



**Center for the  
Study of  
Social Policy**

Ideas into Action

**February 2019**



# **Supporting All Our Values:**

*How Publicly Funded, Faith-Based Child  
Welfare Providers and Non-Discrimination  
Laws Can Promote Well-Being*

## Introduction

Attacks on non-discrimination laws threaten the ability of child welfare agencies to support children's safety, permanency, and well-being. Child well-being can only be supported when the full identities of children and youth are affirmed, and this can only happen in communities committed to serving all children and families without discrimination. Non-discrimination policies ensure that every child benefits equally from the best practice, services, and supports that a system can provide.

Faith-based agencies are important child welfare system partners, playing a key role in ensuring that all children's needs are met. Most state and county child welfare systems contract with faith-based organizations to provide a variety of child welfare services, including foster care and adoption services to children and families. To provide these services, these organizations are supported in whole or in part with state funding—acting as an extension of the state to achieve the child welfare goals of safety, permanency and well-being. Many faith-based agencies see the provision of services to children involved in child welfare systems as core to their mission to serve and support children who have been traumatized and who need love and nurturing.

Unfortunately, a political narrative has emerged that faith-based partners are burdened by federal and state protections against discrimination and are compelled by their religious principles not to provide child welfare services as a result. Evidence suggests otherwise. Across the nation, faith-based organizations exist and are operating in ways that are true to their values and are equally committed to serving children and families without discrimination. This brief addresses the importance of promoting child well-being, the role of non-discrimination policies in achieving this, examples of partnerships between states and faith-based agencies, and recommendations for how states can ensure the best interest of children and families are met through these partnerships.

In recent years, the importance of promoting child and youth well-being, and the research on what best accomplishes this, has raised the bar in the child welfare field<sup>1</sup> and has been institutionalized in laws like the Fostering Connections to Success Act,<sup>2</sup> The Sex Trafficking and Strengthening Families Act,<sup>3</sup> and the Family First Prevention Services Act<sup>4</sup>—each of which include explicit provisions to ensure that child welfare systems are focused on child well-being outcomes.

## Promoting Child Well-Being

The mission of child welfare is to ensure the safety, permanency, and well-being of the children in their care.

In fact, these three areas of focus are often overlapping and are each critical to optimally achieving the other. Over the last two decades, there has been an increasing awareness about the importance of promoting positive well-being outcomes for children and youth in the child welfare system and the impact that doing so has on children throughout their lives. In order to promote optimal well-being, it is important for children and youth to receive attention to and acceptance of their unique, multidimensional identities, including race, ethnicity, and sexual orientation, gender identity and expression (SOGIE).<sup>5</sup>

The Administration on Children, Youth and Families (ACYF) has identified four domains of child well-being: cognitive functioning; physical health and development; emotional/behavioral functioning; and social functioning. Our definition builds on these domains by explicitly taking into account the relationship between a child's well-being and the parenting or caregiving environment around them. In other words, healthy family relationships and attachment to a nurturing and reliable adult are core to promoting child well-being.<sup>6</sup>

Studies have found that attention to a child's identity is core to promoting health and well-being, including supporting positive self-esteem and promoting resilience. For example, research has demonstrated that providing children of color with opportunities to cultivate a positive relationship with their ethnic and racial identity can serve as a protective and promotive factor.<sup>7</sup> In African-American youth, a positive perception of race and ethnicity is associated with higher levels of self-esteem and the opportunity to better mitigate the effects of racial discrimination.<sup>8</sup> Research also shows that acknowledging and affirming youth's SOGIE is critically important to a young person's health and well-being, and promotes both safety and permanency.<sup>9</sup> Affirmation of youth's SOGIE and providing access to a supportive community network with nurturing adults are factors associated with positive health and well-being for children and youth.<sup>10</sup> When child welfare systems do not affirm all young people in their sexual orientation and gender identity development, they are more likely to replicate the very harm and rejection that may have resulted in some young people entering care in the first place and risk undermining the healthy development of all of these young people during a critical developmental time.<sup>11</sup>

## Non-Discrimination Policies

When children and families come into contact with child welfare systems, it is the responsibility of service providers—whether they are state, county, community-based, or faith-based—to provide services and supports to children and youth in ways that promote their health and well-being. Non-discrimination policies ensure this





focus is applied to benefit all children, youth and families involved with child welfare systems by protecting them from discrimination that would impede well-being. Decisions about where a child should live, with whom, and what supports and opportunities are available to them are all life-changing decisions. States are entrusted to make these decisions in ways that promote the best possible outcomes for the developmental health and security of the children and youth in their care. Non-discrimination laws ensure that these supports are available to everyone who needs them and that decisions are made in ways that protect a child's best interest. Anything less obstructs system efforts to promote a child's well-being. Non-discrimination laws also aid in promoting timely permanency by ensuring that agency staff serve birth, foster, and adoptive parents regardless of their race, ethnicity, SOGIE, or religion. This increases the family resources available to children and makes sure that a child's placement in a safe and supportive home remains the priority.

Unfortunately, in recent years a narrative has emerged, and in some communities, policies have been put in place, that directly undermine child well-being by challenging non-discrimination laws and the role and responsibility of child welfare to meet the needs of all children.<sup>12</sup> Critics of non-discrimination policies suggest ignoring, or rolling-back, protections for children because the protections are in conflict with some of the religious principles held by faith-based institutions serving children and families on behalf of the state. However, the primary responsibility of child welfare agencies is to serve and protect children by promoting safety, permanency and well-being. Ignoring non-discrimination laws and refusing to serve some families or children due to their race, privately held religious beliefs, ethnicity, or SOGIE is unacceptable and is in direct conflict with child welfare's mandate. Further, faith-based providers have been contracted to provide these services and are being compensated in full or in part by tax-payers, including those whom they may refuse to serve.

This narrative, and the actions that it has prompted, is problematic because it promotes discrimination that is harmful to children and youth in the state's care, **but it is also untrue.** Faith-based providers have successfully supported child welfare's mission for decades, and have done so in compliance with both best-practice and the law. Many faith-based organizations see it as their role to provide affirmative support for all children and families involved in child welfare without regard to privately held religious beliefs, race, ethnicity, and sexual orientation, gender identity and expression.

### Partnering With Faith-Based Agencies

There are many examples of successful partnerships between faith-based organizations and child welfare agencies. Since it was founded in 1949, Holy Family Services (HFS) has been an important adoption resource in Southern California, finalizing the most infant and child adoptions of any private adoption agency in the state. Originally a Catholic adoption agency, in 2007 HFS altered its affiliation and became an institution of the Los Angeles Episcopal Diocese, under the leadership of the Right Reverend J. Jon Bruno.

HFS strongly embraces the values of diversity and inclusion. They strive to provide caring, non-judgmental support for birth parents considering adoption, unite children and infants in need of a home with hopeful adoptive parents, and create strong, loving families of all shapes and sizes. HFS is guided by the values of diversity, inclusion, and equity when working with the couples and individuals they serve throughout the adoption process as they seek to build strong and stable families. They also provide ongoing support services for their foster care resource families through trainings, emotional support, and any additional supports needed from a social worker or agency nurse.

*"The Episcopal Church has a phrase used in their services, 'Wherever you are on your walk of faith, you are welcomed at this table.' And that perfectly matches*



*with the goals and mission of today's HFS. We want to have a variety of approved adoptive parents for birth parents to choose from, because ultimately, they are the ones who pick the adoptive parent(s) for their child. Not only does that include LGBTQ clients, but also people of other faiths, or no faith at all."*

▣ **Julie Brown, Executive Director of Holy Family Services**

Samaritas, formerly Lutheran Social Services of Michigan, is a social ministry of the Evangelical Lutheran Church in America (ELCA) that has been providing supports and services to individuals regardless of their religion, race, sexual orientation or ethnicity since 1934. In 1977, they partnered with Wellspring Lutheran Services to form Lutheran Adoption Services and have since found homes for thousands of Michigan's youth in foster care. Today, Samaritas spans the Lower Peninsula with more than 70 programs across 40 cities. These programs include foster care, adoption, subsidized housing, nursing homes, community centers and services to people who are homeless, refugees, and persons with developmental disabilities. Samaritas is currently Michigan's largest private foster care organization, helping more than 800 children daily across nine different sites. Their success is rooted in their commitment to find every child a safe, stable environment while promoting values of equity and justice.

*"At Samaritas our mission is: 'Serving people as an expression of the love of Christ.' We answer this calling without offering condemnation or judgement, but instead by offering hope and compassion. We want to transform lives by loving all people as Christ has loved us. It begins by treating all people with dignity, respect, and acting in a manner that promotes equality and justice."*

▣ **Lena Wilson, Vice President of Child and Family, Samaritas**

As exemplified by both HFS and Samaritas, many faith-based institutions not only comply with non-discrimina-

tion laws but provide respectful and affirming services and supports to children and families long before these laws were in place. In other cases, faith-based organizations may not have started with affirming practices and inclusive policies but have adapted with the law to maintain their central mission of serving children and families. For example, in Illinois when their Religious Freedom and Civil Union Act<sup>13</sup> passed, Lutheran Child and Family Services of Illinois (affiliated with the conservative Lutheran Church Missouri Synod) decided to change their policy and extend adoption services to same sex couples.<sup>14</sup> According to the agency's president and chief executive, Gene Svebakken, "We've been around 140 years, and if we didn't follow the law we'd go out of business." He explained what drove their decision: "We believe it's God-pleasing to serve these kids, and we know we do a good job."<sup>15</sup>

There are times, however, when faith-based institutions either choose to discontinue their relationship with the state or the state no longer contracts with a faith-based institution due to non-compliance with non-discrimination laws or agency policies. For instance, in 2011 Illinois discontinued their contract with Catholic Charities because the organization refused to place children with same-sex couples.<sup>16</sup> While Catholic Charities offered to refer these families to other service providers, they were still out of compliance with the state's non-discrimination laws and as Kendall Marlowe, spokesperson for the Department of Children and Family Services (DCFS), said "Separate but equal was not a sufficient solution on other civil rights issues in the past either."<sup>17</sup> The state transitioned Catholic Charities' 2,000 foster care and adoption cases to other agencies that complied with the then newly enacted Illinois Religious Freedom and Civil Union Act.<sup>18</sup>

Washington D.C. discontinued its contract with Catholic Charities in 2010, due to the organization's decision to not place children with same sex couples—a violation of the District's non-discrimination laws.<sup>19</sup> Catholic Charities' caseload of 43 children and 35 foster families was transferred to the Maryland-based National Center for





Children and Families. The direct service staff serving these families also moved over to the National Center for Children and Families so as not to disrupt client care.<sup>20</sup>

Some worry that cancelling contracts with faith-based providers because they fail to comply with non-discrimination laws will do more harm than good, reducing the availability of needed services. However, in Illinois and in Washington D.C. the data suggest that in the years following the discontinuance of contracts there were no increases in the number of children in foster care,<sup>21</sup> adoption patterns remained consistent,<sup>22</sup> and there was no increase in the use of congregate care as opposed to family foster homes.<sup>23</sup>

Faith-based institutions are valued partners in providing services to children and families involved in child welfare, and it is incredibly unfortunate to lose providers that want to serve and support families. However, if these providers do not comply with non-discrimination laws, they cannot really promote every child's well-being. While the mission of a community-based or faith-based institution is important, it is not the primary responsibility or function of child welfare to protect it. If the agency's mission is not aligned with the mission and mandate of child welfare to serve all children and youth, then it will ultimately harm the children and families they serve. In such instances, best practice would dictate contracting with entities that are well-aligned. The focus of a child welfare agency's decisions should be what is best for the children and youth, not what is easiest or deemed best by the adult service providers.

## Policy Recommendations

Fortunately, the many success stories of state child welfare systems partnering with faith-based agencies serve as an important guide for how these partnerships can best serve children and families moving forward. In order for these partnerships to be successful, faith-based institutions must share child welfare's commitment to ensure the safety, permanency, and well-being of every child in their care—including affirming and supporting the healthy identity development of children and youth.

The following recommendations provide some guidance on ways that child welfare agencies can partner with faith-based institutions to promote the well-being of children involved in child welfare, ensure their rights are protected, and that their identities are affirmed.

**Public funding for supports and services should be provided without discrimination and exclusively to organizations that are willing and able to effectively and responsibly meet the needs of all children.** This should be mandated without regard to a child, youth, family, or prospective family's sexual orientation, gender identity, gender expression, race, ethnicity, ability, language, immigration status or privately held religious beliefs.

