

Administrative Policy

Chapter 6 Racial Equity and Social Justice6.04 Supporting LGBTQIA+ Individuals

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Approved by: Frank Ordway, Chief of Staff

Purpose

The purpose of this policy is to provide guidance on how to:

• Support the specific needs of children, youth, and young adults who are developing, discovering, or identifying themselves as lesbian, gay, bisexual, transgender, questioning, intersex, asexual, or gender non-conforming (LGBTQIA+).

 Respectfully treat individuals, including, but not limited to children, youth, young adults, employees, caregivers, contractors, volunteers, interns, and work study students who are developing, discovering, or identifying as LGBTQIA+.

Scope

This policy applies to Department of Children, Youth, and Families (DCYF) employees, volunteers, interns, and work study students.

Laws

RCW 13.50.100 Records not relating to commission of juvenile offenses-

Maintenance and access-Release of information for child custody

hearings-Disclosure of unfounded allegations prohibited

RCW 49.60.030 Freedom from discrimination-Declaration of civil rights

28 CFR Part 115 PREA Placement of residents in housing, bed, program, education and

work assignments

Policy

- 1. DCYF will:
 - a. Provide all individuals, including those who are developing, discovering, or identifying their sexual orientation, gender identity, and expression (SOGIE), on an actual or perceived basis with an inclusive and affirming environment, free from discrimination or harassment, per RCW 49.60.030.
 - b. Verify DCYF restrooms and showers:
 - i. Are gender inclusive, accessible, and harassment-free.
 - ii. Allow individuals to use restrooms that align with their gender identity.
 - iii. Have gender inclusive signage.
- 2. Division and office leadership must:
 - a. Model, promote, and create inclusive environments for all individuals.
 - b. Identify an LGBTQIA+ lead to represent their division or office.

- c. Follow the <u>DCYF Administrative 11.13 Preventing and Addressing Discrimination</u>, <u>Harassment</u>, <u>Sexual Harassment</u>, and <u>Retaliation</u> policy when incidents of discrimination, harassment, and retaliation are reported.
- 3. The Office of Racial Equity and Social Justice (ORESJ) must:
 - a. Assist:
 - i. Employees, volunteers, interns, and work study students with questions related to LGBTQIA+, including but not limited to:
 - A. Providing training and consultation, as needed, about services and support for clients.
 - B. Applying policies related to LGBTQIA+.
 - ii. Division and office LGBTQIA+ leads with:
 - A. Applying policies related to LGBTQIA+.
 - B. Providing training and guidance, as needed.
 - C. Case consultation and locating resources for LGBTQIA+ clients.
 - D. Developing and documenting division and offices' plans related to LGBTQIA+, as needed.
 - b. Represent DCYF on statewide workgroups, committees, etc.
- 4. Division and office LGBTQIA+ leads must:
 - a. Complete the <u>Foundational LGBTQ+ Training</u> within the first 12 months of being identified as a lead.
 - b. Assist:
 - Employees, volunteers, interns, and work study students with case consultation for LGBTQIA+ children, youth, and young adults when requested.
 - ii. With trainings and information.
 - c. Share LGBTQIA+ resources and community events.
- 5. The Contracts and Procurement Unit must collaborate with divisions and offices to develop contract language to meet the requirements identified in this policy for contracted providers.
- 6. Employees, volunteers, interns, and work study students must:
 - a. Promote a welcoming, inclusive, supportive, safe, affirming, and respectful environment, including, but not limited to:
 - i. Using gender inclusive and mirrored language that individuals use to describe themselves.
 - ii. Using and allowing individuals to use a different name, pronoun, and gender that reflects their LGBTQIA+ identity instead of their legal name and sex assigned at birth.
 - iii. Allowing children, youth, and young adults to express their gender identity through:
 - A. Clothing
 - B. Hairstyles
 - C. Mannerisms
 - b. Assist children, youth, and young adults when they are:
 - i. Seeking affirming medical, behavioral, and mental health services.
 - ii. Requesting to change their name or gender on legal documents.
 - c. Attend LGBTQIA+ training, when available.
 - d. Assist caregivers or contracted providers in accessing LGBTQIA+ supports and resources, e.g. community resources and trainings.
 - e. Follow DCYF Administrative policies:
 - i. 6.01 Racial Equity and Social Justice
 - ii. 9.02 Forms, Publications, and Documents Management
 - iii. 11.13 Preventing and Addressing Discrimination, Harassment, Sexual Harassment, and Retaliation

- iv. 11.21 Ethics and Employee Conduct
- f. Report violations of this policy, per the <u>DCYF Administrative 11.13 Preventing and Addressing Discrimination</u>, Harassment, Sexual Harassment, and Retaliation policy.

