience hardships while in care, LGBTQ+ youth tend to have more negative experiences. Youth who have a different sexual orientation or gender identity often have more foster care placements, are more frequently placed in-group home placements, experience more hospitalizations, have more issues at school, and have a negative perception of their treatment while in foster care (Wilson & Kastanis, 2015).

LGBTQ+ foster youth also tend to report higher rates of rejection while in care. Past research has also indicated that LGBTQ+ youth report experiencing frequent placement changes due to bias from their social worker, their peers, and their caregivers (Mallon, Aledort, & Ferrera, 2002). Many LGBTQ+ foster youth report that they faced family rejection while in foster care due to their sexual orientation or gender identity. Furthermore, some LGBTQ+ foster youth report experiencing family rejection as a reason for entering foster care, while experiencing the same rejection from their care providers due to their sexual orientation or gender identity (Mountz & Capous-Desyllas, 2020). To further highlight this point, past research has indicated that LGB youth in foster care have been in placement scenarios where their caregivers have requested for them to be removed at a rate that is two times more than of non-LGB youth in care (Detlaff, et al., 2018).

Past research has found that former foster youth indicated that they were affected by microaggressions while in foster care, such as use of heterosexual terminology, assumptions of homosexual pathology, and assumptions of universal LGB experiences or that all gay people are the same (Nadal et al., 2011). Past research has also indicated that LGBTQ+ youth will be discouraged from expressing or discussing their sexual orientation in foster homes, as many caregivers believe that other youth are uncomfortable with it and it will lead to further

harassment and bullying, which results in the LGBTQ+ youth feeling more isolated (Woronoff & Estrada, 2006).

State Policies Geared Towards LGBTQ+ Youth

Following the passage of the LGBT Disparities Reduction Act in 2015, the CDSS created several ACL's that gave direction to various counties on implementing several policies regarding LGBTQ+ issues. One such ACL was ACL 19-20, which gave direction on how social workers can document a client's Sexual Orientation, Gender Identity, and Expression (SOGIE) in the Child Welfare Services/Case Management System (CWS/CMS). Following this ACL, ACL 21-149 gave further direction on how to document a client's SOGIE, as there was only a small percentage (12 %) of client's who had a documented SOGIE in CWS/CMS following ACL 19-20, even though every client should have a documented SOGIE. This ACL stressed the importance of documenting a client's SOGIE, the importance of avoiding bias, and gave best practice guidelines on how a social worker can have natural conversations with their clients regarding their SOGIE (CDSS, 2022).

In 2016, CDSS implemented ACL 16-10, which outlined the implementation of the Resource Family Approval (RFA) program. The RFA program is a streamlined program that made it so that the approval process is the same for both relative care providers and non-relative care providers, which was not always the case. Part of the requirements of being approved through the RFA process was that the family applicant shall complete a minimum of 12 hours of pre-service training (CDSS, 2016).

CDSS has outlined the directives on how to implement the RFA program in the 8th volume of the RFA Written Directives. The manual of written directives outlines the topics that are mandated to be covered in pre-service training. It mandates that caregivers be given trainings that address cultural competency areas, which includes youth who identify as being LGBT. The mandates also dictate that caregivers receive training on adolescent development, which includes SOGIE (CDSS, 2022).

In addition to these policies, Assembly Bill 458 (AB 458), or the California Foster Care Non-Discrimination Act, was signed into law on September 6, 2003 and went into effect on January 1, 2004. This law stated that all children in foster care have a right to receive equal access to services, which includes placement, care, and treatment. In addition, it stated that children in foster care should not receive discrimination or harassment in their placements while in foster care (National Center for Lesbian Rights, n.d.). Essentially, AB 458 makes it discriminatory for a care provider to request for a new placement for a child, once the child has already been placed in their home, due to that child's sexual orientation or gender identity.

Purpose of the Project

The purpose of this project is to analyze the policies implemented in California to help and protect LGBTQ+ youth in foster care and policies that are implemented for training for caregivers and social workers so that they can better help LGBTQ+ foster youth. More specifically, this project will look at how Fresno County has implemented these policies for their caregivers and social workers. The hope for this project is to highlight any weaknesses in the proposed policies, but also to bring attention to any areas of training that are proposed by the state, but are not being implemented in training. Once an analysis of these laws and policies is conducted, a policy brief with specific recommendations will be constructed.

Need for the Project

There is a strong need for this project, as laws and policies regarding LGBTQ+ youth are still relatively young and opinion on them varies depending on ideology. However, this is a vulnerable population that is overrepresented in foster care (The Trevor Project, 2021). In addition to being overrepresented in foster care they face unique challenges like experiencing microaggressions (Nadal et al., 2011), double standards when compared to other non-LGBTQ+ youth (Woronoff & Estrada, 2006) and more negative outcomes in foster care due to their identity and orientation, such as more hospitalizations, poor school performance, and frequent placement changes (Wilson & Kastanis, 2015). In addition, many former foster youth report that

they experienced rejection while in foster care from family and from caregivers due to their SOGIE, and were ill-prepared to transition out of foster care and were more likely to experience homelessness or engage in risky behaviors, such as survival sex (Mountz & Capous-Desyllas, 2020). However, caregivers who were taught to use affirming parenting strategies with LGBTQ+ youth were able to replicate this behavior with the youth three months after being taught the method (Austin et al, 2021). This gives hope that more research into strengthening laws, policies, and training regarding this population and the caregivers that support them may have a positive and beneficial effect on them.

While California is often considered to be a liberal state, Fresno County tends to be considered more conservative on social issues than other areas that make up California. In 2019, the Human Rights Campaign (HRC) evaluated 506 cities within the United States and evaluated them across local and state laws that have an impact on LGBTQ+ people. Cities were ranked across five categories: non-discrimination laws, municipality as employer, and law enforcement and leadership on LGBTQ equality. The HRC gave Fresno a ranking of 55 out of 100 based on its anti-discrimination policies, which was the fourth lowest in California. The HRC concluded its report by noting that Fresno lacks protections for gender identity expression, has no human rights commission, no LGBTQ liaison to city hall or the police department, and Fresno lacks leadership on LGBTQ issues (Sheeler & Sheehan, 2019).

This conservative ideology is also represented in many of the foster homes utilized to serve Fresno County foster youth. Due to many different religious beliefs, it is not uncommon for homes to feel uncomfortable accepting LGBTQ+ youth or to ask for a placement change if a youth “comes out” while being placed in a home. The response is often that another placement is found for the youth, but this adds another placement change to the LGBTQ+ youth, who most likely has had other prior placement changes. A study conducted in Santa Barbara and Fresno County regarding LGBTQ+ youth’s experiences in foster homes found that there was a lack of LGBTQ+ community resources in Fresno, sometimes the care provider’s religious beliefs

interfered with their willingness to accept LGBTQ+ youth, and the social workers interviewed felt that they only had basic training on LGBTQ+ issues (Center for the Study of Social Policy, 2015).

There is a strong need for this project to analyze the state policies that protect LGBTQ+ youth from discrimination while in foster care and to analyze the mandates for training for care providers and social workers to evaluate how effective they are currently and whether there needs to be any changes. This is even more important to assess from a Fresno County perspective, as identifying LGBTQ+ youth in Child Welfare databases is still in its infancy and it is unknown how many LGBTQ+ youth are in foster care, as youth may be afraid to tell their social worker and care provider about their identity and status. This only adds to the support of the need for this project so that Fresno County can re-assess their training practices and possibly provide care providers with more cultural competence and family acceptance trainings for care providers and social workers.

Additionally, there is a need for Counties to re-assess their policies with how they react to care providers who request that a new placement change be sought for children who “come-out” and display a different sexual orientation or gender identity while in placement. Discrimination laws are supposedly in place to protect these children, but research into the issue would indicate that this issue occurs frequently for this population. The subsequent literature review for this project will highlight the concerns for LGBTQ+ youth who do not have stable placements in foster care, such as being over-represented in the homeless population and having to result in risky behaviors, such as survival sex (Ecker, 2016).