**States and their contracted partners must promote and affirm every aspect of a child's identity and relentlessly pursue opportunities to support their healthy identity development.** To achieve safety, permanency and well-being, child welfare and their partners cannot just prevent discrimination; they must proactively implement inclusive strategies and provide guidance to partners on ways to affirm and support children and families with whom they work.

**States should provide training and coaching for private agency staff, foster, and adoptive parents on ways to affirm healthy identity development.**<sup>24</sup> This training and coaching should include: developing affirming practice on ways to support all aspects of a youth's identity, to support birth-parents in developing healthy, affirming relationships with their children, and to welcome and support all prospective parents who can provide a stable and loving home. Specific training and support should be provided around the healthy development and well-being of LGBTQ+ youth in care. Youth in care who identify as LGBTQ+ often have had to grapple with the combined effects of trauma, stigma, and the risk of rejection due to their sexual orientation and gender identity. These adverse experiences can lead to poor health and mental health outcomes. To support LGBTQ+ youth, caregivers must be well supported and trained to have conversations with youth about healthy development and exploring their sexuality and gender identity.



**States should ensure compliance with the reasonable and prudent parent standard provision of the Sex Trafficking and Strengthening Families Act.** This provision provides designated decision-makers with the latitude to make parental decisions that support the health, safety, and best interest of the child, including involvement in extracurricular, cultural, enrichment, and social activities, including opportunities for safe risk-taking, like those typically made by parents of children who are not in foster care. Implementing this provision with fidelity requires foster parents and group home providers to promote the healthy development of all kids in their care, including supporting their SOGIE. This should include access to appropriate activities and affinity and or support groups; and embracing non-gender binary policies like non gender-specific clothing vouchers.

**State assessments, planning, and counseling should consider the religious and spiritual needs of youth.** States should ensure that children and youth for whom spirituality and religion are important are connected to affirming, faith-based resources that will both support optimal developmental health and their desire to be connected to faith-based institutions. This should be a part of assessments, planning, and counseling the way that other important factors, like connections to extracurricular activities, schools, and communities, currently are for youth.

**State agencies and faith-based and community partners should contract with providers and ensure access to supports that are affirming.** This should include providers of behavioral and other health care and educational supports or employment programs that school-aged children and young adults may be accessing. For example, contracting with employers who have trans-affirming policies and working with schools around dress-codes and bullying. Performance-based contracts should include expectations around training to ensure non-discrimination and accountability mechanisms for all contracted child-welfare providers.

**Accessible and meaningful accountability mechanisms should be in place to ensure children, youth, and families are served with dignity and respect and are affirmed in their identities.** States and their partners should establish a meaningful accountability structure that could include an ombudsperson and youth bill of rights. In order for these functions to be helpful, they should be easily accessible, responsive, and have the ability to lead to real change. For example, an ombudsperson must have the authority to enact meaningful solutions on both a case-by case and systemic level.

**Collect data on recruitment and retention. State child welfare agencies can use data to assess compliance with state non-discrimination laws.** States can collect data on the reasons why foster and/or adoptive

parents decide to end their involvement with state contracted agencies. Further, state agencies should require contracted agencies to collect information on why foster and/or adoptive parents are denied licensure to determine whether there are specific barriers being experienced by prospective families. States should be collecting qualitative data about the experiences of children, youth, and families related to SOGIE through state qualitative data collection mechanisms.

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## Citations

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<sup>2</sup> 42 U.S.C. § 1305 Title IV (B)(E) (as amended in 2008 by Pub. L. No. 110-351).

<sup>3</sup> 42 U.S.C. § 1305 Title IV (E) (as amended in 2014 by Pub. L. No. 113-183).

<sup>4</sup> 42 U.S.C. § 1305 Title IV (B)(E) (as amended in 2018 by Pub. L. No. 115-123).

<sup>5</sup> "Protective/Promotive Factors Across Development." Center for the Study of Social Policy. Available at: <https://cssp.org/wp-content/uploads/2018/08/H01.3-Protective-and-Promotive-Factor-Infographic.pdf>.

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<sup>12</sup> *Ibid.*

<sup>13</sup> Illinois Religious Freedom Protection & Civil Union Act of 2011, Public Act 96-1513. Available at: <http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ActID=3294&ChapterID=59>.

<sup>14</sup> Goodstein, Laurie. “Bishops Say Rules on Gay Parents Limit Freedom of Religion.” *The New York Times*, December 28, 2011. Available at: <https://www.nytimes.com/2011/12/29/us/for-bishops-a-battle-over-whose-rights-prevail.html>.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> Hudson, Waymon. “Illinois Catholic Charities Ends Adoption Lawsuit.” *The Huffington Post*, December 6, 2017. Available at: [https://www.huffingtonpost.com/waymon-hudson/illinois-catholic-charities-adoption\\_b\\_1094723.html](https://www.huffingtonpost.com/waymon-hudson/illinois-catholic-charities-adoption_b_1094723.html).

<sup>19</sup> DC Law 2-38, D.C. Law 16-58, DC Official Code § 2-1401.01 et seq Available at: <https://code.dccouncil.us/dc/council/code/sections/2-1401.01.html>.

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<sup>24</sup> Citrin, Alexandra. “Promoting Well-Being Through the Reasonable and Prudent Parent Standard: A Guide for States Implementing the Preventing Sex Trafficking and Strengthening Families Act.” Center for the Study of Social Policy, 2017. Available at: <https://cssp.org/resource/promoting-wellbeing-through-reasonable-prudent-parent-standard-hr4980/>.



# Laws, Regulations, and Policies that Protect Youth in Foster Care from Discrimination Based on SOGIE

Current as of February 2019

Alabama		
The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.		
	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">AL ADC 660-5-37-.02 "Personnel"</a>  <a href="#">AL ADC 660-5-37-.04 "Program"</a>  <a href="#">AL ADC 850-X-9-.01 "Standards of Professional Conduct and Ethics"</a>	<p>State regulations for residential child-care facilities states, "Job Descriptions and Qualifications. Any child care facility accepting referrals from the Department of Human Resources shall be certified by the Department as being in compliance with all laws pertaining to non-discrimination (Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, and Americans With Disabilities Act of 1990)."</p> <p>State regulations for residential child-care facilities states, "Clothing shall be stylish, properly fit, clean and of good quality and appearance. The clothing shall not be different from clothes worn by children in the community. Children shall have a part in the selection of their clothes."</p> <p>State regulations for residential child-care facilities protect against "Harsh and humiliating punishment, including corporal punishment, physical or emotional abuse, is prohibited. Verbal abuse of a child and derogatory remarks about a child or his/her family is prohibited. Punishment shall not be administered by peers."</p> <p>State standards for Professional Conduct and Ethics states, "The social worker shall not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of race, color, sex, age, religion, political belief, mental or physical handicap, or any other preference or personal characteristic, condition or status."</p>
<b>Agency Policy</b>	None Found	None Found



# Alaska

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<p>Alaska Department of Health and Human Services: <a href="#">Building Bridges Initiative, “Your Life – Your Future: Inside Info on Residential Programs from Youth Who Have Been There”</a></p> <p><a href="#">12 AC 18.150 Social Worker Code of Ethics</a></p>	<p>The Building Bridges Initiative states the following protection: “Any youth who is lesbian, gay, bisexual, transgender, questioning, intersex or two-spirit (LGBTQI2-S), has the right to be safe and treated with dignity and respect.”</p> <p>Alaska has adopted the Code of Ethics of the National Association of Social Workers (1999 edition), which states that “Social workers should not practice, condone, facilitate, or collaborate with any forms of discrimination on the basis of race, ethnicity, national origin, color, sex, sexual orientation, gender identity or expression, age, marital status, political belief, religion, immigration status, or mental or physical disability.”</p>



## Arizona

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	<a href="#">Ariz. Rev. Stat. Ann. § 8-529</a>	State statute declares that children in foster care have the right to “To live in a safe, healthy and comfortable placement where the child can receive reasonable protection from harm and appropriate privacy for personal needs and where the child is treated with respect.”
<b>State Regulation</b>	<a href="#">Ariz. Admin. Code R21-6-201</a>  R21-6-305  R21-6-313  R21-6-321	<p>State regulation requires that “The licensing agency shall ensure the right of any individual or married couple to apply for a foster home license, regardless of gender, race, religion, political affiliation, national origin, disability, or sexual orientation, if the applicant meets the minimum qualifications specified under Chapter 6 of this Title.”</p> <p>State regulation requires that among several other responsibilities, a foster parent should nurture a foster child by “Helping the child develop a positive identity by respecting the child’s race, ethnicity, religion, gender, culture, and sexual orientation.”</p> <p>State regulation requires among other hygiene and daily needs, the foster parents should provide a foster child with “Clean clothing and shoes that are in good repair and appropriate to the child’s age, size, developmental level, gender, gender identity, the weather conditions, and the occasion.”</p> <p>State regulation declares that foster parents should protect the rights of a foster child, which includes but is not limited to allowing them to “Be free to express their gender identity and sexual orientation.”</p> <p>State regulation also states that “A foster child over the age of puberty, or as early as can be reasonably expressed by the child, shall have the right to specify the gender of the person to assist the child with personal care, if needed and appropriate.”</p>
<b>Agency Policy</b>	Arizona Department of Child Safety: <a href="#">Chapter 5, Section 35</a>  <a href="#">Chapter 5, Section 37</a>  Arizona Department of Child Safety <a href="#">Non-discrimination Policy Statement</a>	<p>In the policy and procedure manual, the Department outlines the services and supports to prepare youth for adulthood and includes the following statement, “The Department shall make every effort to ensure a diverse array of services and resources are identified to assist youth in addressing their needs, including any special needs or concerns related to their sexual orientation, gender expression and/or gender identity.”</p> <p>In the policy and procedure manual, the Department states that when determining eligibility for the Independent Living Subsidy Program, the Department “...shall not discriminate based on the youth’s race, national origin, ethnicity, religious or spiritual beliefs, gender or perceived gender identity, gender expression, sexual orientation, child-bearing or parenting status, or for youth age 18 and older, marital status.”</p> <p>The Department has issued the following nondiscrimination statement, “The Arizona Department of Child Safety (“DCS”) is committed to providing equal employment opportunities for all individuals regardless of race, color, national origin, age, religion, disability, sex, genetic information, pregnancy, military or veteran status, or any other category protected under applicable federal, state, or local law.”</p>



## Arkansas

**The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity or expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	<a href="#">AR Code § 9-28-1003</a>	State law requires that among other rights, children have the right “To be cared for without regard to race, gender, religion, or disability.”
	<a href="#">AR Code § 9-28-106</a>	State regulation explicitly states that “The Department of Human Services and any other agency or entity that receives federal assistance and is involved in adoption or foster care placement shall not: (a) Discriminate on the basis of the race, color, or national origin of either the adoptive parent, foster parent, or the child involved; or (b) Delay the placement of a child on the basis of race, color, or national origin of the adoptive parent or foster parent.”
<b>State Regulation</b>	<a href="#">Ark. Admin. Code 016.15.2-205</a>	State regulation protects children from several forms of behavior management, including “Derogatory comments about the child, the child’s family, race, or gender.”
<b>Agency Policy</b>	Arkansas Department of Human Services, Division of Youth Services: <a href="#">Policy Number 7001.01.01</a>	The Division of Youth Services requires that “all children and youth in the state should have equal opportunities for fairness, help and success without regard to gender, race or ethnicity, disability, geographic location, income level, or any other factor.”
	Arkansas Department of Human Services: <a href="#">Minimum Licensing Standards for Child Welfare Agencies</a>	The Department has prohibited child welfare agencies from disciplining children by using “Derogatory comments about the child, the child’s family, race, or gender.”