Procedures

To promote and create inclusive environments for children, youth, and young adults:

- 1. Child Welfare (CW)
 - a. Caseworkers must complete the following for all children and youth involved in an open CW case:
 - i. Ask for and use their chosen name and pronouns, even if their name has not been legally changed.
 - ii. Request oral permission to disclose or document their LGBTQIA+ identity prior to disclosing to other individuals or documenting.
 - iii. Document the legal and chosen name, pronouns, and gender identity of children and youth in a case note and appropriate fields in FamLink, as well as any forms and reports. This includes:
 - A. Clearly distinguishing the legal name and sex assigned at birth from chosen name and gender identity.
 - B. Considering the child's or youth's oral permission for disclosure and who will receive the information or documents.
 - iv. Identify in collaboration with the child or youth any services or activities that they want to be referred to or participate in related to their LGBTQIA+ identity. LGBTQIA+ related services and activities, include, but are not limited to:
 - A. Behavioral health and medical providers that affirm their identity.
 - B. Social activities and providers in the community whose work aligns with supporting LGBTQIA+ children and youth.
 - C. Cultural activities such as school, faith, or community-based groups, or events and activities in the community that support LGBTQIA+ children and youth.
 - b. Caseworkers must complete the following for children and youth in DCYF placement and care authority (PCA):
 - i. Consider their LGBTQIA+ identity as a factor when making placement decisions, including but not limited to:
 - A. Determining on an individual basis which placement option would be in their best interest for their safety and well-being.
 - B. Consulting with their supervisor when assistance is needed in finding a placement for the LGBTQIA+ identified child or youth.
 - C. Prioritizing their emotional and physical safety.
 - D. Placing by gender identity. This includes coordinating with the caregiver to provide them with an individual bedroom that allows for privacy if necessary.
 - ii. Address any concerns raised by children or youth related to their LGBTQIA+ identity by:
 - A. Collaborating with LGBTQIA+ regional leads.
 - B. Notifying Licensing Division (LD) foster care workers of any concerns raised by children and youth when placed in licensed foster homes.
 - C. Documenting in FamLink, including concerns and how they were addressed.
 - iii. Obtain children's and youth's permission to disclose their LGBTQIA+ identity prior to disclosing to other individuals when making placements, case

planning decisions, and referral for services. This includes, but is not limited to:

- A. Parents or guardians
- B. Relatives or kin
- C. Caregivers
- D. Guardian ad Litem (GAL)
- E. Child's or youth's attorney
- F. Service providers, e.g. educational, behavioral health, medical.
- G. Group care facilities
- H. Child placing agencies
- iv. Document in FamLink the child's and youth's response to disclosing their LGBTQIA+ identity. If they:
 - A. Do not provide oral permission:
 - I. Notify the child or youth that this information may be shared within DCYF for case consultation purposes.
 - II. Document in a case note that the child or youth did not authorize disclosure of their LGBTQIA+ identity.
 - B. Provide oral permission, discuss and document the following:
 - How, what, and with whom their LGBTQIA+ information may be shared. This includes information shared verbally, inwriting, or electronically that is intended for individuals not known by the child and youth, and includes, but is not limited to:
 - i. Phone
 - ii. Emails
 - iii. Texts
 - iv. Social media
 - II. Key individuals they've identified, such as family members, caregivers, other professionals, or community providers with whom they identify as their support system.
- v. When children and youth provide permission to disclose their LGBTQIA+ identity, discuss the following with the caregivers or facilities prior to placement, their ability to:
 - A. Meet their needs, safety, and well-being in regards to their perceived or known LGBTQIA+ identity.
 - B. Support their LGBTQIA+ identity.
- vi. Support children and youth identifying as transgender, gender nonconforming, and intersex who are seeking gender-affirming medical services by:
 - A. Following the advice of the medical and therapeutic professionals working with the children and youth, when possible. This includes following standard medical protocols.
 - B. Verifying children and youth are receiving ongoing medical care and behavioral health support, when available.
 - C. Referring to gender-affirming services, including medical care, as approved by Medicaid.
 - D. Obtaining a court order or parent or guardian consent, except for <u>Extended Foster Care (EFC)</u> youth, before providing consent for a child and youth to undergo gender-affirming medical care as listed in Procedures Section 1.b.vi.E.