Methodology/Design

For this project, the McInnis-Dittrich (1994) model will be used to conduct a policy analysis in regards to how effective these state policies are that have been enacted to help and protect children in local child welfare agencies. The McInnis-Dittrich model was created to analyze the effect that the enacted policies have in an agency and is intended to focus on

determining if the enacted policy addresses the targeted need effectively. The McInnis-Dittrich model will utilize eight different categories to analyze the policies. The categories utilized are:

1. Approach,
2. Need,
3. Assessment,
4. Logic,
5. Your reaction,
6. Support,
7. Innovation, and
8. Social Justice.

This model was chosen because it involves a social justice component which is an important variable to keep in mind when discussing policies that effect youth who are placed in the foster care system and are identifying as having a different sexual orientation and/or gender identity.

Relevance to Social Work

When discussing a policy analysis, it is important to think why the policy is being analyzed and for whom it will benefit. Conducting a policy analysis, such as this one, is intended to help vulnerable and oppressed subsets of children. Analyzing policies that effect LGBTQ+ foster youth in hopes of making changes to help this vulnerable population that is in need, as they often do not have protective voices in their life, is actually the embodiment of the first ethical principle in the National Association of Social Worker's (NASW's) code of ethics. This first ethical principle states that a social worker's primary goal is to help people in need and to address social problems. In doing this, social workers use their knowledge, values, and skills to address social problems and to elevate their service above their own self-interest. In addition to this, conducting a policy analysis in hopes of creating social change to a vulnerable population by challenging the social injustices that LGBTQ+ foster youth encounter is the second ethical principle within the NASW code of ethics. Social workers are to pursue social change with vulnerable and oppressed

populations and they strive to ensure access to needed information, services, and resources; equality of opportunity' and meaningful participation in decision making for all people (NASW, n.d.). This policy analysis will hopefully be of service to this population that has faced oppression and discrimination and hopefully be something that contributes to social change for LGBTQ+ foster youth in the future.

Definition of Terms

Throughout this research project, many different terms will be used that may not be common knowledge for the reader. This section will give clarification to many of these frequently used terms (Center for the study of social policy, 2016).

Bisexual: The term bisexual means a man or woman who is emotionally, romantically, and sexually attracted to both men and women.

Gay: The term gay is used to mean a man or woman who is emotionally, romantically, and sexually attracted to the people of the same gender; some use the term only to identify gay men.

Gender identity: Gender identity means one's inner sense of oneself as male or female, both, neither or something else. This term refers to the gender with which one identifies regardless of one's sex assigned at birth.

Gender expression: Gender expression is the communication of one's gender through behavior and appearance that is culturally associated with a particular gender.

Lesbian: A lesbian is a woman who is emotionally, romantically, and sexually attracted to women.

LGBTQ+: This is an acronym used to identify people who fall under the label of Lesbian, Gay, Bisexual, Transgender, or Queer/Questioning. There are other terms used in the research, such as "LGB" or "LGBT," which are variations of this umbrella term that frequently changes and updates.

Queer: Queer is an umbrella term for individuals who do not identify as heterosexual or cis-gender. Queer includes lesbian, gay, bisexual, transgender, pansexual, omnisexual, and identities that do not fall under dominant notions of sexuality and gender. Queerness is often in opposition to binarism, normativity and lack of intersectionality in the mainstream LGBT movement.

Sexual orientation: Sexual orientation is defined by whom a person is emotionally, romantically, and sexually attracted to. Sexual orientation is independent of gender identity.

Transgender: Transgender is an umbrella term that describes people whose gender identity differs from expectations associated with the sex assigned to them at birth. Transgender people may be heterosexual, bisexual, gay, lesbian, or any other sexual orientation.

Summary

Unfortunately, some youth have to experience foster care and come to the realization that it is not a perfect system. Youth who enter foster care occasionally experience less than ideal placements, experience frequent placement changes, are placed in congregate care, and sometimes do not leave foster care via reunifying with the family that they were removed from. Children in foster care are in a very vulnerable position, as they have been removed from the people who are supposed to be their protectors and are supposed to defend them if they encounter any injustices. At this point, the local child welfare system takes over this role while the child is in their care and custody. The laws that state governments make for this population and the policies that are enacted are done so with the goal of ensuring that the children remain safe, are not taken advantage of, and not discriminated against. Children who identify as being LGBTQ+ while in foster care are in even more danger of these risks due to discrimination from care providers and peers, rejection from family members, and lack of permanent homes due to

caregivers who do not have adequate training. It is the hope of this research project, that policies that are utilized to protect this population are analyzed and beneficial recommendations based on their strengths and weaknesses can be made.

Chapter Two: Introduction to Literature Review

All youth who are placed in foster care may experience negative systemic issues for a system that was meant to be temporary. The foster care system was set up to take care of children while the parents from whom they were removed, access court appointed services. While the parents work on their services, the children are usually placed in a licensed foster home and are assigned a social worker who checks on their safety and well-being and also continues to check on the status of the parents' progression of services so that they can reunify. The care providers for these foster homes select the children that they think will be the best fit for their home and are provided stipends to take care of the children (California Department of Social Services [CDSS], n.d.).

There are several policies that have been enacted in the State of California that have been created to give care providers the tools to effectively understand and care for the diverse children that come into their homes. These policies are supposedly created and enforced so that all children do not have to experience additional discrimination and barriers to permanency while in foster care. The problem is that many children, such as LGBTQ+ youth, often still face discrimination and oppression while placed in a system of care that is supposed to be protecting them.

This literature review will review the various literature surrounding the unique challenges that LGBTQ+ youth experience in foster care and the issues that the social policies should be addressing. In addition to reviewing the research surrounding the challenges, this literature review will focus on literature regarding efforts to reduce disparities for LGBTQ+ foster youth and will conclude with a discussion regarding the theoretical framework guiding this policy analysis.

Challenges Experienced by LGBTQ+ Foster Youth

Children who are placed in foster care often feel a sense of rejection or isolation. Children who identify as being LGBTQ+ are not excluded from this. Past research has indicated

that there is a disproportionate number of LGBTQ+ youth in foster care as it is believed that they represent 1.5 to twice the number of the general population. In some regions, the majority of these numbers are made up of entirely of children of color (Wilson & Katanis, 2015). Wison and Katanis (2015) also found that LGBTQ+ youth were more than twice as likely to be placed in a group home setting, to have more placement changes, more likely to report being treated negatively while in foster care, and are almost three times more likely to be hospitalized for an emotional reason (13.5 %) as opposed to non-LGBTQ+ youth (4.2%).

Another study found that LGBTQ+ youth are overrepresented in the child welfare system and concluded that about 15.5 percent, or about 146, 000 children, openly identified as lesbian, bisexual, or gay (Dettlaff, et al. 2018). Detlaff et al. (2018) also indicated that LGB foster youth in foster care are frequently in situations where caregivers request for them to be removed from their homes at a rate that is two times more than non-LGB youth. Some may assume that when a child identifies as LGBTQ+ and is currently in foster care, it is their sexual orientation and gender identity that is the reason for them being removed from their parents. While there is much data to back up this assumption, this is not always the reason.

A qualitative study conducted in Los Angeles, California by Mountz and Capous-Desyllas (2020) sought to find narratives of former LGBTQ+ foster youth's entry into and exits out of foster care. The researchers sought to look into four main categories:

1. Former LGBTQ+ foster youth's reason for entering care,
2. Effects of intergenerational mental health and substance abuse,
3. Family and caregiver rejection as a barrier to permanency,
4. Experiences transitioning from care.