## California

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	Title	Description
<b>State Statute</b>	<a href="#">Cal. Welf. &amp; Inst. Code 16001.9</a>	<p>State law requires that minors and non-minors in foster care have the following rights among many others:</p> <p>(a) “To be involved in the development of his or her own case plan and plan for permanent placement. This involvement includes, but is not limited to, the development of case plan elements related to placement and gender affirming health care, with consideration of their gender identity.”</p> <p>(b) “To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment 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.”</p> <p>(c) “To be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records.”</p> <p>(d) “To have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.”</p>
<b>State Regulation</b>	<p><a href="#">Cal. Code Regs. tit. 22, § 89317</a></p> <p>89372</p> <p>89387</p>	<p>State regulation requires that “Any adult shall be permitted to apply for a license or approval regardless of age, sex, race, religion, color, political affiliation, national origin, disability, marital status, actual or perceived sexual orientation, gender identity, HIV status, or ancestry.”</p> <p>State regulation protects children’s rights which includes:</p> <p>(a) “To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment 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.”</p> <p>(b) “To be placed in out-of-home care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records.”</p> <p>(c) “To have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.”</p> <p>State regulation states that other than a couple of exemptions, children of different sexes should not share a bedroom. The following is an example of a listed exemption, “a caregiver is permitting a child to share a bedroom consistent with their gender identity regardless of the gender or sex listed on the court or child welfare documents.”</p> <p>State regulation also declares that “In every situation where children share a bedroom, the Caregiver shall document that the bedroom sharing arrangement ensures the health and safety of each child and that the children are compatible. When considering compatibility a Caregiver shall consult with children in their care, in an age and developmentally appropriate manner, regarding the child’s sexual orientation and gender identity and what information the child wishes to disclose and to whom. A Caregiver shall not disclose information about the child’s sexual orientation and/or gender identity against the child’s wishes, unless compelled to do so by law or court order.”</p>



## California, cont'd

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	Title	Description
<b>Agency Policy</b>	California Department of Social Services: <a href="#">All County Information Notice I-81-10</a>	The Department issued an Information Notice “to provide public and private child welfare, adoption agencies and probation department’s information on resources available to improve services to LGBTQ youth, their caregivers and LGBT prospective foster and adoptive parents.”
	California Department of Social Services: <a href="#">When and How to File a Discrimination Complaint</a>	The Department has issued the following nondiscrimination statement. “California county welfare departments may not discriminate against you on the basis of race, color, religion, sex, national origin (including language, political affiliation, disability, marital status, age, gender, gender identity, gender expression, genetic information, or any other applicable bases. This means that these agencies must provide the same aid, benefits and services to all individuals and groups, except as authorized by federal or state law or the Governor’s executive order.”
	California Department of Social Services: <a href="#">Foster Youth Rights</a>	The Department has outlined the rights of foster youth and state the following, “If you feel you are being harassed or discriminated against because of your sex, race, color, religion, sexual orientation, ethnic group, ancestry, national origin, gender identity, mental or physical disability or HIV status, or for any other reason, you should call the Foster Care Ombudsman Help-line for assistance.”
	California Department of Social Services: <a href="#">Know Your Sexual and Reproductive Health Rights</a>	The Department has outlined the sexual and reproductive health care and related rights of youth in care and have stated the following, “You have the right to fair and equal access to services, placement, care, treatment, and benefits. You have the right to not be treated unfairly, harassed, or discriminated against because of your sex, sexual orientation, gender identity, HIV status, or other factors like race, religion, ethnic group identification, ancestry, national origin, color, or mental or physical disability.”



## Colorado

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation and gender identity.**

	Title	Description
<b>State Statute</b>	<a href="#">Colo. Rev. Stat. Ann. 19-7-101</a>	State protects youth in the child welfare system against “...discrimination or harassment on the basis of actual or perceived race, ethnic group, national origin, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.”
<b>State Regulation</b>	<a href="#">12 Colo. Code Regs. § 2509-7:7.604</a>  <a href="#">12 Colo. Code Regs. § 2509-8:7.708.33</a>  <a href="#">12 Colo. Code Regs. § 2509-8:7.714.31</a>  <a href="#">3 Colo. Code Regs. § 708-1:81.6</a>  <a href="#">3 Colo. Code Regs. § 708-1:81.8</a>  <a href="#">3 Colo. Code Regs. § 708-1:81.9</a>	<p>“A. County department staff shall not deny a person aid, services, or other benefits or opportunity to participate therein, solely because of age, race, color, religion, creed, sex, national origin, political beliefs, method of payment, sexual orientation, veterans status, or disability.”</p> <p>State regulation declares that foster children have the following rights:</p> <ol style="list-style-type: none"> <li>1. “Enjoy freedom of thought, conscience, cultural and ethnic practice, and religion.</li> <li>2. A reasonable degree of privacy.</li> <li>3. Have his or her opinions heard and considered, to the greatest extent possible, when any decisions are being made affecting his/her life.” in addition to other appropriate and adequate supports.</li> </ol> <p>In terms of quality standards for 24-hour child care, state regulation declares that “every child has the right to the same consideration for care and treatment as anyone else regardless of race, color, national origin, religion, age, sex, political affiliation, sexual orientation, financial status or disability.”</p> <p>State regulation prohibits sexual orientation harassment that includes, but is not limited to, “asking unwelcome personal question about an individual’s sexual orientation” and “deliberately misusing an individual’s preferred name, form of address, or gender-related pronoun.” and encourages individuals to report it.</p> <p>State regulation declares that entities “...shall not require an individual to dress or groom in a manner inconsistent with the individual’s gender identity.”</p> <p>State regulation allows youth to use gender-segregated facilities that are consistent with their gender identity.</p>
<b>Agency Policy</b>	Colorado Office of Children, Youth & Families: <a href="#">The Rights of Youth in Foster Care (Ages 14 to 18)</a>	<p>Agency policy protects the rights of youth in foster care, such as stating that they:</p> <ol style="list-style-type: none"> <li>(a) “...have the right to be treated with respect and dignity.”</li> <li>(b) “...have a right to fair and equal access to services, placement, care, treatment and benefits based on your treatment plan.”</li> <li>(c) “...have a right to not be discriminated against or harassed based on your race, ethnic group, national origin, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.”</li> </ol>



## Connecticut

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	<a href="#">Conn. Gen. Stat. §46a-60, §46a-71</a>	State law prohibits state agencies from discriminating against individuals based on “race, color, religious creed, sex, gender identity or expression, marital status, age, national origin, ancestry, intellectual disability, mental disability, learning disability or physical disability, including, but not limited to, blindness.”
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<a href="#">Policy 30-9, Non-Discrimination of LGBTQQIAA Individuals</a>	Connecticut Department of Children & Families has a non-discrimination policy that protects all individuals who identify themselves as Lesbian, Gay, Bisexual, Transgender, Questioning, Queer, Intersex, Asexual and Ally (LGBTQQIAA) from discriminatory treatment. This policy extends to children and youth in care as well as mentors, biological or foster parents, or applicants wishing to become a mentor, foster, or adoptive parent.



## Delaware

**The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">Del. Code § 2522 Rights of children in DSCYF custody</a>	State regulation protects the rights of children in the custody of the Department of Services for Children, Youth and their Families (DSCYF), which includes the following: (a) “To receive water, food, shelter and clothing that is necessary and appropriate for their ages and individual needs” (b) “To be free from abuse or neglect” (c) “To have the opportunity to participate in age-appropriate or developmentally-appropriate activities and experiences to promote healthy development, and to have those opportunities explained to them in an age- and developmentally-appropriate manner, consistent with the reasonable and prudent parent standard.”
<b>Agency Policy</b>	Department of Services for Children, Youth and Their Families: <a href="#">Policy Manual</a>	DSCYF’s policy manual states the following nondiscrimination statement, “The State of Delaware does not discriminate or deny services on the basis of race, religion, color, national origin, sex, disability and/or age.”



## District of Columbia

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	<a href="#">D.C. Code Ann. § 2-1401.01</a>	District law prohibits discrimination based on “race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, and place of residence or business.”
	<a href="#">D.C. Code Ann. § 4-1303.72</a>	District law requires that youth in foster care be informed of their rights and are given information for reporting rights violations.
	<a href="#">D.C. Code Ann. § 2-1402.73</a>	District law prohibits a “District government agency or office to limit or refuse to provide any facility, service, program, or benefit to any individual on the basis of an individual’s actual or perceived: race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, disability, matriculation, political affiliation, source of income, or place of residence or business.”
<b>State Regulation</b>	<a href="#">D.C. Mun. Regs. tit. 29, § 6004</a>	District regulation protects foster children living in foster homes from “discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, and place of residence or business.” (See D.C. Code Ann. 2-38 § 2-1401.01)
	<a href="#">D.C. Mun. Regs. tit. 29, § 6203</a>	District regulation protects the rights of residents in youth shelters, runaway shelters, emergency care facilities, and youth group homes, and states that they are not to be discriminated on “the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, familial status, family responsibilities, matriculation, political affiliation, disability, source of income or place of residence or business.”
<b>Agency Policy</b>	<a href="#">Child and Family Services Agency Policy: Gender Identity and Expression</a>	DC’s Child and Family Services Agency complies with state laws and regulations to create more affirming spaces and prohibit discrimination against an individual based on gender identity or expression.
	<a href="#">District of Columbia: Bill of Rights for Children and Youth in Foster Care</a>	Agency policy outlines the rights of children and youth in foster care and states, “You have a right to fair treatment and respect. No one may scare, bully, or abuse you. No one may punish you with hitting or other violence. No one may refuse to help you or disrespect you because of your race, color, religion, appearance, sexual orientation, or disability.”



# Florida

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	<a href="#">Fla. Stat. Ann. § 760.1</a> , “Florida Civil Rights Act”	The Florida Civil Rights Act protects against discrimination based on “race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status...”
<b>State Regulation</b>	<a href="#">Fla. Admin. Code Ann. Reg. 65C-14.001</a>  <a href="#">Fla. Admin. Code &amp; Fla. Admin. Reg. 65C-14.018</a>  <a href="#">Fla. Admin. Code &amp; Fla. Admin. Reg. 65C-14.021</a>  <a href="#">Fla. Admin. Code &amp; Fla. Admin. Reg. 65C-14.023</a>  <a href="#">Fla. Admin. Code &amp; Fla. Admin. Reg. 65C-14.040</a>	<p>In addition to other terms, state regulation defines the following terms:</p> <p>(a) “Gender or gender identity means a person’s internal identification or self-image as male or female. Gender identity may or may not correspond to the gender that is listed on the person’s birth certificate. The terms male, female, or non-binary describes how a person identifies.</p> <p>(b) Gender expression refers to the way a person expresses gender through appearance, dress, grooming habits, mannerisms and other characteristics.</p> <p>(c) Sexual orientation means a person’s emotional or physical attraction to members of the same gender, a different gender, or any gender.</p> <p>(d) Transgender means having a gender identity that is different than the person’s gender listed on the person’s birth certificate.”</p> <p>Among other things, state regulation declares that child care agencies need to</p> <p>(a) Provide “...training in personal care, hygiene, and grooming appropriate to a child’s age, gender, gender expression, race, culture and development.”</p> <p>(b) Allow a child to possess and bring personal belongings without restricting items based on the child’s gender identity or expression.</p> <p>Among other prohibitions, state regulation prohibits facility staff from:</p> <p>(a) “Engage in discriminatory treatment or harassment on the basis of a child’s race, national origin, religion, gender, gender expression, sexual orientation, or disability, or any other characteristic.”</p> <p>(b) “Permit harassment or bullying of children by staff or other youth based on their race, national origin, religion, gender, gender expression, sexual orientation, sexual orientation, disability, or any other characteristic.”</p> <p>(c) “Attempt to change or discourage a child’s sexual orientation, gender identity, or gender expression.”</p> <p>State regulations mandates that a child-caring agency ensure staff members working directly with children receive at least 40 hours of training activities—of which includes sexual orientation, gender identity, and gender expression—during each fully year of employment.</p> <p>State regulation states that:</p> <p>(a) “For transgender youth, a determination whether the youth should be placed with their gender listed on their birth certificate or their identified gender. Factors to be considered shall include:</p> <ol style="list-style-type: none"> <li>1. The physical safety of the transgender youth,</li> <li>2. The emotional well-being of the transgender youth,</li> <li>3. The youth’s preference,</li> <li>4. The recommendation of the youth’s guardian ad litem,</li> <li>5. The recommendation of the youth’s parent, when parental rights have not been terminated,</li> <li>6. The recommendation of the youth’s case manager; and,</li> <li>7. The recommendation of the youth’s therapist, if applicable.</li> </ol>



## Florida, cont'd

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Regulation</b>		<p>(b) “No child shall be denied services by any child-placing agency based on race, religion, gender, gender expression, sexual orientation, or transgenderism. A child-placing agency has the obligation to place each child in the most suitable setting according to that child’s individual needs, taking into account the capacity of the placement to meet the child’s needs, and the needs of the other children already placed in that setting.”</p> <p>(c) “The child-caring agency shall provide prior to or at admission an orientation to living in the facility for each child and the child’s parent or guardian or child-placing agency staff. The orientation shall include the following:</p> <ol style="list-style-type: none"><li>1. Rules of the facility;</li><li>2. Expectations for the caregivers;</li><li>3. Expectations for the child;</li><li>4. Services offered;</li><li>5. Behavior management practices; and,</li><li>6. The inherent diversity of group home populations, including race, ethnicity, gender, religion, sexual orientation, gender expression, and transgenderism.</li></ol>
<b>Agency Policy</b>	None Found	None Found



## Georgia

The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<a href="#">Georgia Division of Family and Children Services (DFCS)</a>	Civil rights prohibits the DFCS from discriminating "...based on race, color, national origin, disability, age, sex, and in some cases religion or political beliefs."