- E. Facilitating access to gender-affirming resources available through Apple Health Core Connections, as needed and appropriate, including but not limited to:
 - I. Hormone blockers
 - II. Hormone Replacement Therapy (HRT)
 - III. Behavioral Health Services (Gender Dysphoria)
- 2. Early Learning Programs (ELP)
 - a. ELP employees, volunteers, interns, and work study students must complete the following:
 - i. Complete the ELP LGBTQIA+ specialized training.
 - ii. Verify:
 - A. Performance standards, contracts, and other agreements with contractors include language supporting LGBTQIA+ individuals.
 - B. Contractors and their sub-contractors use:
 - I. Inclusive SOGIE language in their:
 - i. Client non-discrimination policy.
 - ii. Employment and volunteer non-discrimination policy.
 - II. Forms that:
 - i. Use gender inclusive language.
 - ii. Allow individuals to select:
 - I. A gender other than "male" or female".
 - II. A different name than their legal name.
 - III. Their pronouns.
 - iii. When children or family members provide permission to disclose their LGBTQIA+ identity:
 - A. Confirm with whom this information can be shared.
 - B. Document the following in the appropriate ELP electronic databases:
 - I. Legal and chosen name
 - II. Pronouns
 - III. Gender identity of children and family members
 - b. Early Childhood Education Assistance Program (ECEAP) birth to five services ELP employees, volunteers, interns, and work study students that manage ECEAP contracts must complete the following:
 - i. Provide LGBTQIA+ resources, technical assistance, and training to support contractors, as needed.
 - ii. Verify:
 - A. Contractor's:
 - Professional development training plans detail the integration of LGBTQIA+ topics into their employees', volunteers', interns', and work study students' required training.
 - II. Recruitment efforts are inclusive of LGBTQIA+ clients, employees, volunteers, interns, and work study students, including but not limited to:
 - i. Collaborating with community partners who support LGBTQIA+ families.
 - ii. Using promotional and social media materials that feature the LGBTQIA+ community.
 - iii. Engaging current LGBTQIA+ families, employees, volunteers, interns, and work study students to assist with program enrollment.
 - III. Curricula is LGBTQIA+ affirming, including, but not limited to:

- Using culturally responsive materials and equipment that reflect the culture and language of the LGBTQIA+ children being served.
- ii. Allowing for exploration of children's SOGIE.
- iii. Including learning activities that support children's developing SOGIE.
- iv. Collaborating with LGBTQIA+ communities and families to support representation within learning environments.
- B. Contractors are assisting families in accessing LGBTQIA+ support and resources, including, but not limited to:
 - I. Behavioral health and medical providers that affirm LGBTQIA+ identity.
 - II. Social activities and providers in the community whose work aligns with supporting LGBTQIA+ children and families.
 - III. Cultural activities such as school, faith, or community-based groups, or attending events and activities in the community that support LGBTQIA+ children and families.
- C. The following is documented by contractors in the Early Learning Management System (ELMS) when children or family members provide permission to disclose their LGBTQIA+ identity:
 - I. Legal and chosen name
 - II. Pronouns
 - III. Gender identity of children and family members
- iii. Document the information in Procedures Section 2.b.ii. on the <u>ECEAP Program Monitoring Document Review Checklist DCYF 05-325</u> form.
- 3. Juvenile Rehabilitation Division (JRD)
 - Employees must complete the following:
 - a. During intake, screening, or placement:
 - i. Follow the <u>Assessing and Placing Youth in JR</u> policy when determining a youth's or young adult's specific needs or concerns if they are LGBTQIA+ or gender non-conforming.
 - ii. Support in an open and affirming manner, youth and young adults who disclose their SOGIE and address any identified concerns or needs. This includes, but is not limited to:
 - A. Determining facility placement and housing on an individual basis that addresses health and safety concerns of the youth or young adult, including identified management or security challenges.
 - B. LGBTQIA+ placement will be based on:
 - I. Their individualized needs.
 - II. Prioritizing their emotional and physical safety.
 - III. Their perception of where they are most secure.
 - IV. Recommendations from medical employees or other JRD employees on their team of care.
 - V. Availability to provide a single room, if requested.
 - iii. Provide appropriate undergarments for LGBTQIA+ youth or young adults:
 - A. Upon arrival, with advance notice or if available.
 - B. Within 24 hours if not available or identified after intake.
 - b. When LGBTQIA+ youth or young adults are in JRD:
 - i. Provide:
 - A. Support and address identified needs when someone discloses their SOGIE.