This study showed that former LGBTQ+ foster youth were more likely removed from their care providers due to neglect and abuse due to substance abuse and mental health issues, as opposed to their orientation or identity, which goes against previous research. However, the researchers found that many of these youth experienced family rejection from the family they

were removed from or from their care providers due to their orientation or identity, while in foster care. This family rejection often resulted in more placement changes. Another result of this study was that it was found that many LGBTQ+ youth felt that they were not sufficiently linked to LGBTQ+ friendly resources while they were transitioning from care, which led many to feel unequipped to start their adult lives once leaving care, which can be detrimental when the youth has already experienced family rejection.

Another qualitative study was conducted which resulted in interviews with several care providers and LGBTQ+ foster youth in Santa Barabara and Fresno Counties. Many care providers have conservative and religious backgrounds in certain geographical areas, such as Fresno County, that can make it difficult for them to accept LGBTQ+ youth into their home. Fresno County care providers in this study reported the need to pray for the youth, but some also reported ways to support the youth in the home, such as attending gay pride parades with the youth, talking to the youth about their relationships, and setting similar rules for the LGBTQ+ youth and the non-LGBTQ+ youth (Center for the Study of Social Policy, 2015).

LGBTQ+ youth in foster care want to have the same experiences in life that other non-LGBTQ+ youth experience. However, due to certain ideological or religious stances taken by some care providers, some LGBTQ+ youth may experience double standards. The idea of double standards can be described in many different ways. Some care providers may allow children who identify as being straight, spend time with their girlfriends or boyfriends and may even encourage them to bring them over to the home. In the past, researchers have looked into this type of situation and found that this dynamic does exist. There have been reported situations where care providers have disciplined foster youth to the point where they have almost lost their placement due to engaging in age appropriate, consensual, same-sex relationships (Woronoff & Estrada, 2006). More current studies look at the effects of rejecting and accepting behaviors have on LGBTQ+ foster youth. One such outcome of this research was that families that exhibited rejecting behaviors often exhibited double standards when it

came to friendships, romantic relationships, and extracurricular activities (McCormick, Schmidt, & Terrazas, 2016).

There has been a lot of past research about the poor outcomes for foster if they do not successfully reunify with their family or do not find permanency while navigating through the foster care system. There are horror stories of poor educational outcomes, an increase in homelessness, an increase in incarceration, and a greater chance to experience substance abuse. While these are all very real issues for any child in foster care, children who identify as being LGBTQ+ and experience foster care, have even poorer outcomes if they do not find affirming care providers or family.

When looking at populations of homeless former foster youth in Atlanta, Georgia, researchers found LGBTQ+ youth were over-represented in the samples (Forge, Hertinger-Saunders, Wright, & Ruel, 2018). In the same study, it was found that one third of the LGBTQ+ youth were experiencing homelessness because they were kicked out of their home, which was supported by results of previous studies. Previous studies have showed that LGBTQ+ youth are greatly over-represented in the homeless population and are a population of people that require specialized services from sensitive and knowledgeable staff (Ecker, 2016).

Being a youth who is homeless and living on the street can be dangerous for a number of reasons. The National Coalition for the Homeless defines homeless youth by stating, “homeless youth are individuals under the age of eighteen who lack parental, foster, or institutional care” (National Coalition for the Homeless, 2007). Past research has been conducted to suggest that while homelessness can affect anyone, it does tend to effect heterosexual youth differently than queer youth. In a data analysis across different research studies, it was found that there tends to be an overrepresentation of queer youth in homeless populations (Ecker, 2016). The analyses indicated that most studies found queer homeless youth were more likely than heterosexual youth to engage in substance use and engage in risky sex practices, such as survival sex and having sex with a person who is HIV positive. Ecker

(2016) suggested that queer youth are overrepresented in the homeless population because of interplaying factors, such as family conflict and involvement with the social services system. Due to a lack of family support, youth who identify as queer, may be more reliant on the social service system. The same study indicated that previous research has shown that queer youth are often homeless due to family rejection based on their sexuality.

In addition to family rejection, placement changes, double standards, and homelessness being a potential risk for LGBTQ youth, LGBTQ youth in foster care also tend to have poorer educational experiences and outcomes when compared to non-LGBTQ youth. In general, students who are in foster care already have lower educational outcomes. In California in 2019, only 56 percent of foster youth graduated high school on time as opposed to 85 percent of children who were not in foster care (Burns, et al., 2022). Youth who are LGBTQ+ and in foster care may have an even more difficult time at school due to the disparities they encounter in the child welfare system combined with the school environment. Past studies have shown that name-calling, bullying, assault, and harassment of LGBTQ+ students can be fairly common (Russell, Horn, Koss, & Saewyc, 2010). One study found that in their participants, LGBTQ foster youth experienced bullying in the K-12 grades, with transgender and non-binary youth having the poorest educational outcomes (Mountz, Capous-Desyllas, & Sevillano, 2020).

Shpiegel and Simmel (2016) were able to discuss concerns regarding sexual minority youth emancipating from foster care and transitioning into adulthood in their research. The researchers were basing their inquiry on the federal Chafee Act which gave states the ability to give medicaid, housing assistance, and services to foster youth from the ages 18 – 21, and the 2011 Children's Bureau Information Memorandum, which gave best practice guidelines on how to safely care for sexual minority youth while in foster care. Their findings suggested sexual minority youth leaving foster care are more vulnerable to poorer outcomes for education, employment, homelessness, and financial stability.

Efforts to Decrease Disparities of LGBTQ+ Foster Youth

Much of the data surrounding the effectiveness of policies that effect LGBTQ+ youth come from the participation of current and/or former foster youth, as their reports of their experiences are what can help shape future policy. It is an area of study that can often be difficult to find accurate data in because researchers cannot be sure that child welfare agencies are actively collecting data related to clients' Sexual Orientation, Gender Identity, and Expression (SOGIE). Additionally, it cannot be assured that the client, or youth, is being forthcoming with information regarding their identity. Past research has suggested that youth in foster care may be reluctant to provide their SOGIE data (Center for the Study of Social Policy, 2015). Previous studies have also indicated that all child welfare agencies need to be collecting SOGIE data for the youth that they work with in order to know the prevalence and outcomes of LGBTQ+ youth in the child welfare system (Dettlaff, et al., 2018).

While some research has really emphasized the need to call for greater efforts to collect SOGIE data, others have highlighted the real need for affirming social workers and care providers to help this population. Qualitative research conducted with former LGBTQ+ foster youth indicated that there is a real need for greater foster parent recruitment for people that are affirming for this population and there is need for greater trainings for child welfare staff and care providers on how to embody these affirming behaviors (Mountz & Capous-Desyllas, 2020). Another qualitative study conducted with former LGBTQ+ youth found themes of youth wanting care providers who were affirming, open to new things, open to new ideas, and respected a youth's differences (McCormick, Schmidt, & Terrazas, 2016). The same study indicated that youth are often willing to look past the shortcomings of care providers if they are willing to accept their sexual orientation. Providing education to caregivers on the effects that rejection has on youth has previously been effective in helping caregivers change their behaviors (Ryan et al. 2009). McCormick et al. (2016) suggested that there is enough research to show to that

there is a need for much education and training on family acceptance, the effect that rejection has on youth, and training on specific behaviors that help affirmation.

There have been training models that have previously been developed to help care providers and family develop affirming and accepting behaviors. The Family Acceptance Project (FAP) was developed to help caregivers and parents decrease their rejecting behaviors and increase their accepting behaviors. This utilized a strengths-based approach that accessed families' own cultural and religious values. FAP has been shown to motivate families and decrease risk to LGBTQ+ children once families realized how rejecting behaviors can harm youth (Ryan, 2019).

