

Speaking OUT:

A Special Report on LGBTQ2S+ Young People
in the Child Welfare and Youth Justice Systems



OFFICE OF THE CHILD AND
YOUTH ADVOCATE ALBERTA

NOVEMBER 2017

Message from the Advocate

Under my authority and duty as identified in the *Child and Youth Advocate Act*, I am providing the following Special Report that focuses on LGBTQ2S+ young people in the child welfare and youth justice systems.

I first want to thank the young people who have been involved in this report. They shared their stories and experiences with the hope that things can be better for them and other LGBTQ2S+ youth. Their courage and strength is humbling and I am truly grateful that they trusted us with their experiences and knowledge. I would also like to thank the stakeholders who took the time to share their expertise, insights and passion with us.

In Canada and Alberta, there have been positive changes for LGBTQ2S+ people. We are seeing movement towards hope, acceptance, and support. However, even with this progress, LGBTQ2S+ youth still experience higher levels of homelessness, suicide, mental illness, addictions, and violence. We can do more, and we should do more.

It is crucial that we explore and identify opportunities for child-serving systems to find solutions. I sincerely hope that the recommendations arising from this report will be quickly acted on to ensure that government ministries implement changes that improve circumstances for LGBTQ2S+ young people in government care.

For young people receiving services, I want you to feel accepted for who you are, have space to express yourself without fear or judgement, and for your diversity to be embraced and celebrated.

For families, communities, and professionals in Alberta who care about young people, I hope that you will learn from this Report, and find new ways to support LGBTQ2S+ young people in your lives.

[Original signed by Del Graff]

Del Graff
Child and Youth Advocate

LGBTQ2S+ stands for:

Lesbian: A female who is attracted to other females.

Gay: A person who is attracted to the same sex. This term is typically used for males.

Bisexual: A person who is attracted to the same and opposite sex.

Transgender/Trans: People whose gender identities or expressions differ from the sex or gender they were assigned at birth.

Queer: An umbrella term for LGBTQ2S+. Once considered derogatory, this term is being reclaimed, particularly by young people.

Two-spirit: An Indigenous person who is either gay, lesbian, bisexual, transgender, or someone who identifies as both male and female spirited.

Plus (+): An inclusive symbol that acknowledges that there is significant sexual and gender diversity in the ways people identify.

While there are no universal definitions for these terms, this report aims to best capture the language currently being used. We understand that these terms will continue to evolve in the future.

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“This is what LGBTQ is...that we are so much more at risk than the typical straight, cis person [see Appendix A]. I’m trans. I’m queer. I’m more at risk to get murdered than someone who’s not. That’s how it is. I’m more at risk to get bullied. I’m more at risk for there to be so many things...I shouldn’t have to be fighting for my basic needs to be met, which is what I’m gonna do. I find it ridiculous and terrible, actually.” – Young Person

Introduction

Young people and others who care about young people call the Office of the Child and Youth Advocate (the “OCYA”) when they know that things should – and can – be different. Over the years, we have heard from LGBTQ2S+ young people from across the province who have not felt respected or supported by the adults and decision makers in their lives, including:

- transgender young people who have requested support because their workers refuse to call them by their chosen name and pronouns;
- transgender young people in need of medical treatment and the clothing necessary to feel safe and comfortable in their own skin;
- young people living in places where they do not feel safe because of the derogatory and homophobic remarks made by staff or caregivers; and
- young people kicked out of their home because of their identity and who were subsequently refused services.

Through this advocacy work, the OCYA has witnessed firsthand the strength and courage of these LGBTQ2S+ young people. We have also come to understand that the unique challenges they face place them at heightened risk of self-harm, addiction, depression, anxiety, homelessness, and suicide. The lack of LGBTQ2S+ policies and practices guiding the child welfare and youth justice systems means that risk factors are often magnified in systems that are meant to protect and/or rehabilitate them.

When young people have opportunities to become confident in who they are and where they belong in the world, they can become stronger advocates for themselves and others. These young people are capable, resilient, and push us to learn and grow. They provide us with the opportunity to understand about diversity from a place of courage, strength, and hope.