# Hawaii

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<p><a href="#">Policy No. 4.10.1. Discrimination Complaints Policy</a></p> <p><a href="#">Hawaii Department of Human Services Nondiscrimination Notice</a></p>	<p>Hawaii’s Department of Human Services states that “It is the policy of the DHS to assure a work and service environment free from discriminatory practices for all department employees, applicants for employment, applicants for participation in the DHS programs, and participants in DHS programs. The work and service environments shall be without discrimination, retaliation for having filed a complaint, and/or harassment on the basis of age, arrest/court records, breastfeeding, child support assignment, citizenship, credit history, disability (physical or mental), domestic/sexual violence victim status, genetic information, National Guard absence, national origin/ancestry, political belief, race or color, religion, relationship status, sex/gender (expression or identity), sexual orientation, veteran status, retaliation for filing a complaint or participating in complaint process, and harassment based on one or more of the protected factors listed here or might be added to law periodically.”</p> <p>Hawaii’s Department of Human Services has issued a Nondiscrimination statement that states the following, “In accordance with federal and state laws, U.S. Department of Agriculture (USDA), and U.S. Department of Health and Human Services (USHHS) policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex/gender (expression or identity), age or disability. Under the Supplemental Nutrition Assistance Program (SNAP), discrimination is prohibited also on the basis of religion or political beliefs.”</p>



## Idaho

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<a href="#">Idaho Youth in Care Bill of Rights</a>	The Idaho Youth in Care Bill of Rights protects youth from being discriminated "...based on race, color, national origin, ancestry, gender, gender identity, and gender expression, religion, sexual orientation, physical and mental disability, and the fact that they are in foster care."



## Illinois

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, and gender identity.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">89 Ill. Adm. Code 309.20</a>  <a href="#">89 Ill. Adm. Code 401.500(e)</a>	<p>State regulations defines “Best interests” through the “...consideration of the following factors in the context of the child's age and developmental needs”, which includes</p> <ul style="list-style-type: none"> <li>(a) “the physical safety and welfare of the child, including food, shelter, health, and clothing;</li> <li>(b) “the development of the child’s identity”</li> <li>(c) “the child’s background and ties, including familial, cultural, and religious”</li> </ul> <p>Among other prohibitions, state regulation declares that child welfare agencies that provide adoption services should “prohibit discrimination against any child, birth parent, foster parent or prospective adoptive parent on the basis of race, religion, gender, or ethnicity.”</p>
<b>Agency Policy</b>	<a href="#">Illinois Foster Child and Youth Bill of Rights</a>	<p>The Illinois Foster Child and Youth Bill of Rights protects children and youth in foster care by outlining the following rights among many others:</p> <ul style="list-style-type: none"> <li>(a) “To be free from discrimination or harassment on the basis of actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.”</li> <li>(b) “To have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to and best practices for serving lesbian, gay, bisexual, and transgender youth in out-of-home-care.”</li> </ul>



# Indiana

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, and gender identity.**

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<p><a href="#">Indiana Bill of Rights for Youth in Care</a></p> <p><a href="#">Indiana Child Welfare Manual</a> Chapter 2, Section 6</p> <p>Chapter 5, Section 3</p> <p>Chapter 11, Section 4</p> <p>Chapter 11, Section 9</p> <p><a href="#">Indiana Department of Child Services Code of Conduct</a></p>	<p>The Indiana Bill of Rights for Youth in Foster Care protects youth from being "... discriminated against based on our race, color, religion, sex, gender, age, mental or physical disability, national origin, marital status, familial status, political views, financial situation, sexual orientation, or gender identity." And states that they "...have the right to learn about these things in a safe and supportive environment."</p> <p>In Indiana's most recent Child Welfare Manual, the following policies are in place to protect youth:</p> <p>(a) Maintaining Confidentiality for Youth: "DCS employees should ensure that information that has potential to cause safety and wellbeing issues for youth has been redacted when releasing confidential information. This includes but is not limited to HIV status of either the youth or the parents, sexual orientation (Lesbian, Gay, Bisexual, Transgendered, and Questioning (LGBTQ)). Except for cases where confidential information may be relevant to abuse, neglect, removal, placement or reunification, confidentiality must be maintained."</p> <p>(b) Principles of Cultural Competence: "Respect for the client's family and home is of utmost concern when engaging families. All people, regardless of their race, national origin, economic status, sex, sexual orientation, gender identity, religion, disability, and HIV status deserve to be respected, cared for and supported by field staff, foster families, residential care staff, and/or providers."</p> <p>(c) Indiana Youth Advisory Board (YAB): "The YAB is an inclusive environment for all older youth regardless of race, ethnicity, gender, religion, creed, nationality, disability, sexual orientation, sexual identity, or gender identity."</p> <p>(d) Expectation of the Older Youth and the Voluntary Services Host Home Adult: "Refraining from discriminating against the youth based on race, religion, national origin, gender, disability, ethnicity, sexual or gender identity, or sexual orientation"</p> <p>The Indiana Department of Child Services (DCS) states the following in its code of conduct:</p> <p>(a) "DCS staff will be respectful, understanding of and sensitive to the diverse cultural backgrounds of all individuals with whom DCS interacts. This includes but is not limited to, social diversity and oppression with respect to race, ethnicity, national origin, color, sex, sexual orientation, age, marital status, religion, and mental and physical disability.</p> <p>(b) "DCS staff will not condone or engage in any discrimination on the basis of race, ethnicity, national origin, color, gender, sexual orientation, age, marital status, political belief, religion, or mental or physical disability."</p>



## Iowa

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, and gender identity.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<a href="#">Iowa Department of Human Services Non-Discrimination Policy</a>  <a href="#">Iowa Foster Child and Youth Bill of Rights</a>	<p>The state's Department of Human Services states: "It is the policy of the Iowa Department of Human Services to provide equal treatment in employment and provision of services to applicants, employees and clients without regard to race, color, national origin, sex, sexual orientation, gender identity, religion, age, disability or veteran status; hereafter referred to as protected category."</p> <p>Among others, Iowa has outlined the following rights to protect children and youth:</p> <ul style="list-style-type: none"><li>(a) "I have the right to be treated with respect."</li><li>(b) "I have the right to be safe and well cared for."</li><li>(c) "I have the right to be who I am."</li></ul>



## Kansas

**The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	Kansas Department for Children and Families Prevention and Protection Services <a href="#">Policy &amp; Procedure Manual, 0220</a>	<p>The most recent policy manual by the state's Department for Children and Families Policy states the following non-discrimination statement:</p> <p>"All services shall be in compliance with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990 and K.S.A. 44-1009. No individual/family will be denied services because of race, color, national origin, sex, age, religion and mental or physical disability. The provision of services will be provided based on need and eligibility criteria.</p> <p>Title VI of the Civil Rights Act of 1964 makes it unlawful to discriminate on the basis of a person's race, color, national origin, sex, age, and religion.</p> <p>The Americans with Disability Act of 1990 prohibits discrimination because of a person's mental or physical disability (i.e. blind/visually impaired, deaf/hard of hearing, mobility impairments, speech impairments).</p> <p>K.S.A. 44-1009(a)(3) states, "It shall be unlawful discriminatory practice for any person to refuse, deny, make a distinction, directly or indirectly, or discriminate in any way against persons because of the race, religion, color, sex, disability, national origin or ancestry of such persons in the full and equal use and enjoyment of the services, facilities, privileges and advantages of any institution, department or agency of the State of Kansas or any political subdivision or municipality thereof."</p>



## Kentucky

**The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	<a href="#">KRS § 199.471</a>	State law protects petitions for adoption by prohibiting the cabinet or a licensed child-placing institution or agency from discriminating "...on the basis of the religious, ethnic, racial, or interfaith background of the adoptive applicant, unless contrary to the expressed wishes of the biological parent(s)."
	<a href="#">KRS § 199.898</a>	State law protects children in child-care programs with the following rights: (a) "The right to be free from physical or mental abuse; (b) The right not to be subjected to abusive language or abusive punishment; and (c) The right to be in the care of adults who shall meet their health, safety, and developmental needs."
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<a href="#">Kentucky Cabinet for Health And Family Services: Civil Rights</a>	The Cabinet for Health and Family Services states that it "...does not discriminate against any person on the basis of political beliefs, race, color, national origin, religion, age, disability, or sex. This policy protects the rights of the Cabinet's employees, service applicants and customers. Vendors, agencies and organizations providing services to the Cabinet or its recipients of federally aided programs also must comply with this policy."



## Louisiana

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p><a href="#">La. Admin Code. Tit. 67, pt. V. §7115 Resident Protection A(5)(b)</a></p> <p>§7311 Provider Responsibilities E(5)(b)</p> <p>§7311 Provider Responsibilities G(4)</p> <p>§7515 Youth Protections A(2)</p>	<p>State regulation states “a resident nor child of a resident shall be denied admission, segregated into programs, or otherwise subjected to discrimination on the basis of race, color, religion, national origin, sexual orientation, physical limitations, political beliefs, or any other non-merit factor.”</p> <p>State regulations states “A child shall not be denied admission, segregated into programs or otherwise subjected to discrimination on the basis of race, color, religion, national origin, sexual orientation, physical limitations, political beliefs, or any other non-merit factor.”</p> <p>State regulation requires that “decisions for housing or programming of youth who are perceived to be gay, lesbian, bisexual, or transgender youth on the basis of their actual or perceived sexual orientation shall be made on an individual basis in consultation with the youth and the reasons for the particular treatment shall be documented in the youth’s file.”</p> <p>State regulation protects youth against “...discrimination based on race, national origin, religion, sex, sexual orientation, gender identity, or disability.”</p>
<b>Agency Policy</b>	<p><a href="#">Department of Children &amp; Family Services (DCFS) Policy 2, 2-2</a></p> <p>Department of Children &amp; Family Services: <a href="#">Code of Ethics for Foster Parents</a></p>	<p>DCFS’ statement of policy includes “No persons shall on the basis of age, sex, religion, race, color, national origin, political affiliation, sexual orientation, gender identity or disability (not all prohibited bases apply to all programs) be excluded from participation in; be denied the benefits of; or be subjected to discrimination under any program or activity conducted in this department. DCFS will take appropriate action to ensure that the above will be implemented at all levels of administration.”</p> <p>DCFS of Louisiana partnered with the Louisiana Foster &amp; Adoptive Parent Association and the National Foster Parent Association to introduce a Code of Ethics for foster parents, which includes the following principles:</p> <ul style="list-style-type: none"> <li>(a) “Principle 1: Providing a safe and secure environment”</li> <li>(b) “Principle 2: Providing a loving, nurturing, stable family care environment.”</li> <li>(c) “Principle 3: Modeling healthy family living to help children, youth, and families learn and practice skills for safe and supportive relationships.”</li> <li>(d) “Principle 4: Providing positive guidance that promotes self-respect while respecting culture, ethnicity, sexual orientation, gender identity and expression, and agency policy.”</li> <li>(e) “Principle 11: Arranging activities to meet the child’s individual recreational, cultural, ethnicity, sexual orientation, gender identity and expression, and agency policy.”</li> </ul>