The Los Angeles LGBT center created the Recognize, Intervene, Support, and Empower (RISE) initiative to help administer Outreach and Relationship Building (ORB) training to families and child welfare agencies in hopes that it will help combat anti-gay, anti-transgender, and heteronormative biases, as it was theorized that these biases are due to a lack of competency at working with the LGBTQ+ community (Weeks, et al., 2018). RISE trainings help address anti-gay and anti-transgender bias at the systems/organizational and individual levels, barriers to permanency, and the absence of evidence-based practices targeting heterosexism and anti-transgender bias within families and the child welfare system (Lorthridge, et al., 2017). The trainings help the public and child welfare agencies become more welcoming and competent while servicing LGBTQ+ youth in care. The initiative defined competency as having knowledge of LGBTQ+ issues, using affirmative language, and being able to identify and address biased statements. The RISE initiatives utilize post and pre-tests to check biases and learning, but also emphasizes the use of follow-up coaching between child welfare agencies and their trainers (Weeks, et al., 2018).

The RISE initiative not only uses certain training methods to educate, but also uses a Care Coordination Team (CCT) that integrates Wraparound and Family Finding and

Engagement for the families that they intend to help. The CCT provides direct services to the youth, their family, and/or caregivers to help facilitate their emotional and legal connections. An evaluation of the effectiveness of this model found that youth had greater connection or re-connections with these supports (Lorthridge, et al., 2017). RISE also recognizes that there is an intersection of identities, ethnicities, racial background, and cultural that may contribute to biases and disparities, such as LGBTQ+ children of color being overrepresented in the child welfare system (Shepard, 2015).

While providing trainings to help family members, care providers, and child welfare agencies so that they can learn how to exhibit more affirming behaviors can be a beneficial policy implementation, so can the idea of creating policies to actively recruit care providers who are LGBTQ+ and/or who already embody affirming behaviors. When interviewing former LGBTQ+ foster youth, many indicated that they felt more comfortable when they were placed with a care provider who was LGBTQ+ or at least exhibited affirming behaviors (Mountz, Capous-Desyllas, & Perez, 2019). The study indicated a need for child welfare agencies to increase efforts to recruit foster parents who are LGBTQ+ and also the need for LGBTQ-affirming and trauma-informed counseling, as many foster youth need to discuss the trauma that they have endured, but many LGBTQ+ youth only feel comfortable to speak to a therapist that understands their identity and/or orientation. The researchers also proposed that child welfare agencies could do more extensive screenings of foster parents to see if they exhibit LGBTQ-affirming behaviors.

Theoretical Framework

Intersectional Feminist Theory

The conception of feminist theory dates back to the nineteenth century and has various perspectives surrounding assumptions that women's social relations are dominated by men's

social relations. Feminist practice focuses on women's experiences and roles in child care, their roles in the development of social and economic systems, and their standing in constructing private relationships (Payne, 2016). There are many collective ideas that help form feminist theory and there are many assumptions and perspectives as well. One of the main and most popular ideas circulating around feminist theory is that society is actually constructed into a patriarchy and society generally favors white, heterosexual men (Dunn, Clark, & Pearlman, 2017).

These concepts are what helped construct what later became known as the "first wave" of feminism and mainly involved debate regarding political and property rights for women and ended sometime in the 1930s. The second wave of feminism came about in the 1960's and concerned the unequal opportunities for women to work when compared to men, the collective public attitude on how women were treated in private in regards to interpersonal relationships, and political influence. There is also debate regarding a third wave of feminism, which is actually a backlash against traditional feminism assumptions. The third wave is post-feminist era thinking that believes that true equality between the sexes is not possible and feminist ideology has actually taken away certain advantages from females, such as using one's attractiveness to elevate their status (Payne, 2016). The third wave of feminism also suggested that the oppressor could also be the oppressed and give birth to the idea of intersectionality (Nourie & Harris, 2018).

Researcher, Kimberle Crenshaw, helped shed light on the idea that there are certain "intersections" between gender, race, class, ethnicity, age, ability status, sexual orientation, religion, nationality, and citizen status that feminism does not account for. These ideas and beliefs are what have become known as intersectional feminism. Crenshaw worked with women of color who had experienced sexual violence and discrimination not only for being a woman, but also for being a woman of color. Crenshaw described this situation as creating a unique

intersection of gender and race, as the experiences of a black woman are not going to be the same experiences of a white woman. It is because of this, that feminism cannot truly be applied to all women and the first and second wave of feminism mainly applied to white woman.

(Crenshaw, 1991).

The term “intersectional feminism” now often refers to theory or methodology used to identify real world occurrences of structural, political, and representational intersectionality. Intersectional feminism elaborates that people caught in these intersections can experience oppression simultaneously and can experience interwoven systems of oppression. Intersectionality hopes to make visible the experiences of people experiencing oppression without fragmenting their experiences through categorical exclusion (Carastathis, 2014). A notable example would be the oppression that a black woman experiences, as gender and race issues may equally affect her, and intersectional feminism would be concerned with issues that affect the person in a fluid nature as opposed to focusing on one or the other at different times.

Queer Theory

Queer theory is the set of ideas and beliefs that aim to challenge and change the dominant beliefs surrounding sexuality and gender, especially among the lesbian, gay, bisexual, and transgender communities (Gunn & McAlister, 2013). Previously, the term “queer” had been a negative slur used for individuals in the LGBTQ+ community that had been utilized to silence, suppress, and shame (Butler, 1993). For many, the word queer conjures thoughts of someone who is sick or perverted and the word goes against what society considers normal. The idea of the LGBTQ+ community taking back the word “queer” and using it in common language is a form of resistance hoping to transform the word so that it can no longer be used to oppress and can be used as a positive and political description of self (Pinar, 2005).

Queer theory believes that there can be problems associated with classifying people as male/female, masculine/feminine, and lesbian/gay/straight and making distinctions. Queer theory considers these classifications as binary that displays the heterodominance of society and considers the terms to be an artificial construct. Supporters of the theory are interested in breaking down these labels and stereotypes that harm the LGBTQ+ community and instead hope to promote a more fluid understanding when it comes to sexuality and gender (de Lauretis, 1991).

Merging intersectional feminist theory with queer theory while researching issues that affect LGBTQ+ youth in foster care allows one to view the youth from a multi-faceted lens. There are many identities that make up the LGBTQ+ community and there are issues that LGBTQ+ youth experience that non-LGBTQ+ youth do not experience, such as fear of talking about their boyfriend or girlfriend at home or fear of losing their family support if they express their gender identity. These are certainly issues that can be viewed from a queer theory perspective. However, an LGBTQ+ individual is not solely identified by their sexual orientation and gender identity. LGBTQ+ youth in foster care also may face systemic issues from being placed in government regulated foster system, there may be racial oppression due to racial disproportionality in foster care, and there may be any number of other oppressive factors that may intersect and affect the individual as a whole. This is how intersectional feminism combines with queer theory to provide a more fluid framework to use while working with LGBTQ+ youth in foster care. It is also important to use this multi-faceted and fluid perspective when analyzing policies that affect LGBTQ+ youth because it will be important to see how the policies are addressing discrimination and/or oppression across multiple issues.

Furthermore, the crossover between intersectional feminism and queer theory may better explain why some social workers, family members, and care providers struggle to be more open-minded working with LGBTQ+ foster youth. Many care providers or social workers

may jump into their caring profession to help youth of certain vulnerable populations, but this is often guided by their own understanding of that vulnerable population. The problem is that sometimes culture, ethnicity, sexual orientation, and gender identity cross over and blend together and help form a child identity from many different vulnerable populations. However, the care provider may not consider sexual orientation and gender identity an important issue because queer theory believes that much of society is heterodominant and many believe issues associated with LGBTQ+ youth are considered perverse or not natural. Many may even consider that helping this youth would be harmful towards them or be a violation of their religion. Because of this cross over, these two theories can explain why family members, care providers, and even social workers in a heterodominant society that is filled with heterodominant beliefs, can struggle to be accepting of LGBTQ+ youth.

Gaps in Literature

Completing studies on how LGBTQ+ foster youth experience foster care can be difficult due to confidentiality issues. It can already be complicated to get good qualitative data from a protected population due to their status as a minor and due to their status as being a foster youth, but when one adds a third layer of discussing their sexual orientation and/or gender identity, it becomes even more complicated. As mentioned previously, some counties are not accurately collecting SOGIE data and it is also unknown if the youth are being truthful about their SOGIE. Due to this, it can make the information hard to find, but there is hope that more information will become readily available as Counties continue to develop their ability to collect SOGIE data. There appears to be minimal research on how well various agencies have been able to implement family affirming trainings for their care providers and how it has impacted their clients and programs.