It is for these reasons we were compelled to bring their voices forward. By hearing about their experiences and realities we can take action to make things better for them and for other LGBTQ2S+ youth now and in the future.

Role of the Advocate

Alberta's Child and Youth Advocate (the "Advocate") is an independent officer reporting directly to the Legislature of Alberta and the authority for this comes from the *Child and Youth Advocate Act (CYAA)*.

The role of the Advocate is to represent the rights, interests, and viewpoints of children receiving services through the *Child, Youth and Family Enhancement Act (the Enhancement Act)*, *The Protection of Sexually Exploited Children Act (PSECA)*, and the youth justice system.¹ The Advocate also has the authority to call for a Special Report to provide advice to the Government of Alberta on matters relating to the rights, interests, and well-being of children.²

Children's Rights

Given their unique needs, children are afforded special rights under the United Nations Convention on the Rights of the Child (UNCRC, 1989). The UNCRC was ratified in Canada in 1991 and endorsed in Alberta in 1999. The OCYA represents and promotes the rights of children and we have highlighted some of their rights in this report.

Our Approach

We began the process that led to this Special Report by commissioning Dr. André Grace, a Faculty Director with the University of Alberta's Institute of Sexual Minority Studies & Services (iSMSS), to complete a literature review on the research about LGBTQ2S+ young people who are homeless and/or involved with the child welfare and/or youth justice systems. Additionally, we conducted research on human rights, best practices, and publicly available government reports and guidelines. These reviews, along with our experience working with LGBTQ2S+ young people, gave us the background for this report.

Our next step was to seek guidance from Indigenous Elders from each of the treaty areas (6, 7 & 8). These Elders reminded us that children and youth involved in the child welfare and youth justice systems are vulnerable, and that LGBTQ2S+ youth within this population are at even greater risk. Their guidance and blessings provided the foundation for this report.

We also established an External Advisory Panel of stakeholders from across Alberta with expert knowledge on issues impacting LGBTQ2S+ children and youth (Appendix B). They provided advice and feedback on the creation of this report. Their support and expertise have been vital to this report and are reflected throughout.

Stakeholders also provided invaluable insights and perspectives on LGBTQ2S+ young people who receive services. Many were passionate about their work and are strong advocates for LGBTQ2S+ youth.

1 This includes all aspects of the youth justice system from first contact with the police, courts, and detention centres through to probation.

2 *Child and Youth Advocate Act*, S.A. 2011, 9(2) (h).

Most important were the voices and experiences of LGBTQ2S+ young people. We spoke to young people who are currently, or were previously, involved in the child welfare and/or youth justice systems. Even though many continue to face challenges of their own, these amazing young people emphasized how much they wanted to make a difference in the lives of other youth. They are true leaders who taught us that diversity is an asset that needs to be protected, cultivated, and celebrated.

“If you have success without sacrifice, it’s because someone sacrificed for you. If you sacrifice without success that means someone will succeed after you. So, just because I have sacrificed, I feel like some people who grow up in the same situation are going to succeed.” – Young Person

Unfortunately, we did not get a chance to speak to a number of young people who were fearful for their emotional, mental, and physical safety. We recognize that for some young people it is difficult to come forward – there is a lot at stake. It is sometimes safer for them to not speak up and we respect their decision. We also recognize that there are young people who might not have heard about the opportunity to participate, or are not familiar with our office.

“I was struggling with my identity and sexuality. I had a lot on my plate, housing, food, survival. Hierarchy of needs came before learning about myself. I never felt comfortable enough to bring it up on my own accord. It was confusing and scary.” – Young Person

The information for this report was gathered through a combination of one-to-one interviews, focus groups, and online surveys. In total, over 280 young people and stakeholders participated in lending their voices to this report. We heard from over 80 young people primarily through one-to-one interviews and focus groups. There were 80 stakeholders who participated in the on-line survey, 88 attended focus groups and 21 participated in interviews. Stakeholders included staff from Children’s Services, youth justice and community agencies as well as teachers, caregivers, lawyers, and health professionals.