# Maine

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p><a href="#">Code Me. R. tit. 10-144 Ch. 36, § 4</a></p> <p><a href="#">Code Me. R. tit. 10-148 Ch. 9, § 4</a></p>	<p>State regulation requires that licensing of children’s residential care facilities include:</p> <p>(a) “Non-discrimination in providing services. The facility must not refuse admission to any resident on the grounds of race, sex, sexual orientation, religion, disability or ethnic origin. Admissions may be limited if a prospective resident’s needs cannot be met with reasonable accommodation that does not place an undue burden on the facility or constitute a fundamental change in the facility’s program or services.”</p> <p>(b) Policies that protects resident rights, including but not limited to: “Right to be free from discrimination: Residents must be provided services without regard to race, age, national origin, religion, disability, sex, sexual orientation or family composition”</p> <p>State regulation requires the following for the licensing of emergency shelters for children:</p> <p>(a) “If applicable the facility shall adopt a written policy regarding its religious orientation, particular religious practices that are observed, and any admission restrictions based on religion. The policy shall reflect the facility’s consideration for and sensitivity to the racial, cultural, ethnic and religious backgrounds of children in care.”</p> <p>(b) “Staff Recruitment. The facility shall actively recruit and when possible employ qualified personnel broadly representative of the racial and ethnic groups it serves.”</p>
<b>Agency Policy</b>	<p><a href="#">The Department of Health and Human Services</a></p> <p><a href="#">The Office of Child and Family Services Policy, Section I(A)</a></p> <p>Section II(A)</p>	<p>DHHS has issued the following nondiscrimination notice: “The Department of Health and Human Services (“DHHS”) does not discriminate on the basis of disability, race, color, sex, gender, sexual orientation, age, national origin, religious or political belief, ancestry, familial or marital status, genetic information, association, previous assertion of a claim or right, or whistleblower activity, in admission or access to, or the operation of its policies, programs, services, or activities, or in hiring or employment practices.”</p> <p>According to agency policy:</p> <p>Parent and caretakers have the following rights: to have the cultural background and heritage respected.</p> <p>(a) To express and practice religious and spiritual beliefs.</p> <p>(b) To request information in the family’s native language or in Braille, or to request an interpreter in the native language or in American Sign Language.</p> <p>(c) To receive communication assistance the client has special needs and difficulty making service needs known, including help with reading and writing.</p> <p>(d) To refuse any service, treatment, or medications, unless mandated by law or court order, and to be informed about the consequences of such refusal.</p> <p>The procedure statement for permanency includes but is not limited to:</p> <p>(a) “Honor the cultural, racial, ethnic, linguistic, and religious/spiritual backgrounds of young people and their families and respect differences in sexual orientation and gender identity.”</p>



## Maine, cont'd

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>Agency Policy</b>	Section VIII(A)  <a href="#">The Maine Youth in Care Bill of Rights</a>	Standards for foster care licensing and adoption approval includes “The relationship within the prospective family shall be positive and meet the social, emotional, and developmental needs, including the child’s cultural, religious, ethnic and racial background. The prospective family will provide opportunities for continued exposure and growth in those areas.”  Among other rights, Maine’s Bill of Rights protects youth’s right: (a) To their own identity, values, freedom to express their emotions, hopes, plans and goals, religion/spirituality. (b) To learn about their sexuality in a safe and supportive environment. (c) To receive care and services that are free of discrimination based on race, color, national origin, ancestry, gender, gender identity and gender expression, religion, sexual orientation, physical and mental disability, and the fact that they are in foster care.



## Maryland

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">Md. Code Regs. 10.57.05.03(C)</a>	Under the Code of Ethics, state regulation states that a certified residential child care program administrator or certified residential child and youth care practitioner may not: (a) "Practice, condone, or facilitate discrimination, or collaborate to discriminate on the basis of race, color, sex, sexual orientation, age, religion, national origin, marital status, political belief, disability, or other preference or personal characteristic, condition, or status with an individual or group of individuals" (b) "Engage or participate in an action that violates or diminishes the civil or legal rights of a client."
<b>Agency Policy</b>	<a href="#">Youth Bill of Rights</a>  <a href="#">Youth Matter: Out-of-Home Placement Program Handbook for Maryland's Youth in Foster Care</a>	The Department of Human Services outlines a list of rights for youth age 13 and older, which includes: (a) "...fair treatment, whatever your gender, gender identity, race, ethnicity, religion, national origin, disability, medical needs, and/or sexual orientation." (b) "To fair and equal access to available services, placements, care, treatment, and benefits."  The Out-of-Home Placement Program Handbook provides information and resources for foster youth who are entering or already in care. The handbook also details the rights that LGBTQ youth have while in care. They include the following: (a) "Gender Presentation: As long as you are dressed appropriately, you can wear the clothing, accessories, and/or hairstyle that suits your gender identity (i.e. someone born male has a right to wear a dress, someone born female has a right to wear men's clothing). (b) Gender Identity: Everyone is assigned a sex (male or female) at birth, but that doesn't always mean that we identify with that sex. You have the right to openly identify as whatever gender you are. Check out our terms and definitions section for information about gender and sex."



# Massachusetts

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p><a href="#">110 Code of Massachusetts Regulations (CMR) 1.09</a></p> <p><a href="#">110 CMR 7.104</a></p> <p><a href="#">Executive Order 526</a>, signed by Governor Deval L. Patrick</p>	<p>State regulations require the following:</p> <p>(a) “No applicant for or recipient of Department services shall, on the ground of race, creed, color, religion, age, ancestry, marital status, sex, sexual orientation, language, disability, veteran status, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination in connection with, any service, program, or activity administered or provided by the Department.”</p> <p>(b) “The Department shall not deny to any person the opportunity to become an adoptive or foster parent, on the basis of the race, creed, color, religion, age, ancestry, marital status, sex, sexual orientation, language, disability, veteran status or national origin of the person, or of the child, involved; or delay or deny the placement of a child for adoption or into foster care, on the basis of the race, color or national origin of the adoptive or foster parent, or the child, involved.”</p> <p>State regulation requires that in order for a person to be licensed as a foster or pre-adoptive parent, they must be able to meet the listed standards which includes the ability “to promote the physical, mental, and emotional well-being of a child placed in his or her care, including supporting and respecting a child’s sexual orientation or gender identity.”</p> <p>The executive order requires the following:</p> <p>(a) Section 4: “All programs, activities, and services provided, performed, licensed, chartered, funded, regulated, or contracted for by the state shall be conducted without unlawful discrimination based on race, color, age, gender, ethnicity, sexual orientation, gender identity or expression, religion, creed, ancestry, national origin, disability, veteran’s status (including Vietnam-era veterans), or background.”</p> <p>(b) Section 6: “All state agencies shall exclude from any forms requesting information any item or inquiry expressing or soliciting specifications as to race, color, creed, religion, national origin, ethnicity, gender, age, sexual orientation, gender identity or expression, or disability, unless the item or inquiry is expressly required by statute or is deemed by the Massachusetts Commission Against Discrimination, the Massachusetts Office on Disability, the Human Resources Division, or the Office of Diversity and Equal Opportunity to be a bona fide qualification or otherwise required in good faith for a proper purpose.”</p>
<b>Agency Policy</b>	<a href="#">Foster Child Bill of Rights</a>	DCF states that all youth in care are protected by the Foster Child Bill of Rights, developed by the Department’s Youth Advisory Board, which states that “Every Foster Child: Shall be treated with respect by DCF staff, foster parents and providers without regard to race, ethnicity, sexual orientation, gender identity, religion, and/or disability.”



## Michigan

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	Michigan Department of Health & Human Services: <a href="#">Nondiscrimination Statement</a>	The Agency has issued the following statement, “The Michigan Department of Health and Human Services (MDHHS) does not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, genetic information, sex, sexual orientation, gender identity or expression, political beliefs or disability.”



## Minnesota

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, and gender identity.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">Minn. R. 2960.0050</a>  <a href="#">Minn. R. 2960.0080</a>  <a href="#">Minn. R. 2960.3080</a>	<p>State regulation protects the rights of residents in programs for children, including their “right to be free from bias and harassment regarding race, gender, age, disability, spirituality, and sexual orientation.”</p> <p>State regulation requires discipline policy and procedures that protect residents, including protections against “verbal abuse, including, but not limited to: name calling; derogatory statements about the resident or resident's family, race, gender, disability, sexual orientation, religion, or culture; or statements intended to shame, threaten, humiliate, or frighten the resident.”</p> <p>State regulation protects children and youth in foster care by requiring the agency to develop a discipline policy that includes “verbal abuse, including, but not limited to: name calling; derogatory statements about the child or child's family, race, gender, disability, sexual orientation, religion, or culture; or statements intended to shame, threaten, humiliate, or frighten the child.”</p>
<b>Agency Policy</b>	<a href="#">Department of Human Services: Client Rights-Civil Rights</a>	Agency policy protects the civil rights of clients. “The Minnesota Department of Human Services, Equal Opportunity and Access Division, prohibits discrimination in its programs because of race, color, national origin, creed, religion, sexual orientation, public assistance status, age, disability or sex (including sex stereotypes and gender identity under any health program or activity receiving federal financial assistance).”



## Mississippi

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p><a href="#">Code Miss. R. 18-6:1.XII-C</a></p> <p><a href="#">Code Miss. R. 18-6:1.XII-D</a></p> <p><a href="#">Miss. R. 18-6:1.D-XII App'x L</a></p>	<p>State regulation protects and outlines the rights of youth in foster care ages 14 or older, which includes their right “To fair treatment, whatever my gender, gender identity, race, ethnicity, religion, national origin, disability, medical problems, or sexual orientation.”</p> <p>State regulation protects and outlines the rights of children in foster care who are ages 13 or younger, which includes their right “To fair treatment, whatever my gender, gender identity, race, ethnicity, religion, national origin, disability, medical problems, or sexual orientation.”</p> <p>State regulation for the State of Mississippi Department of Human Services Division of Family and Children’s Services (MDHS-DFCS) “...prohibits discrimination and/or the exclusion of individuals from its facilities, programs, activities and services based on the individual person’s race, national origin, color, creed, religion, sex, sexual orientation, age, disability, veteran status, or inability to speak English. A notice of MDHS-DFCS non-discrimination policy will be posted in each county office.”</p>
<b>Agency Policy</b>	<p>Mississippi Department of Child Protective Services (MDCPS)- <a href="#">Section A: Administration</a></p>	<p>The Administration policy handbook outlines the rights of youth, which includes the following:</p> <ul style="list-style-type: none"> <li>(a) “Youth have the right to their own identity, values, freedom to express their emotions, hopes, plans and goals, religion/spirituality.”</li> <li>(b) “Youth have the right to learn about their sexuality in a safe and supportive environment.”</li> <li>(c) “Youth have the most basic right to receive care and services that are free of discrimination based on race, color, national origin, ancestry, gender, gender identity and gender expression, religion, sexual orientation, physical and mental disability, and the fact that they’re in foster care.”</li> </ul>



## Missouri

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">Mo. Ann. Stat. § 210.564</a>	State regulation protects the rights of children and youth in care through the Foster Care Bill of Rights, which includes: (a) “In all circumstances, the best interests of the child shall be the first priority of the children’s division” (b) “Recognizing the importance of familial stability in foster care and adoption placement, it shall be the practice of the children’s division, when appropriate, to support a child’s return to the custody and care of the parents or guardians with whom the child resided immediately prior to state custody” (c) “The children’s division shall work with each child in state custody to develop both a permanency plan and a case plan. These plans shall be developed within twelve months of a child’s entrance into state custody. The permanency plan shall include the child’s immediate and long-term placement goals, while the case plan shall address a child’s specific medical and emotional needs”
<b>Agency Policy</b>	<a href="#">Missouri Department of Social Services (DSS): Nondiscrimination Policy Statement</a>  <a href="#">Division of Youth Services Fundamental Practices (DYS): DYS Policy: Juvenile Rights 6.1</a>	The Department’s nondiscrimination statement states, “DSS applicants for, or recipients of, services from DSS are treated equitably regardless of race, color, national origin, ancestry, sex, age, sexual orientation, disability, veteran status, or religion.”  The agency division outlines “Juvenile Rights” which includes that youth “Not be discriminated against because of race, color, religion, sex, sexual orientation, national origin, disability, or ancestry.”



## Montana

The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">MT. Code Annotated Section 15 Section 49-3-205</a>	State regulation prohibits discrimination in governmental services through the following statement, "All services of every state or local governmental agency must be performed without discrimination based upon race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin."
<b>Agency Policy</b>	Montana Department of Public Health and Human Services: <a href="#">Notice of Non-discrimination</a>	State agency has issued a "Notice of Non-discrimination" which requires staff to comply "...with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. DPHHS does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex."



## Nebraska

The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<a href="#">Notice of Nondiscrimination and Program Accessibility</a>	State agency states that it "...complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, sex, or disability in admission to its programs, services, or activities; in access to them; in treatment of individuals with disabilities; in provision of benefits, in its hiring or employment practices, or in any aspect of their operations."