Conclusion

People often become child welfare social workers or become foster parents with the hopes of helping children and families, not to discriminate against them and make their lives more difficult. It would not be unfathomable to believe that some of the discrimination or hardships that this population experiences are due to misinformation, lack of education and training, and due to ineffective policies that are not doing enough to help the children that they are supposed to be protecting.

This review of the literature looked at the research regarding LGBTQ+ youth and how they experience foster care. This population experiences more family rejection, more frequent placement changes, are placed in group homes more often, experience more double standards, have poorer educational outcomes, and experience more homelessness after foster care than their non-LGBTQ+ counterparts. However, the research also indicated that there are current attempts to counteract this trend by creating more affirming and accepting training for social workers, family, and care providers. There are also pushes for child welfare agencies to become more active in the recruitment of LGBTQ+ care providers and care providers that already have affirming and accepting beliefs. Lastly, there are current initiatives to increase best practice policies for child welfare agencies to collect SOGIE data. The remainder of this project will analyze the policies that govern this.

Chapter 3: Policy Analysis, Conclusion, and Recommendations

Project Description: Policy Analysis

Utilizing McInnis-Dittrich's eight-step model for policy analysis, the author will look at the current laws and policies in place that effect LGBTQ+ foster youth, explain why it is needed, identify points of strengths and weaknesses, and make recommendations. The McInnis-Dittrich model uses an acronym of "ANALYSIS" to analyze policies (Cabral, 2013). The first section will discuss the current "Approach" or methods used for the policies. The second section will discuss the "Need" that the policies are addressing. The third section will discuss the "Assessment" of the strengths and needs of the policies. The fourth section will discuss the "Logic" within the policy. The fifth section will discuss "Your reaction" or the author's reaction to the policy. The sixth section will discuss the "Support" or financial support for the policies. The seventh section will discuss the "Innovation" to change the policies if necessary. The eight section will discuss the "Social justice" elements of the policy or will analyze how the policies are addressing societal and social work values of social justice.

Step One: Approach

There are two California Assembly Bills that have an impact on policies that affect LGBTQ+ foster youth throughout the state. There is the California Foster Care Non-Discrimination Act, or AB 458, and the LGBT Disparities Reduction Act, or AB 959. The California Foster Care Non-Discrimination Act was signed into law on September 6, 2003 and went into effect on January 1, 2004. This Assembly Bill 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 or physical disability, or HIV status (National center for lesbian rights, n.d.). The law mandates that care providers follow the non-discrimination guidelines, but also mandates that specific trainings are provide to care providers. The act ensures the following:

1. Youth who are experiencing foster care, have the right to fair and equal access to all available services, placement, care, treatment and benefits.
2. All youth who are experiencing foster care have a right not to be subjected to discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity.
3. These rights and protections are to be added to the California Foster Child List of Rights.
4. All group home administrators, foster parents, and department licensing personnel must receive initial and ongoing training on the right of a foster child to have fair and equal access to all available services and not be subjected to harassment or discrimination based on their actual or perceived sexual orientation or gender identity.
5. All training providers must make available to relative caregivers trainings 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.

The LGBT Disparities Reduction Act was signed by the Governor of California in 2015. This Assembly Bill made various state and human services agencies collect voluntarily provided SOGIE data in the course of their regular data collection. This data is then used to highlight disparities within populations and these results are made known to the legislature and the public (Chiu, n.d.). The idea behind the assembly bill is that SOGIE data needs to be collected for the LGBTQ+ community, as there has previously been a lack of data collection regarding their demographics in the child welfare system. Collecting data regarding client's SOGIE can help identify to what extent there are disparities. Instruction on how to appropriately document a client's SOGIE is communicated to county child welfare departments via "All County Letters" or "ACL's".

Step Two: Need

The California Foster Care Non-Discrimination Act and the LGBT Disparities Reduction Act were both created to help vulnerable populations. The California Foster Care Non-Discrimination Act was created so that policies are implemented so that foster youth are not discriminated against while in care whereas the LGBT Disparities Reduction Act was created so that social services departments and human services agencies can collect voluntarily provided information regarding a client's SOGIE so that disparities can be identified and minimized in the future.

The California Foster Care Non-Discrimination Act addressed the need of LGBTQ+ foster youth to not be discriminated against while in care, which includes not moving them out of a placement because of their SOGIE and ensuring that they receive the same services and care as non-LGBTQ+ foster youth. LGBTQ+ youth need policies such as these to protect them, as data indicates that they are frequently overrepresented in foster care when compared to non-LGBTQ+ youth (Detlaff, et al. 2018). Additionally, LGBTQ+ youth can frequently experience double standards in the home when compared to non-LGBTQ+ youth when it comes to clothes that they wear and dating expectations (Woronoff & Estrada, 2006). Having these non-discrimination policies is also essential because depending on the religious beliefs of certain care providers, they may find it challenging to support an LGBTQ+ youth in their home (Center for the Study of Social Policy, 2015). Having clear guidelines regarding this can make it so that LGBTQ+ youth are not discriminated in these situations.

The LGBT Disparities Reduction Act creates guidelines for government and human services agencies to collect voluntarily provided information to document a client's SOGIE so that disparities can be identified and addressed. Research would indicate that this is fulfilling a need because LGBTQ+ foster youth have many risk factors associated with them, such as homeless, substance use, low graduation rates, and greater propensity for STI exposure, but it

has been difficult to identify and track this population previously. This state policy allows for government agencies within California to collect information so that disparities are identified in the hopes that all California citizens receive the care that they need (Chiu, n.d.). In the case of this project, it is applied to the LGBTQ+ children who are placed in foster care.

The California Department of Social Services (CDSS) has taken this assembly bill and created All County Letters (ACL's) that provide guidance to County governments on how to implement the bill. Following the bill's passage, ACL 19-20 was created to give social workers and probation officers guidance on how to document a client's SOGIE in the Child Welfare System/Case Management System (CWS/CMS). It was later discovered that many social workers and probation officers were not following through with this directive, as only 12% of clients had a documented SOGIE in CWS/CMS. This led to the formation of ACL 19-20 which informed social workers and probation officers why it is important to document a client's SOGIE and gave best practice guidelines on how to have conversations with clients regarding their SOGIE (CDSS, 2022).

Step Three: Assessment

When assessing a social welfare policy, values need to be brought into the conversation, as they can be used to discuss the weaknesses and strengths of the policies. Values are the basis for selecting policy goals and objectives, but are also used to evaluate the policy after it has been implemented (Moroney, 1981). This section will discuss the different social work values that are utilized while assessing policies that effect LGBTQ+ foster youth. The section will then discuss the weakness and strengths of the policies.

Social Work Values. Social workers adhere to a code of ethics that help guide their practice in their endeavor to help people. There are six social work values that help establish ethical principles in the field of social work. The values are service, social justice, dignity and

worth of a person, importance of human relationships, integrity and competence. The following values come into play when discussing policies that effect LGBTQ+ Foster youth (National association of social workers, n.d.).

Service. Social workers are to use their knowledge and experience to help people in need address social problems.

Social Justice. Social workers pursue social change, especially with oppressed and vulnerable populations. Activities used to promote social change frequently involve promoting sensitivity and knowledge about oppression and cultural and ethnic diversity.

Dignity and Worth of a Person. Social workers treat each person in a caring and respectful fashion, and are mindful of individual differences and cultural and ethnic diversity.

Importance of Human Relationships. Social workers seek to strengthen relationships among people in a purposeful effort to promote, restore, maintain, and enhance the well-being of individuals, families, social groups, organizations, and communities.