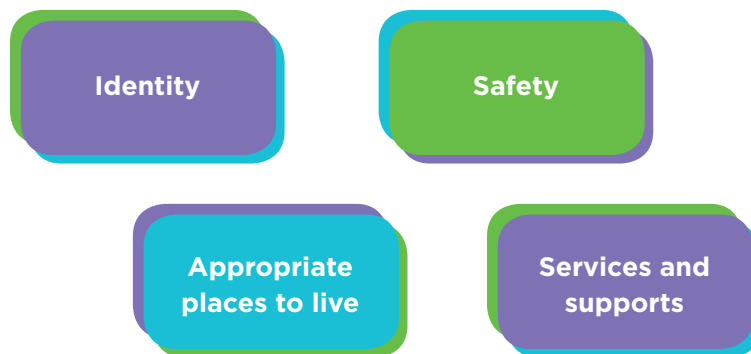
What We Asked

We created questions that were broad and open-ended to facilitate conversations that allowed people to speak to what was important about their experiences. We limited the questions to avoid overwhelming those we talked to. In our one-on-one interviews, focus groups, and online survey, four key questions were posed:

1. What is your experience as an LGBTQ2S+ young person or as someone working with LGBTQ2S+ young people receiving Child Intervention Services³ and/or in the youth justice system?
2. What did you like/what is working for LGBTQ2S+ young people receiving Child Intervention Services and/or in the youth justice system?
3. What did you not like/what is not working for LGBTQ2S+ young people receiving Child Intervention Services and/or in the youth justice system?
4. If you had a magic wand, how would you make receiving Child Intervention Services and/or the youth justice system better for LGBTQ2S+ young people?

In addition, we asked young people whom they felt safe and comfortable talking with.

Based on what we heard, the following four themes emerged:



This report will discuss each of these themes and illustrate how they are interconnected. Each section will introduce a theme as well as discuss what we heard is working, what we heard is not working, and what will help LGBTQ2S+ young people in the child welfare and youth justice systems. These sections will also highlight the voices and the experiences of the people we heard from.

³ Child Welfare is used in this report as this is the language and terminology generally used and recognized by the public.

IDENTITY

Identity is a person's concept of self. There are many aspects that make up identity (e.g. heritage, religion, beliefs, culture, disability, etc.) and help to shape a person's worldview and connections to others. Sexual orientation and gender identity are also core aspects of a person's identity. Discovering identity starts in childhood and is a lifelong process (Grace, 2015). There is often an extended period of time between when young people start questioning or discovering their sexual and gender identities and when they feel comfortable telling others or expressing it (Grossman et al., 2009; D'Augelli, 2006).

ONE YOUTH'S EXPERIENCE

I struggled with my identity and sexuality never feeling comfortable enough to bring it up. I felt fear and shame, trying to have a deeper voice, not to make hand gestures and not crossing my legs because I did not feel physically safe either at home, in my community, or with child welfare.

When young people experience negative reactions or messages about who they are, it can be detrimental to their self-esteem and healthy development (Ryan, 2009; Orr et al., 2015). This can cause feelings of shame, sadness, and depression. This in turn can result in a young person suppressing or hiding their identity. Many young people stressed that this also led to negative feelings of self-worth and, in some cases:

- suicidal thoughts and suicide attempts;
- self-harming behaviour;
- drug and alcohol abuse; and/or
- running away from home.

"I think I have always known I was different. I just didn't put it into words until I was 12, and didn't come out until I was 16." – Young Person

Gender identity: A person's sense of their gender as it relates to their ideas of maleness or femaleness. This identity can match or differ from one's biological sex, and it can also be set or fluid.

Sexual orientation: A person's feelings of attraction or affection that guides their intimacy with others.

**ARTICLE 8: “GOVERNMENTS UNDERTAKE TO RESPECT THE RIGHT OF A CHILD TO PRESERVE IDENTITY.”
- THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD (UNCRC)**

It is fundamental to positive development that young people have support to discover and express their identity. Children can be aware of their gender and sexual identity at a very young age (Ryan, 2009). Their identities need to be reinforced with positive and supportive messages from the adults in their lives, including family, case workers, justice staff, teachers (Perry & Green, 2014), and health care professionals (Travers et al., 2010; Reitman et al., 2013). It is even more essential that caring adults use inclusive and affirming language. For example, ask a young person if they have a significant person in their life rather than making assumptions by asking if they have a girlfriend/boyfriend. This role models positive language and sends a message of acceptance to LGBTQ2S+ youth and those who are not out yet (Crisp & McCave, 2007).

