

# **Advocating for LGBTQIA+ Youth in Care: Macro and Micro System Change**

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Office of the Cook County Public Guardian

**The Office of  
the Public  
Guardian has  
three  
divisions:**

**Adult  
Guardianship,  
Domestic  
Relations,  
and Juvenile  
Division**

## **Juvenile Division**

Child Protection and Juvenile Justice

Over 65 attorneys

Caseworker Advocacy Unit

Represent over 7,000 children in  
abuse/neglect/dependency cases

3 LGBTQIA+ coordinators

LGBTQIA+ coordinator for the adult division

# Important terminology

L - LESBIAN

G - GAY

B - BISEXUAL

T - TRANS

Q - QUEER/QUESTIONING


I – INTERSEX umbrella term for any individual born with reproductive anatomy or chromosomal makeup that doesn't fit only “male” or “female”

A – ASEXUAL individuals with a low interest in sexual activity or a lack of sexual attraction

NON-BINARY term used by someone who does not identify exclusively as a man or woman; might feel a mix of genders or no gender at all



# Sexual orientation vs. gender identity



Sexual orientation describes who a person is sexually attracted to; who that person goes to bed *with*.

Gender identity describes how the person perceives themselves; who they go to bed *as*.

Gender identity has historically meant “male” or “female” but the identity of “nonbinary” (outside the binary terms of male and female) is becoming more widely used.

When discussing a person’s gender identity, personal pronouns are very important. He/Him, She/Her, They/Them, are most commonly used, but there are other pronouns like Ze/Zim/Zer that may be used by nonbinary individuals.

# Reasons for LGBTQIA+ Advocacy

Illinois Auditor General (AG) released a report that was critical the implementation of Appendix K by DCFS. The report found:

DCFS failed to implement its own policies to protect LGBTQIA+ YIC

No mandatory LGBTQIA+ Training for all DCFS staff and foster parents

No tool to match LGBTQIA+ YIC with affirming homes

No detailed plans to recruit affirming homes

No process to identify LGBTQIA+ YIC.

## Reasons for LGBTQ+ Advocacy

DCFS's recent survey re "SOGIE" for YIC  
**S**exual **O**rientation **G**ender **I**dentify **E**xpression

25% of 487 surveyed identified as LGBTQIA+

10.5% identified as something other than female or male

YIC Recommendations

Address YIC by chosen name and pronouns

Provide safe space, gender affirming care, affirming FHs

# Scenario 1

You see a 15-year-old youth in care in clinic. The teen is transported to the appointment by the caseworker. During the appointment, the caseworker refuses to call the teen by their personal pronouns stating, “Sally changes what she wants to be called every other day. You know, she’s going through a teenage phase.” The caseworker reports that the teen is depressed and being bullied at school.

What, if anything, do you do?

- What, if anything, would you address at the appointment?
- What, if anything, would you address after the appointment?
- Would you say anything about the appropriate use of pronouns?

**Increased  
Number of  
Anti-LGBTQIA+  
Legislation and  
Policies**

**Bans on Gender Affirming Care**

**Bans on Drag Shows**

**Bathroom Access Restrictions**

**Bans on Trans Athletes**

**Boycotts of Stores Supportive of LGBTQ**

**Bans on LGBTQ Affirming  
Books and Education**



# Federal Protections For LGBTQIA+ Community

Title VII prohibits discrimination because of an “individual’s ... sex.” 42 U.S.C. § 2000e-2(a)(1).

In *Bostock v. Clayton County, Georgia*, No. 17-1618 (S. Ct. June 15, 2020)[[1](#)], the Supreme Court held that firing individuals because of their sexual orientation or transgender status violates Title VII’s prohibition on discrimination because of sex. The Court reached its holding by focusing on the plain text of Title VII to reach its conclusion. As the Court explained, “discrimination based on homosexuality or transgender status necessarily entails discrimination based on sex; the first cannot happen without the second.”

The Court noted that its decision did not address various religious liberty issues, such as the First Amendment, Religious Freedom Restoration Act, and exemptions Title VII provides for religious

# The Equality Act

## What would the Equality Act do?

- The federal protections offered by the 1964 Civil Rights Law would **explicitly** extend to discrimination based on sexual orientation and gender identity without looping them into larger umbrella term of “sex”.
- It would offer guaranteed protections to the LBGTQIA+ community in employment, housing and public accommodations.

## Why is this important?

- It would protect the LBGTQIA+ community in over 25 states that offer no protections.

# The Illinois Human Rights Act

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The Illinois Human Rights Act was amended in 2005 to include an individuals “sexual orientation” in addition to the other protected classes.

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The Illinois Human Rights Act defines “sexual orientation “ broadly to include, “ Actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person’s designated sex at birth.”

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The Act prohibits discrimination in regards to housing, employment, public accommodation, and since 2006 financial transactions.

## **DCFS Procedure 302 Appendix K**

The Appendix was added in May of 2017. Prior to that date there were no specific protections for LBGTQIA+ youth in care in the DCFS policy and procedures.

# Appendix K

The appendix set affirming policies to protect and affirm youth in care:



1. That every youth in care have the right to be referred to by their personal pronoun.



2. The right to LBGTQIA+ competent medical and mental health care.



3. The right to be placed in safe and affirming housing consistent with their gender identity.

# Appendix K

The Appendix also sets out expectations for all case workers, foster parents, and staff:



That they will treat all LGBTQIA+ youth in care with dignity and respect.



That all staff and caseworkers will complete training to be competent in meeting needs of LGBTQIA+ youth.



That they will refer to youth by their personal pronouns.



That DCFS caseworkers shall take appropriate action when caregivers are not affirming.