Integrity. Social workers are continually aware of the profession's mission, values, ethical principles, and ethical standards and practice in a manner consistent with them.

Strengths. The implication of the California Foster Care Non-Discrimination Act, or AB 458, initially had many strengths. The assembly bill's implication made it mandatory for all foster children in care to have equal access to services. In addition to this, it made it mandatory that care providers and social workers receive initial and ongoing training when it comes to sexual orientation and gender identity and that all children in foster care are not to be subjected to harassment or discrimination on the basis of their sexual orientation and gender identity. The bill also indicates that these rights are to be listed on the California Foster Child List of Rights (National center for lesbian rights, n.d.).

The strength of the bill is that it advocates for children who may feel as if they are being discriminated against due to their actual or perceived sexual orientation and/or gender identity. The bill makes it known that a child cannot be discriminated against or harassed based on their sexual orientation and/or gender identity and that care provider is to treat them the same as any other child and provide them with the same resources and services. Additionally, this assembly bill was novel in that it made it mandatory that care providers and social workers are going to have receive initial and ongoing training regarding sexual orientation and gender identity. The bill recognizes that lack of training on these issues may be a part of the problem and instructs agencies that training be mandatory for social workers and care providers.

AB 458 utilizes the value of “service”, as social workers and care providers are acknowledging that they are willing to receive additional training for LGBTQ+ foster youth to better serve this population. The assembly bill also utilizes the value of “importance of human relationships”, as the bill recognizes that the bond between LGBTQ+ foster youth and their biological family and care providers are just as important as with non-LGBTQ+ foster youth, but there may be additional barriers that need to be crossed, such as education and training. Lastly, AB 458 utilizes the value of “social justice” as it recognizes that there are biased view points in the world that have led to some members of this group to be discriminated against, and the bill helps make protections so that this does not continue to occur.

The implication of the LGBT Disparities Reduction Act, or AB 959, allowed for the collection of SOGIE data within human services agencies (Chiu, n.d.). This was a strength because prior to this, there was no data collection regarding a person’s SOGIE. The passage of the bill allowed human services agencies to create policies and guidance regarding how to collect this information, why it is important to collect this information, and how the data collected can be used in the future. The LGBT Disparities Reduction Act incorporated the value of integrity, as it allows social workers to show that they are following their agencies code of ethics

and mission, by collecting data on a marginalized group in hopes of identifying them so that protections can be put into place. In addition, this Assembly Bill also utilizes the value of “dignity and worth a person” as it recognizes that LGBTQ+ foster youth are human beings that are part of a subculture that is just as important as non-LGBTQ+ youth. The assembly bill also utilizes the value of “social justice”, as it recognizes that LGBTQ+ foster youth are experiencing oppression and the policies enacted are trying to battle against oppression by first identifying the population, so that appropriate resources and services can be provided.

Weaknesses. When discussing the California Foster Care Non-Discrimination act, one of the major weaknesses of the bill is that there is no definition of what truly constitutes discrimination (Tamar-Mattis, 2005). This becomes especially problematic when it comes to issues that involve LGBTQ+ youth, as there are instances where care providers and/or social workers may state that they have religious reasons for not being able to work with a youth who has a different sexual orientation or gender identity. This is especially important in areas, such as Fresno County, where many care providers have conservative and religious backgrounds that have made it challenging for them to work with LGBTQ+ youth (Center for the Study of Social Policy, 2015). This lack of detail in the explanation, may leave social workers interpreting a situation that involved discrimination, as simply a foster parent exercising their religious freedom.

Additionally, another area of weakness with the California Foster Care Non-Discrimination Act, is that there is no real method of enforcement (Tamar-Mattis, 2005). There are broad definitions that state a child shall not be discriminated on based on their sexual orientation and/or gender identity, but there is a lack of language surrounding the enforcement of this. This bill actually branches off to effect policies within the Resource Family Approval (RFA) guidelines within the State of California.

The RFA written directives explain that care providers are to receive 12 hours of pre-approval training, which includes a vast array of subjects, but does include sections on “sexual orientation”, “gender identity”, and “HIV status”, but does not clarify how long these sections are (CDSS, 2022, p. 49). In addition, care providers are to receive an additional 8 hours of training annually (CDSS, 2022, p. 105). Lastly, if there is a complaint on a home, such as the care provider is being discriminatory, it is up to the local county agency to come up with a Corrective Action Plan (CAP) to help resolve the issue (CDSS, 2022, P. 86). The county will have to show that the home is complying with the written directives. The issue with all of this is that if there are not specific guidelines and language to detail how a care provider can discriminate against LGBTQ+ foster youth, then it is difficult to show how they are not following the RFA written directives when they want them removed from their home due to their religious beliefs. Additionally, there is a weakness in the training requirements, as only a small fraction of the pre-service training is allocated to LGBTQ+ issues and this may not be enough for care providers who have not had any exposure to issues that effect this population.

In regards to the LGBT Disparities Reduction Act, the main weakness is in the difficulty of implementing such an assembly bill. The assembly bill allowed for CDSS to create ACL's, such as ACL 19-20, that gave guidance on the issue and to explain that social welfare agencies and probation departments are to collect SOGIE data when it is voluntarily provided to them. ACL 21-149 had to be implemented two years later, as there was such a small percentage (12 %) of people in the CWS/CMS system that had a documented SOGIE (CDSS, 2022). Because of this, better guidelines had to be provided on how to have natural conversations with clients on their SOGIE and why this is important. The weakness with this assembly bill is that it is very difficult to enforce and ensure that workers are having these conversations with clients, as there is an option to notate in the CWS/CMS system that the client “does not know” their SOGIE or the social worker “did not ask.”

Step Four: Logic

The fourth section of this model will explain the connection between the need and the current policy. The California Foster Care Non-Discrimination Act fails to fully address the need of LGBTQ+ foster youth by not being descriptive enough in its language to protect them. As mentioned previously, LGBTQ+ youth are overrepresented in foster care, they encounter double standards in foster homes, and are frequently placed in homes that find it difficult to work with them due to the care providers' conservative and/or religious beliefs. While the assembly bill does state that foster youth are not to be discriminated against due to their sexual orientation and/or gender identity, it does not go into detail what this discrimination looks like and it may not dictate enough training requirements to care providers so that they can successfully understand and work with this population.

The LGBT Disparities Reduction Act helps address the need of identifying who LGBTQ+ foster youth are. This is a need because previously, there was no data collected to identify LGBTQ+ foster youth and this information often came out once the youth aged out of the system. With the LGBT Disparities Reduction Act, human services agencies can attempt to collect this data so that new research can be completed regarding hardships that this population encounters. Additionally, data collected can also allow human services agencies to track that client so that appropriate resources and services can be issued.

Your Reaction

The fifth section of this policy analysis discusses the author's reaction to the different policies. This author's initial reaction to the Foster Care Non-Discrimination Act is that it is purposefully broad in its language to allow different agencies to interpret it on a case-by-case basis. In the sense of helping LGBTQ+ foster youth, in this author's opinion, it fails to be very effective. An example can include an LGBTQ+ foster youth being removed from a foster home

because the child “came out” as being gay after being placed in the home, but the home does not wish to support gay children and the activities that come along with it, as it goes against their religious beliefs.

This author was able to speak to a social work practitioner, Jessica Santoyo, who worked with a LGBTQ+ foster youth in Fresno County. Ms. Santoyo had expressed frustration in finding homes that were willing to accept the youth’s gender identity and sexual orientation. In regards to one particular home, Ms. Santoyo stated, “Care provider informed him that their home was a Christian home and he was not able to dress up in make-up, nails, and wigs in the home. However, she stated that she was supportive of him being openly gay outside of the home as well as him wearing makeup, nails, and wigs outside of the home. Eventually, the minor wanted to be in a home where he was allowed to wear these things inside the home, so another placement was sought and he was moved to a group home setting” (J. Santoyo, personal communication, April 3, 2023). This is an example of how discrimination was overlooked to instead protect the care provider’s religious beliefs. Instead of providing additional training and support, the outcome was to move the youth to a higher level of care where he would be free to express his sexual orientation and gender identity.