- B. Meetings with facility health care providers or mental health providers to facilitate exploring their gender or sexuality in an open and affirming way.
- C. Gender-affirming health care, if requested, by following the <u>Providing Health Care to JR Youth</u> policy.
- D. Discussions facilitated by parole counselors, if needed or requested between LGBTQIA+ youth or young adults and their family.
- ii. Support LGBTQIA+ youth's and young adult's specific needs with care and concern, this includes, but is not limited to:
 - A. Asking for and using their chosen name and pronouns, even if their name has not been legally changed.
 - B. Documenting names by:
 - I. Adding their chosen name to Automated Client Tracking (ACT) to the "Also Known As" section of the Client Information module
 - II. Using their chosen name on internal records and logs.
 - III. Using both their chosen and legal names on:
 - i. Required notifications per the <u>Notifying the Community</u> of Youth Placement, Transfer or Release policy.
 - ii. Sex offender registries.
 - iii. Accessing documents or benefits as required.

C. Providing:

- I. Clothing or uniforms, including undergarments, appropriate for their gender identity or gender expression.
- II. Safety and privacy when using bathrooms, showers, and when dressing and undressing, except as required in the following policies:
 - i. <u>Assessing and Treating Youth Suicide and Self-Harm</u> Risk
 - ii. Managing Room Confinement and Isolation
- D. Following the Conducting Searches policy.
- E. Addressing any concerns raised by youth and young adults related to their LGBTQIA+ identity by:
 - I. Following the:
 - i. <u>Handling Youth Complaints</u> policy to address any complaints.
 - Assessing and Placing Youth in JR policy to report violations of the policy by employees, volunteers, interns, and work study students.
 - II. Reassessing placement and programming assignments at least twice per year that includes but not limited to:
 - i. Identifying and addressing emotional and physical safety.
 - ii. Documenting the reassessment of placement and programming assignments in ACT.

4. LD

- a. Child care licensing employees must complete the following:
 - Provide LGBTQIA+ resources, technical assistance, and refer them for training to support child care providers and the children and families they serve, as needed.
 - ii. Verify child care providers:
 - A. Have a nondiscrimination policy, per WAC 110-300-0030.

- B. Support the needs of LGBTQIA+ children and families.
- b. License exempt employees must complete the following:
 - i. Provide LGBTQIA+ resources, technical assistance, and refer them for training to support Family, Friends, and Neighbors (FFN) providers and the children and families they serve, as needed.
 - ii. Verify FFN providers support the needs of LGBTQIA+ children and families.
- c. Foster care workers and home study specialists must follow the <u>Completing the</u> Home Study policy and:
 - i. Inform caregivers they cannot decline placements of children or youth in their home when their decision is prohibited in RCW 49.60.030.
 - ii. Communicate with current and prospective caregivers about:
 - A. Supporting the child's or youth's CW case plan as it relates to their LGBTQIA+ identity.
 - B. Connecting children or youth with resources that support and affirm their LGBTQIA+ identity and culture.
 - iii. Consider the best interest of the child or youth in DCYF placement care and authority and the other children or youth in the home, in consultation with the caseworker and caregivers when making decisions on bedroom sharing.
 - iv. Document the caregiver's ability to support LGBTQIA+ children and youth including how they are meeting their health, safety, and well-being using the:
 - A. <u>Family Home Study DCYF 10-043</u> form in FamLink when completing home studies for new foster homes or unlicensed caregivers.
 - B. <u>Foster Home Re-Assessment DCYF 10-405</u> form at time of license renewal and upload to FamLink.
 - Consult with their supervisor when assistance is needed accessing resources to address any concerns about a caregiver's ability to support LGBTQIA+ children and youth.
- 5. Updating Names and Genders on Birth Certificates:
 - CW caseworkers and JRD employees must complete the following when children, youth, and young adults request to update their birth certificates:
 - a. When requesting a name change and they are:
 - i. Under 18 years of age and:
 - A. Dependent:
 - Collaborate with children, youth, and their parents or guardians to complete the <u>Affidavit for Correction DOH 422-</u> 034 form. If parents do not agree, obtain a court order.
 - II. Mail the form to the <u>Department of Health (DOH)</u> using the address on the form.
 - B. Legally-free:
 - I. Collaborate with children and youth to complete the <u>Affidavit for Correction DOH 422-034</u> form.
 - II. Obtain court order.
 - III. Mail the form and court order to <u>DOH</u> using the address on the form.
 - ii. Eighteen years of age or older and in <u>Extended Foster Care (EFC)</u> or in JRD:
 - A. Collaborate with the EFC young adult to complete the <u>Affidavit for Correction DOH 422-034</u> form.
 - B. Mail the form to DOH using the address on the form.
 - b. When requesting a gender change and they are:
 - i. Under 18 years of age and:
 - A. Dependent:

- Collaborate with children, youth, and their parents or guardians to complete the <u>Request to Change Sex</u> <u>Designation on a Birth Certificate for a Minor DOH 422-144</u> form. If parents do not agree, obtain a court order.
- II. Request the application fee from fiduciaries to be paid to DOH.
- III. Mail the form and application fee to <u>DOH</u> using the address on the form.
- B. Legally-free:
 - I. Collaborate with children and youth to complete the Request to Change Sex Designation on a Birth Certificate for a Minor DOH 422-144 form.
 - II. Obtain court order.
 - III. Mail the following to **DOH** using the address on the form:
 - i. Request to Change Sex Designation on a Birth Certificate for a Minor DOH 422-144 form.
 - ii. Court order.
 - iii. Application fee.
- ii. Eighteen years of age or older and in **EFC** or in JRD by:
 - A. Collaborating with the EFC youth or JR young adult to complete the Request to Change Sex Designation on a Birth Certificate for an Adult DOH 422-143 form.
 - B. Mailing the following to <u>DOH</u> using the address on the form:
 - I. Request to Change Sex Designation on a Birth Certificate for an Adult DOH 422-143 form.
 - II. Application fee.
- c. Document in the appropriate DCYF electronic database when:
 - i. The Affidavit for Correction DOH 422-034 form was sent to DOH.
 - ii. DOH completed the name or gender change on their birth certificate.
- d. Upload new birth certificates to the appropriate DCYF electronic database.

Definitions

Asexual or Ace means the lack of a sexual attraction or desire for other individuals.

Bisexual or Bi means individuals who have an emotional or physical attraction to individuals of the same and different genders.

Cisgender or Cis describes individuals whose gender identity and gender expression matches the gender typically associated with their sex assigned at birth.

Clients are individuals who are the beneficiaries of services or benefits from DCYF. This term includes but is not limited to, consumers, recipients, applicants, parents, young adults, youth, and children involved with DCYF. Clients include individuals who previously were the beneficiaries of services or benefits and individuals applying for benefits or services.

Coming out means the process in which individuals first acknowledge, accept, and appreciate their sexual orientation, gender identity, or gender expression (SOGIE) and begins to share with others.

Contractors are any individuals, businesses, non-profits, or government entities who provide goods or services when requested by DCYF under a contractual agreement and not as an employee of DCYF.

Gay means a sexual orientation to describe individuals who are emotionally or physically attracted to someone of the same gender. Sometimes an umbrella term for the LGBTQIA+community.

Gender-Affirming Treatment or Care means treatments, procedures, or medical procedures that change an individual's body to align with their gender identity.

Gender or Gender Identity means an individual's inner sense of being a female, male, a blend of both or neither, or another gender. This may or may not correspond with an individual's sex assigned at birth.

Gender Expression means individuals whose outward communication of gender through behavior or appearance. This may or may not conform to their sex assigned at birth or socially defined behaviors and characteristics typically associated with being either masculine or feminine.