“And I believe that’s 100%, well 99% of the causation of my addictions was because I didn’t know who I was. I turned to drugs just to numb my own thoughts out.” - Young Person

“By not allowing kids to be themselves, we are creating the problems that this system is set up to prevent.” - Stakeholder

Some youth are more vulnerable because they have to navigate being LGBTQ2S+ in an ethnic and/or religious community where support or acceptance may not be readily available. There are many different aspects of identity that a young person has to negotiate. When they have the support and acceptance within their family homes, this negotiation is easier. Without family support, many end up losing their family and community connections. These young people often have to deal with racism and homelessness outside of their community, in addition to homophobia and/or transphobia (Abramovich, 2009; National Aboriginal Health Association, 2012; Rahman, 2010). When Indigenous and minority youth come in contact with child welfare or the youth justice system, professionals need to assist them in culturally appropriate ways.

Another component of a person’s identity is often their spirituality. When young people are disconnected from their families, they are likely also disconnected from their spiritual or religious communities. This can be a significant loss. In order to foster a sense of identity and spiritual well-being, support needs to be provided to assist young people in rebuilding these connections.

What is Working

Caring adults - Some young people told us about caring adults who were accepting and affirming of their identities and gave them advice, guidance, and resources when needed. They highlighted how important and impactful these relationships were to them and recalled how they felt comfortable and cared for. They also appreciated that their sexual and gender identities were not the entire focus of the relationship. Transgender and gender non-conforming⁴ youth, who express gender in different ways, discussed how they felt supported when adults used their preferred names and pronouns.

“Child welfare sees me as a girl, not a boy. They have embraced who I am – they are accepting.” – Young Person

“I feel accepted no matter who I want to be for the day. I feel like I am accepted in the community by other people no matter what I choose to dress like and have felt comfortable to go out in public in different clothes.” – Young Person

“One staff at [detention centre] showed me respect – asked me about my pronouns.” – Young Person

Online information and communities - Young people are in a process of discovering who they are. They are looking to get answers and seek out information to the questions they have. For many young people, they have parents, extended family, and schools that will provide them with education around their identity and sexual health questions. Many of the youth we spoke to felt they had to look externally for this information. They highlighted that the Internet lets them explore, get answers, and connect with others. As well, they also used the Internet to help find and connect to support services. When they had access to information and supportive online communities, they felt less isolated. Rural youth emphasized that because there is less access to LGBTQ2S+ groups and resources in their communities that Internet access was beneficial in helping them connect to other people who were going through similar experiences.

“I’ve been doing a lot of research before coming out. I was watching YouTube videos to learn as much as possible about it.” – Young Person

“I had my Facebook account, so I started hooking up with groups ... these people were so open about it. They didn’t care who was hassling them. The thing I really noticed was that they were happy. I wanted to try that, so I started expressing myself the way I wanted to.” – Young Person

4 When a person’s gender expression does not match expectations of gender roles (for further explanation see Appendix A).

“Young people are savvy at accessing supports online and building relationships online.” - Stakeholder

What is Not Working

Lack of affirmation - Young people also said they felt that their identities often were not affirmed and supported, and, in some cases, were even negated by adults including family, caseworkers, foster parents, justice, and medical staff. They received messages that their gender or sexual identities were “wrong,” “just a phase,” “a choice,” or “a symptom of their trauma.” Some transgender youth said that adults would refuse to use their preferred names and pronouns and continually referred to them as the wrong gender. They did not feel supported to access proper resources such as medical supports or clothing that matched their identity.