## Nevada

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	<p><a href="#">Nev. Rev. Stat. Ann. § 432.525</a></p> <p><a href="#">Chapter 9, Assembly Bill No. 99</a></p>	<p>State law protects children in foster care by defining their rights, which includes being free from “Discrimination or harassment on the basis of his or her actual or perceived race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity or expression, mental or physical disability or exposure to the human immunodeficiency virus.”</p> <p>State law has been amended to include the following:</p> <p>(a) “Requires the Division to adopt protocols to ensure that each child in the custody of an agency which provides child welfare services is placed in a manner that is appropriate for the gender identity or expression of the child.”</p> <p>(b) “Requires an agency which provides child welfare services to: (1) follow such protocols when placing a child in an out-of-home placement; and (2) ensure that an out-of-home placement follows such protocols when placing a child within the placement. Sections 3, 4 and 29 require a foster home, foster care agency or facility into which a child alleged to be a child with emotional disturbance who is in the custody of an agency which provides child welfare services is committed to follow such protocols.”</p> <p>(c) “The holder of a license to operate a foster care agency shall ensure that each member of the staff of the foster care agency who comes into direct contact with a child placed by the foster care agency receives, within 90 days after employment and annually thereafter, training that has been approved by the licensing authority concerning working with lesbian, gay, bisexual, transgender, and questioning children.”</p>
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<a href="#">Nevada’s Foster Youth Bill of Rights</a>	The Division of Child and Family Services outlines the rights of children and youth in foster care, and includes the following statement, “If you believe that your rights have been violated or that you are being treated differently because of your race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability or exposure to HIV, you have the right to have any violations resolved.”



## New Hampshire

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, and gender identity.

	Title	Description
<b>State Statute</b>	<a href="#">NH Senate Bill 385</a>	State law outlines and protects the rights of children in foster care, which includes the right “To be treated with courtesy and respect by department staff, foster parents, residential staff, and providers without regard to race, ethnicity, sexual orientation, gender identity, religion, or disability and to participate in activities associated with his or her religious beliefs.”
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<a href="#">Youth Bill of Rights</a>  New Hampshire Department of Health and Human Services: <a href="#">Non-Discrimination Policy</a>	The New Hampshire Youth Advisory Board under the Division for Children, Youth, and Families (DCYF) developed a Bill of Rights to protect the rights of youth in out-of-home care. These rights include the right “To be treated with courtesy and respect by DCYF staff, foster parents, residential staff, and providers without regard to race, ethnicity, sexual orientation, gender identity, religion, and/or disability.”  The Department of Health and Human Services has issued the following nondiscrimination statement: “The New Hampshire Department of Health and Human Services, does not discriminate against people because of their age, sex, race, creed, color, marital status, familial status, physical or mental disability, religion, national origin, sexual orientation or political affiliation or belief. There will be no discrimination in accepting or providing services, or the admission or access to, or treatment or employment in, any of the Department’s programs or activities.”



## New Jersey

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<p>New Jersey Department of Children and Families, <a href="#">LGBTQI Policy</a></p> <p>New Jersey Department of Children and Families, <a href="#">CP&amp;P Mission, Vision, and Goals</a></p> <p>Department of Children and Families Division of Child Protection and Permanency (CP&amp;P) <a href="#">Bill of Rights</a></p>	<p>Agency policy has issued an LGBTQI policy “...to provide and ensure a safe, healthy, and inclusive environment for all the children, youth, and families we serve. This policy applies to every child, youth, and/or family member(s) who identify as lesbian, gay, bisexual, transgender, questioning, and intersex (LGBTQI).” The agency policy also requires staff to recruit, train, and retain parents or caregivers who are LGBTQI affirming, and are required to use the pronouns that each youth prefers to identify with.</p> <p>Agency policy requires the Division of Child Protection and Permanency to follow 12 principles, one of which is to ensure that “Services are culturally competent. Assessing, planning, decision-making, and delivering services must occur within the cultural context of the family. The child welfare service system must operate in a way that is compatible with the customs, behaviors, and beliefs of members of distinct groups. It must respect diversity in culture, religion, race, ethnicity, gender, sexual orientation, gender identity or gender expression, affectional orientation, and economic status. It is the practice of the Division of Child Protection and Permanency to create welcoming and inclusive environments for all youth. CP&amp;P prohibits discrimination based on an individual's sexual orientation, gender identity, or gender expression. The CP&amp;P practice of inclusion extends to service delivery. Therefore, heterosexual, lesbian, gay, bisexual, transgender, questioning and intersexed youth are provided with equal access to all available services, including placement, care, and treatment.”</p> <p>Agency policy protects and outlines the rights of children, which includes the following:</p> <ul style="list-style-type: none"> <li>(a) “To be who you are. To be able to express yourself as an individual in a respectful and meaningful way.”</li> <li>(b) “To be involved in making decisions that affect your life, and to express your views about your placement.”</li> <li>(c) “To receive adequate food, proper clothing, and safe shelter.”</li> </ul>



## New Mexico

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p><a href="#">N.M. Admin. Code 8.10.8.10</a></p> <p><a href="#">N.M. Admin. Code 8.26.2.12</a></p> <p><a href="#">N.M. Admin. Code 8.26.2.13</a></p> <p><a href="#">N.M. Admin. Code 8.26.2.21</a></p> <p><a href="#">N.M. Admin. Code 8.26.5.15</a></p> <p><a href="#">N.M. Admin. Code 8.26.5.18</a></p>	<p>For out-of-home placement, state regulation states that “The placement of a child into foster care shall not be delayed or denied on the basis of the race, color, sexual orientation, gender identity or national origin of the foster parent, or the child involved.”</p> <p>Under “Roles and Responsibilities of Foster Parents”, state regulation states that “Prohibited forms of discipline shall include, but are not limited to the following: corporal punishment such as shaking, spanking, hitting, whipping, or hair or ear pulling; isolation; forced to exercised; denial of food, sleep or approved visits or contact with parent; verbal assaults which subject the child to ridicule or which belittle the child or the child’s family, gender, race, religious preference, sexual orientation or cultural identity. The child shall not be excluded from the foster family and shall not be threatened with exclusion from the foster home as punishment. The child shall not be locked in a room or closet.”</p> <p>State regulation requires that foster parents apply the reasonable and prudent standard while considering “the desires of the child including, but not limited to, cultural identity, spiritual identity, gender identity, and sexual orientation”</p> <p>Under “Best Interest Adoption Placement”, state regulation states that “The placement of a child shall not be delayed or denied based on the race, color, sex, gender identity, sexual orientation, mental or physical handicap, ancestry, or national origin of the adoptive parent or child involved.”</p> <p>Under “Agency Operations”, state regulation requires that “Agencies who receive state or federal monies, shall not discriminate against applicants, clients, or employees based on race, religion, color, national origin, ancestry, sex, age, physical or mental handicap, or serious medical condition, spousal affiliation, sexual orientation or gender identity.”</p> <p>Under “Agency Policies and Procedures”, state regulation requires that agencies develop policies and procedures that address having to “educate prospective and current foster or adoptive families on how to create a safe and supportive home environment for youth in foster care regardless of their sexual orientation, gender identity or gender expression.”</p>
<b>Agency Policy</b>	<a href="#">New Mexico Foster Child and Youth Bill of Rights</a>	<p>Agency policy protects the rights of children in foster care which includes but is not limited to:</p> <ul style="list-style-type: none"> <li>(a) “To live in a safe, healthy and comfortable home where you are treated with respect.”</li> <li>(b) “To have foster parents who are screened, trained and licensed, and who receive adequate support and supervision from CYFD and/or private agencies.”</li> <li>(c) “To participate in extracurricular, cultural, spiritual and personal enrichment activities.”</li> </ul>



## New York

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	Title	Description
<b>State Statute</b>	<a href="#">NY CIV RTS § 40-C, "Discrimination"</a>	New York states the following nondiscrimination statement, "No person shall, because of race, creed, color, national origin, sex, marital status, sexual orientation, gender identity or expression, or disability, as such term is defined in section two hundred ninety-two of the executive law, be subjected to any discrimination in his or her civil rights, or to any harassment, as defined in section 240.25 of the penal law, in the exercise thereof, by any other person or by any firm, corporation or institution, or by the state or any agency or subdivision of the state." (Effective until February 24, 2019).
<b>State Regulation</b>	<a href="#">N.Y. Comp. Codes R. &amp; Regs. tit. 18, § 441.24</a>  <a href="#">N.Y. Comp. Codes R. &amp; Regs. tit. 18, § 423.4</a>  <a href="#">N.Y. Comp. Codes R. &amp; Regs. tit. 18, § 421.3</a>  <a href="#">N.Y. St. Reg. CFS-32-13-00007-A</a>	<p>State regulation for the Department of Social Services states, "Authorized agency staff and volunteers shall not engage in or condone discrimination or harassment against prospective foster parents, foster parents or foster children on the basis of race, creed, color, national origin, age, sex, religion, sexual orientation, gender identity or expression, marital status, or disability. Authorized agencies shall promote and maintain a safe environment, take reasonable steps to prevent discrimination and harassment against youth by other youth, promptly investigate incidents of discrimination and harassment by staff, volunteers and youth, and take reasonable and appropriate corrective or disciplinary action when such incidents occur. Certified or approved foster parents shall not engage in discrimination or harassment against foster children on the basis of race, creed, color, national origin, age, sex, religion, sexual orientation, gender identity or expression, marital status, or disability, and shall promote and maintain a safe environment."</p> <p>State regulation states, "Staff and volunteers of agencies providing preventive services shall not engage in discrimination or harassment of families receiving preventive services on the basis of race, creed, color, national origin, age, sex, sexual orientation, gender identity or expression, marital status, religion, or disability."</p> <p>State regulation states that as a general requirement, agencies that are authorized to provide adoption services must "prohibit discrimination and harassment against applicants for adoption services on the basis of race, creed, color, national origin, age, sex, sexual orientation, gender identity or expression, marital status, religion, or disability, and, shall take reasonable steps to prevent such discrimination or harassment by staff and volunteers, promptly investigate incidents of discrimination and harassment, and take reasonable and appropriate corrective or disciplinary action when such incidents occur. For the purposes of this section, gender identity or expression shall mean having or being perceived as having a gender identity, self-image, appearance, behavior or expression whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the sex assigned to that person at birth. Gender identity refers to a person's internal sense of self as male, female, no gender, or another gender, and gender expression refers to the manner in which a person expresses his or her gender through clothing, appearance, behavior, speech, and other means."</p> <p>State regulation prohibits the Office of Children and Family Services to discriminate "...on the basis of sexual orientation, gender identity or expression in essential social services."</p>



## New York, cont'd

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>Agency Policy</b>	<a href="#">New York State Office of Children &amp; Family Services: Lesbian, Gay, Bisexual, Transgender, and Questioning Youth (PPM 3442.00)</a>	New York State policy states, "It shall be the policy of the New York State Office of Children and Family Services (OCFS) to maintain and promote a safe environment for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth in OCFS operated residential and after-care programs. All OCFS staff, volunteers and contract providers are prohibited from engaging in any form of discrimination against or harassment of youth on the basis of actual or perceived sexual orientation, gender identity, and gender expression. OCFS is committed to providing a healthy and accepting setting for all youth placed in its facilities and after-care programs by training staff and educating youth to respect each individual. Any discrimination against or harassment of youth, including by other youth, will not be tolerated. The provision of services within OCFS facilities and programs shall be based on professional standards as found in the New York State Office of Children and Family Services Guidelines for Good Childcare Practices with Lesbian, Gay, Bisexual, Transgender and Questioning Youth (LGBTQ Youth Guidelines) and shall be free of institutional and personal bias. OCFS staff shall recognize and address the individual needs of the youth and shall apply OCFS policies and practices fairly to all youth in our facilities and after-care programs."



## North Carolina

**The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	<a href="#">N.C. Gen. Stat. Ann. § 131D-10.1</a>	State law protects the rights of children in foster care "...to strengthen and preserve the family as a unit consistent with a high priority of protecting children's welfare. When a child requires care outside the family unit, it is the duty of the State to assure that the quality of substitute care is as close as possible to the care and nurturing that society expects of a family."
<b>State Regulation</b>	<a href="#">10A N.C. Admin. Code 70E.1101</a>	Among other rights, state regulation requires foster parents to ensure that each foster child: (a) "Is encouraged to express opinions on issues concerning care" (b) "Is provided care in a manner that recognizes the child's cultural values and traditions" (c) "Is provided the opportunity for spiritual development and is not denied the right to practice his or her religious beliefs"
<b>Agency Policy</b>	The North Carolina Department of Health and Human Services (NCDHHS): <a href="#">Notice Informing Individuals About Nondiscrimination and Accessibility Requirements</a>	Agency policy has issued the following nondiscrimination statement: "The North Carolina Department of Health and Human Services (DHHS) complies with applicable Federal civil rights laws and does not discriminate on the basis of race, color, national origin, age, disability, or sex. DHHS does not exclude people or treat them differently because of race, color, national origin, age, disability, or sex."