Gender Non-Conforming (GNC) means a way to refer to individuals who do not behave in a way that conforms to the traditional expectations of their gender, or whose gender expression does not correspond with their sex assigned at birth. It is not usually used as a personal identifier.

Intersex means an umbrella term used to describe a wide range of natural bodily variations when the body is born with a combination of chromosomes, internal organs, or external genitalia where they do not develop as expected.

Lesbian means individuals who identify as female who have an emotional or physical attraction for other females.

Living openly means a state of being in which LGBTQIA+ individuals are comfortably out about their sexual orientation, gender identity, or gender expression; where and when it feels appropriate to them.

Non-Binary (NB or Enby) is a term of self-identification for individuals who do not identify within the limited and binary terms that have described gender identity, e.g., female or male. Non-binary is also an umbrella term for many identities such as gender-expansive, gender-fluid, and genderqueer.

Outing means exposing someone's LGBTQIA+ identity to others without their permission. Outing someone can have serious repercussions on personal safety, housing, education, legal matters, employment, or family situations.

Pansexual means individuals who are emotionally or physically attracted to individuals of all gender identities and expression including those who do not fit into standard gender identities.

Queer is a term individuals often use to express identities and orientations. The term is sometimes used as an umbrella term for to all "LGBTQIA+" individuals. Only use this term if an individual uses this as a personal identifier first.

Queer and Trans People of Color (QTPOC) is a term is rooted in the concept of intersectionality, which focuses on the intersections and interactions between various forms and systems of oppression, including: racism, classism, heterosexism, patriarchy, religious

oppression, etc. A QTPOC framework attunes itself to the lives, challenges, and needs of individuals who experience these compounded or interlocking oppressions.

Questioning means individuals who are exploring their sexual orientation, gender identity, or gender expression at any age.

Sex, **Biological Sex**, **or Assigned Sex at Birth** means the sex (female or male) given to a child at birth, most often based on the child's external anatomy.

Sexual Orientation means an individual's emotional or physical attraction to other individuals.

SOGIE is an acronym for addressing **S**exual **O**rientation, **G**ender **I**dentity, and **E**xpression which are distinct identifiers everyone has; LGBTQIA+ is a sub-distinction within SOGIE self-identifiers. SOGIE includes LGBTQIA+ as well as heterosexual, cisgender, and non-questioning individuals.

Transgender is an umbrella term for individuals whose gender identity or expression is different from cultural expectations based on the sex they were assigned at birth. Gender-affirming medical care is not a prerequisite to identify as transgender. Being transgender does not imply any specific sexual orientation.

Two-Spirit means a modern, pan-indigenous, umbrella term used by some Indigenous North Americans to describe Native people in their communities who fulfill a traditional third-gender or other gender-variant ceremonial and social role in their cultures. Being Two-Spirit does not imply any specific sexual orientation.

Forms

Affidavit for Correction DOH 422-034

ECEAP Program Monitoring Document Review Checklist DCYF 05-325

Family Home Study DCYF 10-043

Foster Home Re-Assessment DCYF 10-405

Request to Change Sex Designation on a Birth Certificate for a Minor DOH 422-144

Request to Change Sex Designation on a Birth Certificate for an Adult DOH 422-143

Resources

Assessing and Placing Youth in JR policy

Assessing and Treating Youth Suicide and Self-Harm Risk policy

Completing the Home Study policy

Conducting Searches policy

Coordinated Care

Creating Inclusion for LGBTQIA+ People DCYF RESJ 0001 publication

DCYF Administrative 6.01 Racial Equity and Social Justice policy

DCYF Administrative 9.02 Forms, Publications, and Documents Management policy

DCYF Administrative 11.13 Preventing and Addressing Discrimination, Harassment, Sexual

Harassment, and Retaliation policy

DCYF Administrative 11.21 Ethics and Employee Conduct policy

Extended Foster Care (EFC) Program policy

Foundational LGBTQ+ Training

Handling Youth Complaints policy

How do I change my gender on Social Security's records?

Managing Room Confinement and Isolation policy
Notifying the Community of Youth Placement, Transfer or Release policy
Providing Health Care to JR Youth policy

The Judges Bench Guide on the LGBTQ Community and the Law

WAC 110-147-1595 What are the requirements about nondiscrimination?

WAC 110-148-1520 What services am I expected to provide to children in my care?