

# OUT OF THE CLOSET AND INTO THE COURTROOM: WORKING WITH LGBT(IQQA) YOUTH

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# WHO THINKS THEY ARE CURRENTLY WORKING WITH AN LGBTIQQA YOUTH?



# WHO HAS WORKED WITH LGBTIQQA YOUTH IN THE PAST?

Stand up!

- ▶ YES
- ▶ NO
- ▶ NOT SURE?

# WHAT DOES IT ALL MEAN?

## SEX ASSIGNED AT BIRTH



## GENDER IDENTITY



## GENDER EXPRESSION



## SEXUAL ORIENTATION



# TERMINOLOGY

- ▶ See handout- Glossary from UCLA
- ▶ Queer
- ▶ Genderqueer
- ▶ Pansexual
- ▶ Two-spirit
- ▶ Intersex
- ▶ Gender-nonconforming
- ▶ NO: homosexual, “preference,” “normal,” “when you get older”

# LINDSAY'S STORY

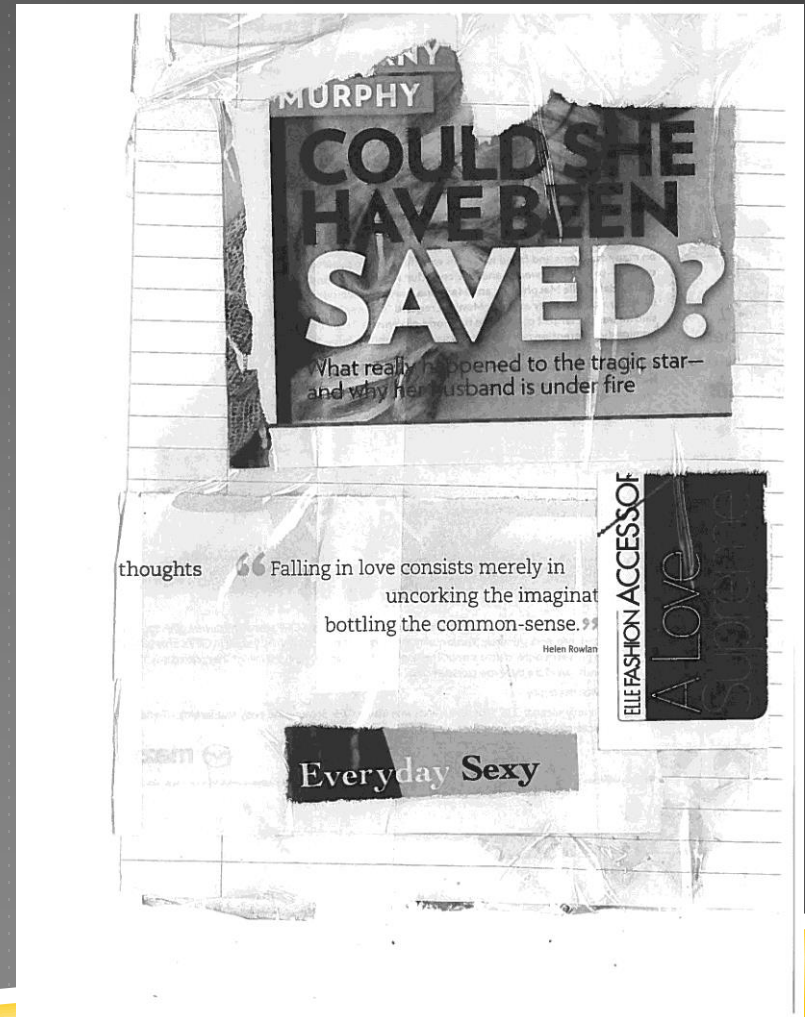
“Living will always be a struggle. Looking for someone who wants to love me.

Looking back I see all the horrors. This madness makes me wanna holler.

I'm getting slower and slower. Internally I'm dying. All my pillowcases wet from my crying.

And there is nothing more to me. Take me away. I can't take this life no more.

This is the life of me. Striving to survive.”



# TIPS FROM YOUTH

1. Meet with your client before court to find out whether there is a need to approach the bench to discuss the client's gender identity, gender expression, name, pronouns, etc.
2. Use your client's correct name and pronouns when speaking with the DA, Judge or other professionals, and ask that they do the same.
3. Do not assume it is ok to ask personal questions about someone's gender identity/sexual orientation.
4. Do not use the term "preferred" name (or "preferred" pronoun)
5. Do not make assumptions about someone's sexual orientation based on their perceived gender expression (Ex. "Do you have a boyfriend?" v. "Do you have a partner?")
6. Show care because it's hard to be an openly LGBT youth.
7. Don't be judgmental, and put your personal beliefs aside because people do not choose to be LGBT.

# My Story

I, Lindsay Saundra a 17 year old youth who is in custody in a detention facility in Colorado, Transiting from male to female. I have been in facilities since roughly 2012. After being rejected by much of my so-called family for being transgender, yes I got stuck in the revolving door that is the Juvenile Justice which the Div of youth

youth in there care. I was told I had to be a male or a person I'm not I'm a female so I started to make change by advocating for my true self

I work on advocating for changes within the system, and ~~was~~ my good efforts led to the creation of DYC Policy 13.9 for LGBTQI youth in the Juvenile Justice system in Colorado. In my short life I have experienced a lot of trauma and will continue to be resilient in facing my huge challenges.

L. Saundra

# DYC POLICY 13.9

- ▶ Refer to handout

# HYPO I

- ▶ You walk into court to represent a child at a detention hearing. In observing and speaking with the child, you have reason to believe the child may be transgender or gender non-conforming. How do you approach the youth? Do you ask about the youth's identity? How do you address this with the court, if at all?
- ▶ Go with name and gender indicated on court paperwork?
- ▶ Ask client if they are transgender?
- ▶ Discreetly ask the client if the client has any nicknames, or just ask, "what pronouns do you prefer?"
- ▶ Does this depend on how the courtroom is set up?

# HYPO 2

- ▶ Your transgender client gets arrested and sent to a detention facility. The client was born female, but he identifies as male. Upon arrival at the facility, the client is told that “she” will be placed with the girls because she has female genitalia. Your client has been identified as male for two years, and in the community, his mother provided “chest binders” and other garments to aid in his male gender presentation. His mother has been told that he can have his binder “when he gets his level.” What are your concerns, and how do you address them?

# HYPO 3

- ▶ Your client in a D&N is a 14 year old boy who identifies as gay. He has struggled in placements due to issue with peers and staff related to his sexual orientation, “sexual acting out,” etc. You are trying to develop a permanency plan. What do you need to look for in a placement to ensure that your child’s needs will be met, and he will not experience abuse or harassment and discrimination?

# QUESTIONS?



# RESOURCES!

- ▶ National Center for Lesbian Rights ([www.nclrights.org](http://www.nclrights.org))
- ▶ The Center (<http://www.gbtcolorado.org>)
- ▶ Annie E. Casey
- ▶ GLBTQ Legal Advocates & Defenders (formerly GLAD);  
<http://www.glad.org/rights/publications/c/youth>
- ▶ Lambda Legal (<http://www.lamdalegal.org/know-your-rights/the-law-and-lgbtq-youth/youth/youth-child-welfare>)
- ▶ [http://www.nclrights.org/wp-content/uploads/2015/09/AECF\\_LGBTinJJS\\_FINAL2.pdf](http://www.nclrights.org/wp-content/uploads/2015/09/AECF_LGBTinJJS_FINAL2.pdf)
- ▶ Glossary of Terms (in materials):  
<http://www.lgbt.ucla.edu/documents/LGBTTerminology.pdf>