“A lot of damage can be done through the simplest words. When I heard, ‘you just haven’t met the right person yet’ and ‘you have had too much trauma to know what you feel,’ it left me feeling shameful for reaching out. I spent months in advance thinking about who I thought was safe and how I would say that I may not be like everybody else, and that was the response I received. It took many years for me to reach out again, when I should have been supported in the first place.” - Young Person

“[In custody] they refused to call me [preferred name]. They used my last name. They avoided using pronouns. It makes me feel like an ‘it.’” - Young Person

“I think that workers think that affirming young people’s gender identity is optional and a kindness and not a requirement.” - Stakeholder

Stereotypes - Young people expressed concerns that adults made assumptions and decisions about them based on their appearance, mannerisms, and their perceived or actual identity. For example, many young people were assumed not to be LGBTQ2S+ when they in fact were. They talked about being told that they needed mental health supports because of their sexual and gender identities or that they posed a danger to other youth.

“What I don’t get is people who don’t even know me and look at me and call me a girl when I am not. They don’t even ask.” - Young Person.

“Because, I mean, it’s not like, I’m going to have sex with them. I’m not. If I’m there, I’m there to sleep so I can get up the next day and try not to be homeless.” - Young Person

“Assumptions are made about who they are based on what they look like.” - Stakeholder

Support to understand their identity - Many of the young people we talked to felt they were not supported and encouraged to discover their sexual and gender identities. We heard that their discovery was perceived as being a behavioural issue. Many did not feel they could explore their identity (clothes, make-up, connect with the LGBTQ2S+ community, etc.) and have conversations with adults who would be caring, supportive, and provide helpful information. They also indicated that there was a lack of sexual health education about safe sex, personal hygiene, and healthy relationships that included discussions beyond heterosexual relationships. This was especially the case for LGBTQ2S+ young people with unstable living circumstances and schooling situations. They indicated that this left them lacking appropriate sexual health information, feeling abnormal, and not able to understand or have the words to explain their sexual and gender identities.

“Education on LGBTQ+ would have benefited me because I would have felt better about coming out if I knew what I was talking about.” - Young Person

“There are young people who are questioning in the welfare and justice systems and don’t know where they fall on the spectrum, and so where do they go? Where do they get support?” - Stakeholder

What Would Help

Young people felt that having connection to the LGBTQ2S+ community was something that was important to them. Respecting, fostering, and supporting connections to cultural and spiritual communities is important for children. So too is connection to the LGBTQ2S+ community for LGBTQ2S+ youth. These young people benefit from participating in events such as Pride, support groups such as Gay Straight Alliances in schools, and having adult mentors (Bird, Kuhns & Garofalo, 2012).

Families can play an important role in connecting young people to these communities, and in getting support for themselves.

Having been part of Queer Prom⁵, Camp fYrefly (provincially)⁶, and Pride events, the OCYA has witnessed first-hand the transformation young people experience when they are in a supportive environment that celebrates who they are. Their self-confidence grows when they feel accepted and connected with others who have been through similar experiences. Many young people told us that when they attended a LGBTQ2S+ event it was the first time they felt truly accepted.

We heard from young people that they were worried about being known as “the gay kid”. It is important for caring professionals to not make assumptions based on particular characteristics of a client; instead, focus on the whole person (Human Rights Campaign Foundation, n.d.; Morrison, 2008). The young people we spoke to shared that affirming their sexual and gender identities ultimately came down to being respected and being heard by the adults in their lives.

LGBTQ2S+ young people use the Internet to understand their gender and sexual identities as well as gain information, confidence, and support (DeHann et al, 2013). Many young people reported having either highly monitored Internet access or, at times, no access at all (e.g. a foster home refused to share the family’s Wi-Fi password). While we recognize Internet access is not without risk, especially for vulnerable young people, providing access to information is important when balanced with teaching Internet safety.

Young people need support in a number of ways to develop a healthy identity. Welcoming and accepting language is important in communicating with young people such as using proper pronouns. Young people told us that when an incorrect pronoun is used it makes a difference when it is acknowledged and an effort is made to use proper pronouns in the future. This demonstrates respect, establishes rapport and encourages young people who are LGBTQ2S+ or questioning to feel more comfortable talking with adults in their lives. When a young person shares that they are LGBTQ2S+, it is critical that they are acknowledged and respected. One way this can be done is by connecting them to the LGBTQ2S+ community.