DCFS staff shall ensure that transgendered students have the access to use gendered school facilities that correspond to their gender identity.

# Appendix K

## DCFS Training Agenda/Objectives



Discuss Challenges Faced by LGBTQIA+ Youth



Improve Knowledge of and Comfort with Terminology



Understand Importance of Using Correct Pronouns and Flexibility



Respond Appropriately when Youth Comes Out



Recognize and Manage own Biases

# Scenario 2

Your client is a 15-year-old transgender boy who has recently started to transition. The client has been recommended for a group home placement due to his behavior issues and multiple failed foster homes. DCFS is planning on sending him to a female-only group home. The caseworker wants him in a female group home because of safety issues. The client wants to go to a male-only group home.

- What would an appropriate placement look like for this client?
- How would you advocate for this youth?

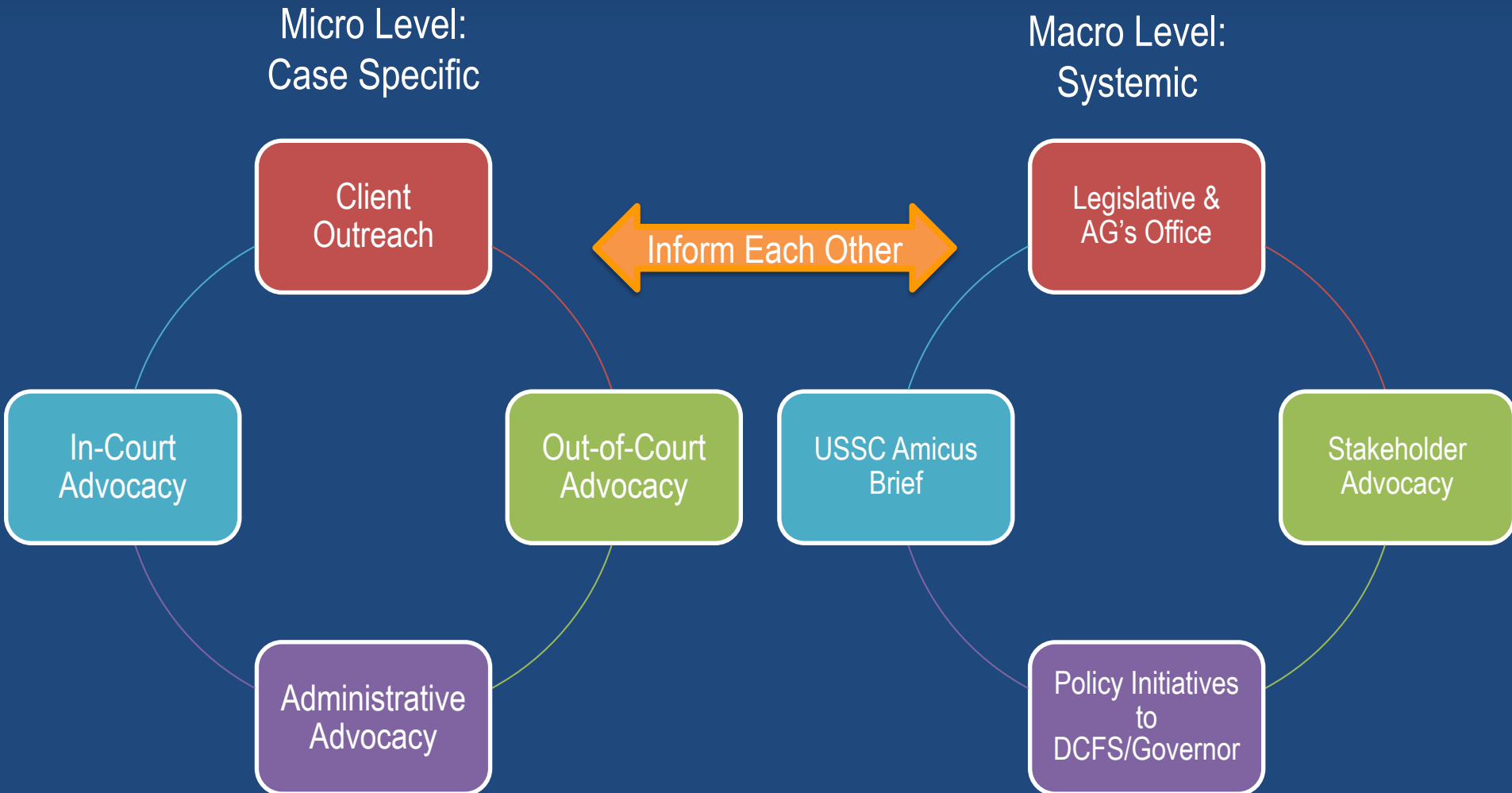


## Client Experiences

A rectangular sign with a black border is mounted on a light-colored wall. The sign has a blue background with a faint, abstract pattern. The text on the sign is white and reads: 

**Speak directly to  
us so we don't feel  
invisible.**

# OPG Advocacy Strategies—Micro vs. Macro Level



# Scenario 3

You are meeting with an 11-year-old boy who identifies as gay. During the consultation, he discloses that his parents are forcing him to go through conversion therapy as an effort to change his sexuality. The child is forced by his parents to go to reparative therapy multiple times a week and attend an ex-gay ministry on the weekends. His parents have threatened to kick him out of their house if he does not do the conversion therapy. The child does not want to do conversion therapy but also has no place else to live. He reports that the conversion therapy is causing him to be depressed and anxious.

- Do the actions by the client's parent rise to the level of abuse and/or neglect?
- What action(s) would you take as the treating professional?

# Any Questions

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<https://www.facebook.com/CookCountyOPG/>

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<https://www.publicguardian.org>

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