## North Dakota

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">N.D. Admin. Code 75-03-36-35</a>	State regulation requires child-placing agencies to provide services “... without discrimination on the basis of race, color, national origin, religion, or sexual orientation.”
<b>Agency Policy</b>	<p>North Dakota Department of Human Services: <a href="#">Nondiscrimination Statement</a></p> <p>Children &amp; Family Services Division:</p> <p><a href="#">North Dakota Foster Care Handbook for Youth</a></p> <p><a href="#">North Dakota Foster Parent Handbook</a></p>	<p>The Department of Human Services has provided the following nondiscrimination policy, “Discrimination means treating someone differently because of a particular characteristic such as race, color, sex, age, disability, or religion. North Dakota Department of Human Services (DHS) makes available all services and assistance without regard to race, color, sex, age, disability, national origin, religion, political beliefs, or status with respect to marriage or public assistance. These laws must be followed by persons who contract with or receive funds to provide services for DHS, including the state’s eight regional human service centers, the State Hospital, the Developmental Center, and county social services.”</p> <p>State agency handbook for youth and parents outlines the rights of youth in foster care, which includes having the right to “Be treated fairly and without discrimination or put-downs because of your race, gender, age, sexual orientation, disabilities, or religious beliefs.”</p>



## Ohio

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p>Ohio Admin. Code <a href="#">5101:2-5-20</a></p> <p><a href="#">5101:2-5-35</a></p> <p><a href="#">5101:2-7-09</a></p>	<p>During initial application and completion of the foster care home study, state regulation prohibits “A public children services agency (PCSA), private child placing agency (PCPA) or private noncustodial agency (PNA) acting as a representative of the Ohio department of job and family services (ODJFS)” from considering “...the age, gender, sexual identity, sexual orientation, or religion of a child that may be placed with the foster caregiver in determining whether the applicant be certified as a foster caregiver or whether to place a child with the foster caregiver.”</p> <p>State regulation protects and outlines the rights of children in care which includes the following:</p> <ul style="list-style-type: none"> <li>(a) “The right to enjoy freedom of thought, conscience, and religion or to abstain from the practice of religion.</li> <li>(b) “The right to reasonable enjoyment of privacy.”</li> <li>(c) “The right to have his or her opinions heard and be included, to the greatest extent possible, when any decisions are being made affecting his life.”</li> </ul> <p>State regulation requires the following standards for providing care, supervision, and discipline:</p> <ul style="list-style-type: none"> <li>(a) “A foster caregiver shall not discriminate in providing care and supervision to foster children on the basis of race, sex, gender, sexual identity, sexual orientation, religion, color or national origin.”</li> <li>(b) “A foster caregiver shall not subject a foster child to verbal abuse or swearing; to derogatory remarks about foster children and their families, races, sex, gender, sexual identity, sexual orientation, religion, color or national origin; or to threats of physical violence or removal from the foster home.”</li> <li>(c) “Concerning the hygiene needs of a foster child, the foster caregiver shall: <ul style="list-style-type: none"> <li>(1) Ensure that: <ul style="list-style-type: none"> <li>(A) Each foster child's clothing and footwear shall be clean, well-fitting, seasonal and appropriate to the child's age and gender identity.</li> <li>(B) Each foster child capable of meeting their own personal hygiene needs shall be provided with adequate personal toiletry supplies appropriate to the child's age, sex, gender, sexual identity, sexual orientation, race and national origin.</li> </ul> </li> <li>(2) Provide each foster child instruction on good habits of personal care, hygiene, and grooming appropriate to the child's age, sex, gender, sexual identity, sexual orientation, race, national origin, and need for training.”</li> </ul> </li> </ul>
<b>Agency Policy</b>	None Found	None Found



## Oklahoma

The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">Oklahoma Admin. Code 340:1-11-14.</a>  <a href="#">340:75-7-38</a>	<p>State regulation requires Oklahoma’s Department of Human Services (DHS) to prohibit against discrimination with its vendors, contractors, and sub-grantees by stating the following, “In each DHS-written authorization for the purchase of services, a requirement is included stipulating the services are rendered without regard to race, color, religion, sex, national origin, or disability, age, or genetic information.”</p> <p>State regulations protects children in foster family care by outlining unacceptable punishment methods, including, “derogatory remarks about the child, the child’s biological family, race, religion, or cultural background.”</p>
<b>Agency Policy</b>	Oklahoma Department of Human Services, <a href="#">Non-Discrimination Statement</a>	State agency prohibits discrimination “...based on race, color, sex, age, disability, national origin, religion, or political opinion or affiliation.”



## Oregon

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<p>Oregon Department of Human Services, Children, Adults and Families  <a href="#">Policy No. I-A.1, Client Rights - Policy</a></p> <p><a href="#">Oregon Foster Children's Bill of Rights</a></p>	<p>Oregon's Department of Human Services prohibits discrimination and states, "No individual shall, on the grounds of race, national origin, religion, marital status, gender, sexual orientation, age, citizenship, political affiliation, language or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs and activities for which the Department of Human Services has responsibility."</p> <p>Oregon's Department of Human Services outlines and protects the rights of children in foster care, which includes their right</p> <ul style="list-style-type: none"> <li>(a) "Clean and appropriate clothes that fit me and correspond to a gender identity of my choice."</li> <li>(b) "To be included in discussions and make decisions about my own body and my physical or mental health."</li> <li>(c) "To receive respect, be nurtured, and attend activities in accordance with my background, religious heritage, race, and culture within reasonable guidelines. To be allowed to dress and groom myself according to my culture, identity and within good hygiene standards for my health."</li> <li>(d) "To determine and express my gender and sexual identity for myself."</li> </ul>



## Pennsylvania

The state protects youth in child welfare from discrimination based explicitly on sexual orientation.

	Title	Description
<b>State Statute</b>	<a href="#">11 Pa. Stat. Ann. § 2633</a>	State law protects children in foster care "...from discrimination because of race, color, religion, disability, national origin, age or gender."
<b>State Regulation</b>	<a href="#">55 Pa. Code § 3800.32</a>	State regulation outlines children's rights which includes, "A child may not be discriminated against because of race, color, religious creed, disability, handicap, ancestry, sexual orientation, national origin, age or sex."
<b>Agency Policy</b>	None Found	None Found



## Rhode Island

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	<a href="#">R.I. Gen. Laws § 42-72-15</a>	Through the Children's Bill of Rights, state law states, "No child shall be discriminated against on the basis of race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status or mental, physical, developmental, or sensory disability, or by association with an individual or group who has, or is perceived to have one, or more of such characteristics."
<b>State Regulation</b>	<a href="#">R.I. Code R. 214-10-00-1:1.14</a>	State regulation states protects the rights of children and youth through the following: (a) "Each program or activity for which the Department receives federal financial assistance is operated in accordance with this section. No individual, on the grounds of race, color, national origin, age, handicap (including impaired vision or hearing), sex, sexual orientation, religious belief, or political belief, is excluded from participation in, denied the benefits of, or subjected to discrimination under any of the Department's programs or activities. The prohibition against discriminatory practices extends also to services purchased or obtained by the Department for other agencies, organizations, and institutions; for the beneficiaries of the program; and for the treatment of clients in facilities in which such services are provided." (b) "The Department strictly prohibits discrimination on the basis of actual or perceived race, color, religion, ancestry, national origin, age, gender, sexual orientation, gender identity or expression, socioeconomic status or disability or by association with an individual or group who has or is perceived to have one or more of such characteristics." (c) "The Department requires staff and service providers to respect the dignity of lesbian, gay, bisexual, transgender, queer, questioning and intersex (hereinafter, LGBTQQI) youth. The Department, its staff, providers, interns and/or volunteers offer services and interventions to youth without regard to actual or perceived sexual orientation, gender identity or expression. LGBTQQI youth receive fair and equal treatment in a professional and confidential manner based on Department policy, state and federal law and regulation and principles of sound professional practice, including culturally competent mental health and medical care. LGBTQQI youth are protected from verbal, physical and/or sexual harassment or assault based on actual or perceived sexual orientation, gender identity, or expression."
<b>Agency Policy</b>	Rhode Island Department of Children, Youth, and Families Department Operating Procedure: <a href="#">Sexual Orientation, Gender Identity, and Expression</a>	Agency regulation states, "The Rhode Island Department of Children, Youth and Families (hereinafter, the Department) strictly prohibits discrimination on the basis of actual or perceived race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity or expression, socioeconomic status or disability or by association with an individual or group who has or is perceived to have one or more of such characteristics. The Department requires staff and service providers to respect the dignity of lesbian, gay, bisexual, transgender, queer, questioning and intersex (hereinafter, LGBTQQI) youth. The Department, its staff, providers, interns and/or volunteers offer services and interventions to youth without regard to actual or perceived sexual orientation, gender identity or expression. LGBTQQI youth receive fair and equal treatment in a professional and confidential manner based on Department policy, state and federal law and regulation and principles of sound professional practice, including culturally competent mental health and medical care. LGBTQQI youth are protected from verbal, physical and/or sexual harassment or assault based on actual or perceived sexual orientation, gender identity or expression."



## South Carolina

**The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p><a href="#">S.C. Code Regs. 114-210</a></p> <p><a href="#">S.C. Code Regs. 114-4370</a></p>	<p>State regulation states, “The Department shall not, directly or through contractual, licensing, or other arrangements:</p> <p>(a) Deny unlawfully to any individual, on the basis of race, color, national origin, qualified disability, sex, age, religion, or political belief, or other unlawful basis, the opportunity to participate in or benefit from the aid of any program administered by it;</p> <p>(b) Aid or perpetuate unlawful discrimination against a client by contracting with, licensing, or otherwise utilizing providers who discriminate on the basis of race, color, national origin, qualified disability, sex, age, religion, political beliefs, or other unlawful basis.”</p> <p>State regulation requires that certification of adoption investigators and persons obtaining consents or relinquishments must follow a code of ethics, which includes, “The certified person must not discriminate on the basis of race, religion, gender, or handicap in professional relationships with clients or colleagues.”</p>
<b>Agency Policy</b>	<p>South Carolina Department of Social Services (DSS): <a href="#">DSS Privacy and Non-Discrimination</a></p> <p>DSS: <a href="#">Children and Youth in Foster Care Bill of Rights</a></p>	<p>State agency policy states, “This Agency is prohibited from discriminating on the basis of race, color, national origin, disability, age, sex, and, in some cases, religion or political beliefs.”</p> <p>Agency policy outlines the rights of children and youth in foster care, including but not limited to:</p> <p>(a) “Be treated as a normal and important human being.”</p> <p>(b) “Be heard and involved with the decisions of my life.”</p> <p>(c) “Complete information and direct answers to my questions about choices, services and decisions.”</p> <p>(d) “Request the support and services that I need.”</p> <p>(e) “Be cared for without regard to race, color, national origin, sex, religion, or disability.”</p>



## South Dakota

The state protects youth in child welfare from discrimination based explicitly on sexual orientation and gender identity.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	South Dakota Department of Social Services (DSS): <a href="#">Notice of Nondiscrimination</a>	DSS states, "As a recipient of Federal financial assistance and a state or local governmental agency, the Department of Social Services does not exclude, deny benefits to or otherwise discriminate against any person on the ground of race, color, or national origin, or on the basis of disability or age in admission or access to, or treatment or employment in, its programs, activities or services, whether carried out by the Department of Social Services directly or through a contractor or any other entity with which the Department of Social Services arranges to carry out its programs and activities; or on the basis of actual or perceived race, color, religion, national origin, sex, gender identity, sexual orientation or disability in admission or access to, or treatment or employment in, its programs, activities or services when carried out by the Department of Social Services directly or when carried out by sub-recipients of grants issued by the United States Department of Justice, Office on Violence against Women."