Additionally, this author believes that that the LGBT Disparities Reduction Act is not as effective as it should be. Part of the problem is that there is not a lot of oversight regarding whether or not these conversations regarding a client’s SOGIE are occurring. As it can be a difficult conversation to have with a client, many social workers may choose to not have the conversation regarding a client’s SOGIE and leave the client’s SOGIE as “Unknown” in the CWS/CMS system.

Support

The sixth section discusses the support, or the financial support, for the different policies. As these policies effect foster youth, they are utilized by government organizations. Since they are government organizations, the funding for the policies comes from tax payer contributions. This policy analysis does not go into a deep analysis of how the different organizations utilize the funding, but as a general concept, the funding comes from tax payer contributions.

Innovation

The seventh section discusses the provisions that are made to implement the policy. Currently, the provisions made to implement the Foster Care Non-Discrimination Act are resources provided to implement pre-approval and annual trainings for care providers. Care providers receive 12 hours of pre-approval training and 8 hours of annual training every year (CDSS, 2022). Currently, only a small fraction of these trainings incorporate education regarding sexual orientation and gender identity topics and how to best support these youth.

To better support these youth, changes could be made where it would be made mandatory for care providers to participate in lengthy acceptance trainings, such as the Recognize, Intervene, Support, and Empower (RISE) trainings that have previously shown an ability to increase accepting behaviors with care providers and social workers (Weeks et al., 2018). In order to do this, however, it would have to be mandated in the RFA written directives put out by the CDSS and human services agencies would need to support these trainings financially, as the training materials would need to be purchased and workers would need to be trained to present the material on an annual basis.

Additionally, to make changes to the Foster Care Non-Discrimination Act, changes need to be made to the language of the assembly bill to strengthen the definition of what incorporates discrimination. In order to do this, lobbying needs to be conducted at the state level. Human

services agencies can participate in this and encourage social workers and former foster youth to share their experiences with politicians in hopes that changes can be made. Human services agencies can support this by sharing data that has been collected regarding SOGIE clients via the LGBT Disparities Reduction Act. Furthermore, innovations can be made with the LGBT Disparities Reduction Act by human services agencies making it essential for supervisors to continue to have conversations with social workers on their ability to have conversations with clients on their SOGIE and their progress with documenting these attempts.

Social Justice

The eighth and final section of this model discusses the social justice components of these policies and attempts to answer the question of whether or not the policies are just. The induction of The California Foster Care Non-Discrimination Act and the LGBT Disparities Reduction Act introduced policies that attempted to address social injustices for LGBTQ+ foster youth. However, both policies fail to truly address the social injustices that they were created to address, as they are not fully complete.

In order for these policies to truly combat social injustice, the policies should be focused on “issues of poverty, unemployment, discrimination” and they should “promote knowledge about oppression and cultural and ethnic diversity” (NASW, n.d.). The policies do not fully support social justice in their current form because they do not define discrimination as it relates to a LGBTQ+ foster youth and they do not mandate extensive trainings to ensure that care providers understand the unique needs of LGBTQ+ foster youth. Additionally, the LGBTQ+ Disparities Reduction Act does not fully address social justice, as there appears to a lack of mandates to ensure that human services staff are identifying SOGIE clients. If alterations to these policies are made to enact these changes, the policies can begin to be much more effective at combating social injustices for the benefit of LGBTQ+ foster youth.

Conclusion

Advancements in the lives of LGBTQ+ individuals have progressed much over the decades, as topics that were once considered too taboo to discuss have now become focal areas of research and discussion. However, foster youth are a very vulnerable population who do not always have natural supports in place to advocate for them and ensure that they are not being discriminated against. That is why it has become incredibly important for human service agencies, who have jurisdiction over this population, to take steps to ensure that foster youth feel safe to express their SOGIE while in care and to ensure that their care providers have the tools necessary to understand them and support them without discriminating against them.

Policies such as the California Foster Care Non-Discrimination Act and the LGBT Disparities Reduction Act were great first starts at combating social injustices for this vulnerable population and attempts to identify barriers and initiate important trainings. However, due to a lack of language surrounding what constitutes discrimination (Tamar-Mattis, 2005), It is hard to say that it truly is preventing discrimination. Mandating more extensive LGBTQ+ Acceptance trainings for care providers could only improve the social justice campaigns. Additionally, the LGBT Disparities Reduction Act would contribute to social justice more effectively if there were more active efforts to ensure that social workers are actively having conversations regarding clients' SOGIE's.

Currently, there are lobbying efforts to amend the California Foster Care Non-Discrimination Act as Senate Bill 407 (SB 407) has been introduced to make certain changes. Among some of the more important recommended changes are that care providers are to demonstrate their ability to demonstrate an understanding of the needs of an LGBTQ+ child prior to being approved as a care provider, RFA departments are to work with stakeholders to ensure they understand the unique needs of this population, and counties are to investigate any complaints regarding care providers who may not be upholding these standards (Foster care:

Resource families, 2023). This would be a great area for further research in the future, as more data collection on this could lead to showing whether or not these changes are affective, which could lead to improving the lives of LGBTQ+ foster youth. Hopefully, with more endeavors being made daily to understand this population, more changes such as this can be made in the future so that this population can feel more supported and accepted as they navigate a scary and complicated system so that they can later become healthy, happy, and functioning adults.

References

Austin A., Craig, S. L., Matarese, M., Greeno, E. J., Weeks, A., & Betsinger, S. A. (2021).

Preliminary effectiveness of an LGBTQ+ affirmative parenting intervention with foster parents. *Children and Youth Services Review*, 127, 106107.

<https://doi.org/10.1016/j.childyouth.2021.106107>.

Cabral, J. (2012). Health information portability and accountability act of 1996: An analysis of its implication using an adapted model. *Perspectives on Social Work: 2012*.

<https://hdl.handle.net/10657/5209>.

Burns, D., Espinoza, D., Adams, J., & Ondrasek, N. (2022). California students in foster care:

Challenges and promising practices [Brief]. Learning Policy Institute.

California Department of Social Services. (n.d.). *Foster care*.

<https://www.cdss.ca.gov/inforesources/foster-care#:~:text=Foster%20parents%20provide%20a%20supportive,care%20to%20many%20different%20children>.

Butler J. (1993). *Bodies that matter: On the discursive limits of "sex"*. New York, NY: Routledge

California Department of Social Services. (n.d.). *Foster care*.

<https://www.cdss.ca.gov/inforesources/foster-care#:~:text=Foster%20parents%20provide%20a%20supportive,care%20to%20many%20different%20children>.

California Department of Social Services. (n.d.) *State policy implementation*.

<https://www.cdss.ca.gov/inforesources/cdss-programs/foster-care/sogie/state-policy-implementation>.

California Department of Social Services. (2016, February 17). *All County Letter NO. 16-10*.

<https://cdss.ca.gov/lettersnotices/entres/getinfo/acl/2016/16-10.pdf>.

California Department of Social Services. (2022, January 6). *All County Letter NO. 21-149*.

<https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-149.pdf?ver=2022-01-19-121943-140>.

California Department of Social Services. (2022, November 1). *Resource Family Approval Written Directives*, Version 8, 56-58.

<https://www.cdss.ca.gov/Portals/9/RFA/Written%20Directives%20V8.pdf?ver=2022-11-02-102947-957>.

Carastathis, A. (2014). The concept of intersectionality in feminist theory. *Philosophy Compass*, 9(5), 304-314.

Children's Bureau. (n.d.). Child welfare outcomes report data. Retrieved October 23, 2022 from <https://cwoutcomes.acf.hhs.gov/cwodatasite/>.

Chiu, D. (n.d.). *AB 959 – The LGBT disparities reduction act*. Equality California.