“Youth should be respected – be who you are, express yourself. Don’t pay any mind to what people have to say. Being yourself makes the world a better place.” – Young Person

“Make sure kids know even if they haven’t come out that they are supported either way.” – Young Person

Young people need the adults and professionals in their lives to be supportive and understanding. They need access to inclusive sexual health information and non-judgmental education. Ensuring young people have access to these supports encourages understanding, inclusiveness, and provides safe and accessible information for LGBTQ2S+ young people.

Young people cannot grow into healthy adults without a strong sense of who they are. However, LGBTQ2S+ young people cannot develop a secure sense of self if they are not, first and foremost, safe.

5 A community event for LGBTQ2S+ youth and their allies that is similar to school prom.

6 A leadership retreat for LGBTQ2S+ youth.

SAFETY

For a person to feel safe, they must not fear the risk of physical, sexual, mental, emotional and/or spiritual injury. This is a cornerstone of positive development and well-being (Wood, 2015). Not only is safety a basic need, it is a basic right. The LGBTQ2S+ young people we spoke to identified safety as a significant issue, telling us they need to be hypervigilant to ensure they are safe – physically, emotionally, and mentally. Stories of rejection, bullying, and abuse were linked to their sexual orientation and gender identities. A majority of young people indicated that they were fearful and shared stories of times when their safety was compromised. Despite this, many of these young people remained optimistic and hopeful that things could be different.

LGBTQ2S+ young people are more likely to experience discrimination, harassment, violence, verbal abuse, bullying, and instability (Wilson & Kastanis, 2015; Love, 2014). Because of this, they are often on the lookout for indicators of safety in the people and places they encounter. Many hide their sexual and gender identities as a strategy for protecting themselves (Grace, 2015), and often remain invisible (in other words, not expressing their true identity) in and out of government care or custody (Human Rights Campaign Foundation, n.d.; Maberley & Coffey, 2005; Ragg et al., 2006).

ARTICLE 19: “CHILDREN HAVE THE RIGHT TO BE PROTECTED FROM ALL FORMS OF PHYSICAL OR MENTAL VIOLENCE, INJURY AND ABUSE, NEGLECT OR NEGLIGENT TREATMENT, EXPLOITATION, INCLUDING SEXUAL ABUSE, BY ANY PERSON WHO HAS CARE OF THE CHILD.” - (UNCRC)

“Do you think I would choose to be gay when it means getting jumped and beat up? To feel afraid? It’s scary.” - Young Person

“I was always afraid. I felt shame. I always wanted to hide. I felt targeted. I tried to not be myself... it was always on my mind. I tried to have a deeper voice, not make hand gestures, not cross my legs. I didn’t feel physically safe. I was called a faggot.” - Young Person

What is Working

Safe people and safe spaces – Young people talked about how they felt safe when adults were open and created trusting relationships, as it allowed them to be themselves. Knowing supportive people and having safe places to go made them feel optimistic about their future and less isolated. Feeling safe had a positive impact on their ability to form meaningful relationships. Despite having very few places where they felt they belonged, these experiences stood out for them and provided hope. Research shows that having a sense of belonging, such as feeling connected to community and having quality relationships, is important to mental well-being (UNICEF Canada, 2017).

“She was just there, that helped me, just to be open and honest with me and made me feel okay to be who I was. With my social worker, I came out, it was the best decision ever. I’m glad she was there to make sure I felt safe to do so.” – Young Person

Safe space signs – Young people stressed the importance of the rainbow pride flag as an identifier of safe spaces and people. When they talked about the pride flag, it was clear that it carried much significance. It was a symbol of acceptance, belonging, unity, joy, and connection. While the rainbow flag alone did not guarantee safety, it was an initial sign to young people that they were in a supportive environment. The youth we spoke to emphasized that those who display the flag have a responsibility to use safe and inclusive language, to be open and non-judgemental, and have knowledge about the LGBTQ2S+ community and resources.

“I don’t know if my worker is going to accept me...and you walk into the worker’s office and there are like rainbow flags all over the place and the worker offered me a copy of the Rainbow Guide.” – Young Person

“They have little rainbow flags everywhere. They work with queer clients. So, when you walk in, you know.” – Young Person

What is Not Working

Rejection – We heard from many young people who faced rejection when they came out to family, staff, peers, or the broader community. Even before coming out, they paid attention to how people in their lives reacted to other LGBTQ2S+ people. They observed interactions and listened to the language people used to help them gauge how safe it was to come out. Some young people told us they felt they needed to change or hide who they were in order to stay with their family, including adoptive and foster families. When young people experience family rejection due to their identity, they are at greater risk of depression, drug use, homelessness, contracting sexually transmitted infections, and attempting suicide (Ryan, 2009; McCormick et al., 2016; Reitman et al., 2013).