## Tennessee

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<p>State of Tennessee Department of Children’s Services, <a href="#">Administrative Policies and Procedures: 20.20</a></p> <p>Department of Children’s Services, <a href="#">Client’s Rights Handbook</a></p>	<p>Agency policy has provided “...guidelines and operational practices for employees and providers who work with LGBTI children/youth to ensure appropriate and equal treatment is provided to protect the safety and well-being of all children/youth in their care.” State agency also states the following, “DCS is committed to providing all youth and families served a safe, healthy, inclusive, and affirming environment. ALL DCS employees and persons are prohibited from discrimination on the basis of race, ethnicity, creed, color, age, sex, national origin, religion, mental or physical disability, gender identity, gender expression, sexual orientation, and alien/citizenship status.”</p> <p>The Client’s Rights Handbook states that clients involved with DCS staff have the right to “Available services, regardless of your age, race, ethnicity, gender, religious or political affiliation, sexual orientation, sexual identity, physical or mental disability, or infectious disease, and the right to referral, as appropriate, to other service providers.”</p>



## Texas

**The state does not protect youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, or expression.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">Tex. Family Code Ann. § 263.008</a>	State regulation protects foster children through the Foster Children’s Bill of Rights which states, “It is the policy of this state that each child in foster care be informed of the child’s rights provided by state or federal law or policy that relate to: (a) “abuse, neglect, exploitation, discrimination, and harassment” (b) “medical, dental, vision, and mental health services, including the right of the child to consent to treatment” (c) “participation in the development of service and treatment plans” And many others.
<b>Agency Policy</b>	Texas Department of Family and Protective Services (DFPS), Child Protective Services Handbook: <a href="#">(1240) Gen-eral Eligibility Criteria for Child Protective Services</a>	Agency policy states, “DFPS must not discriminate on the basis of race, color, national origin, sex, religion, or handicap in providing child protective services.”



# Utah

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">Utah Admin. Code R501-12-13</a>	State regulation outlines children’s rights in foster care, which includes that they: (a) “be protected from discrimination based upon the child’s race, color, national origin, culture, religion, sex, sexual orientation, age, political affiliation, or disability.” (b) “be treated with courtesy and dignity, including but not limited to reasonable personal privacy and self-expression.”
<b>Agency Policy</b>	Utah’s Division of Child and Family Services: <a href="#">Practice Guidelines, Out-of-Home-Care 300.5</a>	State agency outlines practice guidelines to protect the safety of Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) youth, specifically focusing on confidentiality, safety and disclosure, services to prevent removal, expectations for out-of-home placement, personal grooming and clothing, and mental health and medical considerations.  They also state the following as a major objective, “All children and youth, regardless of gender identity, gender expression, and/or sexual orientation (GI/GE/SO), need to feel safe in their surroundings in order for positive child and/or youth development outcomes to occur.”



## Vermont

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<p>Department for Children and Families, <a href="#">Policy 76</a>: Supporting and Affirming LGBTQ Children &amp; Youth</p> <p>Agency of Human Services, <a href="#">Chapter/Number 1.11</a>: Non-discrimination regarding receipt of services and benefits.</p>	<p>Agency policy protects children and youth by prohibiting all division staff from the Department for Children and Families "...from engaging in any form of discrimination or bias based on sex, sexual orientation, gender identity, gender expression, or marital status or partnership. Division staff shall not attempt to persuade an LGBTQ individual to reject or modify their sexual orientation, gender identity, or gender expression. Staff will not impose personal or religious beliefs onto children and youth served by the division."</p> <p>Agency policy states that the Agency of Human Services and its departments must comply with non-discriminatory practices, and "...require that benefits and services offered to applicants and recipients must be provided without discrimination based on race, religion, color, gender, sexual orientation, gender identity, national origin, disability, age, or other factors, as required by law."</p>



# Virginia

The state protects youth in child welfare from discrimination based explicitly on sexual orientation.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	None Found	None Found
<b>Agency Policy</b>	<p><a href="#">Virginia Department of Social Services, Civil Rights Policy &amp; Procedures</a></p> <p><a href="#">Virginia Department of Social Services February 2013 Child and Family Services Manual Section 1.9.1</a></p>	<p>“The Virginia Department of Social Services (VDSS) and local social services offices, in accordance with Federal law and U.S. Department of Agriculture (USDA) policy is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, religion or political beliefs.”</p> <p>Agency policy explicitly states “The provider shall provide care that does not discriminate on the basis of race, color, sex, national origin, age, religion, political beliefs, sexual orientation, disability, or family status.”</p>



# Washington

The state protects youth in child welfare from discrimination based explicitly on sexual orientation, gender identity, and expression.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p>Wash. Admin. Code <a href="#">388-147-1595</a></p> <p><a href="#">388-148-1520 (6)</a></p> <p><a href="#">388-148-1520 (7)</a></p>	<p>State regulation requires child placing agencies and adoption services to:</p> <p>(a) “You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care. You must treat foster children in your care with dignity and respect regardless of race, ethnicity, culture, sexual orientation and gender identity.”</p> <p>(b) “You must connect a child with resources that meets a child’s needs regarding race, religion, culture, sexual orientation and gender identity.”</p> <p>State regulation requires child foster homes to comply with the following standards:</p> <p>(a) “You must follow all state and federal laws regarding nondiscrimination while providing services to children in your care. You must treat foster children in your care with dignity and respect regardless of race, ethnicity, culture, sexual orientation and gender identity.”</p> <p>(b) “You must connect a child with resources that meets a child’s needs regarding race, religion, culture, sexual orientation and gender identity. These include cultural, educational and spiritual activities in your home and community including tribal activities within the child’s tribal community or extended tribal family. Your licensor, the child’s DSHS worker or CPA case manager and/or child’s tribal ICW case manager can assist you with identifying these resources.”</p>
<b>Agency Policy</b>	<p>The Washington State Department of Social and Health Services: <a href="#">Diversity and Inclusion Statement</a></p> <p>The Washington State Department of Social and Health Services: <a href="#">Administrative Policy 7.22</a></p> <p>The Washington State Department of Social and Health Services: <a href="#">Administrative Policy 18.81</a></p>	<p>The Department issued the following statement, “Washington State Department of Social and Health Services is an equal opportunity employer and does not discriminate in any area of employment, its programs or services on the basis of age, sex, sexual orientation, gender, gender identity/expression, marital status, race, creed, color, national origin, religion or beliefs, political affiliation, military status, honorably discharged veteran, Vietnam Era, recently separated or other protected veteran status, the presence of any sensory, mental, physical disability or the use of a trained dog guide or service animal by a person with a disability, equal pay, or genetic information.”</p> <p>The Department issued policy guidelines “To create and maintain an environment within the Department of Social and Health Services (DSHS) that values and supports cultural competence and embraces respect for the individual differences of our employees and clients. The Department recognizes that everyone has a culture and we have a commitment to promote respect and understanding of diverse cultures, social groups, and individual attributes. Each DSHS administration will ensure cultural competence is integrated into the overall organizational culture and ongoing business.” The policy includes but is not limited to “sexual orientation” and “gender identity &amp; expression.”</p> <p>The Department issued a nondiscrimination policy for all DSHS employees to follow when providing direct client services. The policy prohibits discrimination based on sex and sexual orientation among many other characteristics.</p>



## West Virginia

**The state protects youth in child welfare from discrimination based explicitly on sexual orientation and gender identity.**

	<b>Title</b>	<b>Description</b>
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">W. Va. Code St. R. 78-2-9</a> Section 9.1 Section 9.1.a	State regulation states that “For the child and the child’s biological family, an agency shall ensure the following rights” which includes, “Equal access to services regardless of race, religion, ethnicity, gender, disability, or sexual orientation.”
<b>Agency Policy</b>	Department of Health and Human Resources Bureau for Children and Families, Adoption Policy, Section 13.7  Foster Care Policy, Section 8.5.1  Youth Services Policy, Section 12.1 Section 1.2	Adoption, Foster Care, and Youth Services policy state that “As a recipient of Federal financial assistance, the Bureau for Children and Families (BCF) does not exclude, deny benefits to, or otherwise discriminate against any person on the ground of race, color, national origin, disability, age, sex, sexual orientation, religion or creed in admission to, participation in, or receipt of the services and benefits under any of its programs and activities, whether carried out by BCF directly or through a contractor or any other entity with which BCF arranges to carry out its programs and activities .”  Grievance policy also states, “In addition, the Bureau for Children and Families does not discriminate against individuals due to race, color, national origin, disability, age, sex, sexual orientation, gender identity or religion.”  In addition, in the Social Services manual for youth services, policy states, “It is the Child Welfare System’s responsibility to ensure the rights of children and families being served are protected. In doing so, Child Welfare workers (including Youth service workers, Child Protective Workers, & any agency contracted by the DHHR) shall not assume all children in care are heterosexual, non-transgender or gender-conforming and will treat Lesbian, Gay, Bisexual, Transgender, Questioning, and Intersex (LGBTQI) Youth with respect and competence. They will also adhere to State and Federal Laws related to LGBTQI Youth.”



# Wisconsin

The state protects youth in child welfare from discrimination based explicitly on sexual orientation.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<p><a href="#">Wis. Admin. Code DCF § 52.11 (24)</a></p> <p><a href="#">Wis. Admin. Code DCF § 54.04 (1)(a)</a></p> <p><a href="#">Wis. Admin. Code DCF § 56.09(1)(e)</a></p> <p><a href="#">Wis. Admin. Code DCF § 57.05 (1)(f)</a></p>	<p>State regulation “Ensure[s] that the residential care center does not discriminate against a resident based on the resident’s race or cultural identification, sex, sexual orientation, age, color, creed, ancestry, national origin, disability, political affiliations, or religious beliefs”</p> <p>State regulation requires that agencies “...provide services to children who need and seek its care without discrimination on the basis of race or cultural identification, sex, sexual orientation, age, creed, ancestry, disability, political affiliations, religious beliefs, color, or national origin.”</p> <p>State regulation requires foster parents to provide nurturing care, which is further defined as care that “does not discriminate against the child because of the child’s race or cultural identification, sex, age, sexual orientation, color, creed, ancestry, national origin or disability” among other standards.</p> <p>State regulation requires that group home program and policies have a written non-discrimination program statement that “...indicates that the group home does not discriminate against a resident because of race or cultural identification, sex, sexual orientation, age, color, creed, ancestry, national origin, disability, political affiliations, or religious beliefs.”</p>
<b>Agency Policy</b>	<p>State of Wisconsin Department of Children and Families:</p> <p><a href="#">Equal Opportunity is the Law</a></p>	<p>The Department issued the following notice, “It is against the law for this recipient agency of Federal financial assistance to discriminate on the following bases: Against any individual in the United States, on the basis of race, color, religion, sex, national origin, age, disability, political affiliation or belief; and against any beneficiary of programs financially assisted under the 45 code of federal regulations (CFR), US Department of Health and Human Services Programs (DHHS), on the basis of the beneficiary’s citizenship/status as a lawfully admitted immigrant authorized to work in the United States, or his or her participation in any DHHS financially assisted program or activity.”</p>



## Wyoming

The state protects youth in child welfare from discrimination based explicitly on sexual orientation.

	Title	Description
<b>State Statute</b>	None Found	None Found
<b>State Regulation</b>	<a href="#">Wyo. Admin. Code DFS § Ch.3</a> Section 23  Section 32	State regulation requires that all organizations protect children’s rights which includes the following, “Every child and family shall have equal access to services regardless of race, religion, ethnicity, sexual orientation, disability, socio-economic status or gender”  State regulation protects children’s personal records which includes sensitive information such as “gender or gender identity.”
<b>Agency Policy</b>	Family Services: <a href="#">3.15 Civil Rights</a>	The Department of Family Services issued a nondiscrimination policy for participation in, or receipt of services and benefits which states the following, “As a recipient of Federal financial assistance, the Department of Family Services (DFS) does not exclude, deny benefits to, or otherwise discriminate against any person on the basis of race, color, national origin, sex, religion, disability, political beliefs or age in admission to, participation in, or receipt of the services and benefits of any of its programs and activities, whether carried out by DFS directly or through a contractor or any other entity with whom the DFS arranges to carry out its programs and activities.”

CSSP used the following resources as a starting point to develop this document:

- CSSP: <https://cssp.org/resource/state-child-welfare-policies-concerning-lgbtq-youth/>
- Movement Advancement Project (MAP): [http://www.lgbtmap.org/equality-maps/foster\\_and\\_adoption\\_laws](http://www.lgbtmap.org/equality-maps/foster_and_adoption_laws)
- Lambda Legal: <https://www.lambdalegal.org/child-welfare-analysis>