<https://www.eqca.org/wp-content/uploads/AB-959-Chiu-EQCA-Fact-Sheet.pdf>.

Crenshaw, K. W. (1991). Mapping the margins: Intersectionality, identity politics, and violence against women of color. *Stanford Law Review*, 43(6), 1241-1299.

De Lauretis T. (1991). Queer theory: Lesbian and gay sexualities. *Differences: A Journal of Feminist Cultural Studies*, 3(2), iii-xviii.

Dettlaff, A. J., Washburn, M., Carr, L., C., & Vogel, A. N. Lesbian, gay, and bisexual (LGB) youth within in welfare: Prevalence, risk and outcomes. *Child Abuse & Neglect*. 80, 183-193. <https://doi.org/10.1016/j.chiabu.2018.03.009>.

Dunn MPH, H.K., Clark PhD, M.A., & Pearlman PhD, D. N. (2017). The relationship between sexual history, bullying victimization, and poor mental health outcomes among heterosexual minority high school students: A feminist perspective. *Journal of Interpersonal Violence*, 32(22), 3497-3519. <https://journals-sagepub-com.htmlproxy.lib.csufresno.edu/doi/full/10.1177/0886260515599658>.

Ecker. (2016). Queer, young, and homeless: A review of the literature. *Child & Youth*

- Services*, 37(4), 325–361. <https://doi.org/10.1080/0145935X.2016.1151781>.
- Forge, N., Hartinger-Saunders, R., Wright, E., & Ruel, E. (2018). Out of the system and onto the Streets: LGBTQ-Identified youth experiencing homelessness with past child welfare system Involvement. *Child Welfare*, 96(2), 47–74.
- Foster care: Resource families, California Senate Bill 407, 2023 – 2024 session. (2023). <https://legiscan.com/CA/text/SB407/id/2750569>.
- Gunn, V. & McAllister C. (2013). Methods on the Margins? Queer Theory as Method in Higher Education Research. In *Theory and Method in Higher Education Research* (Vol. 9, pp. 155–174). Emerald Group Publishing Limited. [https://doi.org/10.1108/S1479-3628\(2013\)0000009012](https://doi.org/10.1108/S1479-3628(2013)0000009012).
- Lorthridge, E. M., Heaton, L., Stevens, A., & Phillips, L. (2017). Strengthening family connections and support for youth in foster care who identify as LGBTQ: Findings from the PII-RISE evaluation. (Permanency Innovations Initiative and Recognize, Intervene, Support, Empower interventions). *Child Welfare*, 96(1), 53.
- Mallon, A. N., & Ferrera, M. (2002). There's no place like home: Achieving safety, permanency, and well-being for lesbian and gay adolescents in out-of-home care settings. *Child Welfare*, 81(2), 407–439.
- McCormick, A., Schmidt, K., & Terrazas, S. R. (2016). Foster family acceptance: Understanding the role of foster family acceptance in the lives of LGBTQ youth. *Children and Youth Services Review*, 61, 69-74.
- Moroney, R. M. (1981). Policy analysis within a value theoretical framework. *Models for analysis of social policy: An introduction*, 78-101.
- Mountz, S., Capous-Desyllas, M., & Perez, N. (2019). Speaking back to the system: Recommendations for practice and policy from the perspectives of youth formerly in foster care who are LGBTQ. *Child Welfare*, 97(5), 117–140.

- Mountz, S., Capous-Desyllas, M., & Sevillano, L. (2020). Educational trajectories of youth formerly in foster care who are LGBTQ: Before, during, and after emancipation. *Child Welfare*, 97(6), 77–99.
- Mountz, S. & Capous-Desyllas, M. (2020). Exploring the families of origin of LGBTQ former foster youth and their trajectories throughout care. *Children and Youth Services Review*, 109.
- National Association of Social Workers. (n.d.). *Read the Code of Ethics*.
<https://www.socialworkers.org/About/Ethics/Code-of-Ethics/Code-of-Ethics-English>.
- National Center for Lesbian Rights. (n.d.). *AB 458 fact sheet: The California foster care non-discrimination act*.
<https://www.nclrights.org/get-help/resource/ab-458-fact-sheet-the-california-foster-care-non-discrimination-act/>.
- Nadal, K. L. (2008). Preventing racial, ethnic, gender, sexual minority, disability, and religious microaggressions: Recommendations for promoting positive mental health. *Prevention in Counseling Psychology: Theory, Research, Practice and Training*, 2(1), 22–27.
- Nourie, A. E. & Harris, V. W. (2018, August 24). An intersectional feminist perspective on LGBTQ youth in foster care: Implications for service providers. *World Journal of Education*, 8(4), 177-187.
- Payne, M. (2016). Feminist Practice. *Modern social work theory*. (4th ed.). Oxford University Press.
- Pinar W. (2005). Queer and queer theory. In Sears J. (Ed), *Youth, education, and sexualities: An international encyclopedia* (pp. 673-675). Westport. CT: Greenwood Press.
- Russell, S. T., Horn, S., Kosciw, J., & Saewyc, E. (2010). Safe schools policy for LGBTQ students and commentaries. *Social Policy Report*, 24(4), 1-25. Retrieved from <https://doi.org/10.1177/2167696814526715>.
- Ryan, C. (2019, October 7). 20.1 The family acceptance project's model for LGBTQ youth.

Journal of the American Academy of Child & Adolescent Psychiatry, 58(10), S28-S29.

Retrieved from [https://www.sciencedirect-com.htmlproxy.lib.csufresno.edu/science/article/pii/S089085671930588X](https://www.sciencedirect.com.htmlproxy.lib.csufresno.edu/science/article/pii/S089085671930588X).

Ryan, C., Huebner, D., Diaz, R.M., & Sanchez, J. (2009). Family rejection as a predictor of negative health outcomes in white and Latino lesbian, gay, and bisexual young adults. *Pediatrics*, 123(1), 346-352.

Sheeler, A. & Sheehan, T. (2019, November 19). Fresno's LGBTQ-friendliness is lacking, new report from human rights campaign says. The Fresno Bee. <https://www.fresnobee.com/news/local/article237550149.html>.

Shepard, C. (2015). *RISE status report: Where we've been and what we've learned to date*. Retrieved from https://www.acf.hhs.gov/sites/default/files/documents/cb/rise_status_report_where_weve_been.pdf.

Shpiegel, S. & Simmel, C. (2016). Functional outcomes among sexual minority youth emancipating from the child welfare system. *Children and Youth Services Review*, 61, 101-108.

Tamar-Mattis, A. (2005). Implications of AB 458 for California LGBTQ youth in foster care. *NLGLA Michael Greenberg Writing Competition*, 149-167.

The Trevor Project. (May 2021). The trevor project research brief: LGBTQ youth with a history of foster care. https://www.thetrevorproject.org/wp-content/uploads/2021/07/LGBTQ-Youth-with-a-History-of-Foster-Care_-May-2021.pdf.

United States Census Bureau. (n.d.). *Census Bureau survey explores sexual orientation and gender identity*. <https://www.census.gov/library/stories/2021/11/census-bureau-survey-explores-sexual-orientation-and-gender-identity.html#:~:text=In%20July%202021%2C%20the%20Census,to%20its%20Household%20Pulse%20Survey>.

- Weeks, A., Altman, D., Stevens, A., Lorthridge, J., & Heaton, L. (2018). Strengthening the workforce to support youth in foster care who identify as LGBTQ+ through increasing LGBTQ+ competency: Trainers' experience with bias. *Child Welfare, 96*(2), 125–150.
- Wilson, B. D. M., & Kastanis, A. A. (2015). Sexual and gender minority disproportionality and disparities in child welfare: A population-based study. *Children and Youth Services Review, 58*, 11-17.
- Woronoff, & Estrada, R. (2006). Regional listening forums: An examination of the methodologies used by the Child Welfare League of America and Lambda Legal to highlight the experiences of LGBTQ youth in care. *Child Welfare, 85*(2), 341–360.