“They don’t like people like us – people like us are hardly ever wanted. Some nights I still cry myself to sleep. I keep telling myself it will get better.” – Young Person

“I don’t trust many people, so I watch and I can instinctively tell if someone is safe.” – Young Person

“Every interaction for a LGBTQ youth is a risk. Sharing too much or too little could risk or compromise safety.” – Stakeholder

Fear of abuse – Fear of physical and emotional abuse was a concern for most of the young people we talked to. Many of the stories that were shared were related to their living circumstances. However, we also heard of bullying and abuse at schools and within communities across the province.

Many LGBTQ2S+ youth said that where they lived, whether at home or within a child welfare/ youth justice placement, was not a physically or emotionally safe place due to their gender identity and/or sexual orientation. They indicated that at times they felt unsafe because of the language and actions of their peers, caregivers, and/or staff. For some young people, their situation worsened when child welfare disregarded their opinions and concerns and did not provide them with services even when they were fearful for their well-being at home.

“Youth still experience discrimination in group homes and other facilities from staff and peers, including such things as direct and indirect comments, innuendos, and insults.” – Stakeholder

“I’m not super open about it with the youth where I’m living just ‘cause I have to live in the [group home] with them and if someone has a problem with it or maybe not the most open person, and I’m still stuck in the house with them, so I try not really to share that with anybody, just to keep myself safe.” – Young Person

We heard that safety concerns are increased for transgender and gender non-conforming young people. Transgender females, in particular, are at great risk for physical violence (Jauk, 2013). Often shelters are not safe and transgender young people avoid them, putting themselves at greater risk by couch surfing⁷, survival sex⁸, or by committing crimes (Jacobs & Freundlich, 2006; Reitman et al., 2013). LGBTQ2S+ young people are particularly vulnerable in custody centres and transgender or gender non-conforming youth are potentially more vulnerable. Custody centres that do not have LGBTQ2S+ specific policies can foster environments where young people experience harassment, segregation, isolation, or lockdown (Albracht-Crogan, 2012, p. 3).

7 Couch surfing is when someone does not have a fixed address and stays with others in short-term living arrangements.

8 Sex acts that are engaged in as trade for food, places to sleep, or other needs.

ONE YOUTH'S EXPERIENCE

I have been in custody [youth justice] and felt very unsafe. Strip searches are traumatizing and are done by staff according to your birth sex. There is a general disrespect for anyone who is LGBTQ2S+ in the custody centre, and I always feel on edge. I have been told that my gender is what is between my legs. I have been pushed around, called names, and told I don't deserve to live.

Lack of confidentiality – Another major concern identified by the young people we spoke with was being “outed” by the adults in their lives. They told us that their gender identity and sexual orientation were discussed among professionals or community organizations without their permission. Safety is an ongoing concern and they are cautious about whom they come out to, when they come out, and whom they share this information with. They want to be active participants in determining who receives information about them and how that information is shared.

“I have never had a conversation about rights or identity. I wanted someone to tell me that I had a right to not come out to people. I felt ashamed for being gay ... I felt so unsafe.” – Young Person

What Would Help

It is essential that we understand that safe environments need to be created for LGBTQ2S+ young people. A safe environment is one where a young person is not fearful, is accepted and respected for who they are, and where their privacy is respected. Ideally this first starts in a family home, but also must exist within the systems that serve young people. For youth justice, this includes all the staff young people encounter, from police officers, to lawyers and judges, to facility staff, to probation officers. For child welfare, this needs to be a consideration for caseworkers, residential facility staff, foster families, and adults and peers involved in the young person's life. In both systems, this safety needs to extend to the services to which LGBTQ2S+ young people are referred, including community, medical, or other external services.

ARTICLE 16: “YOUNG PEOPLE ARE AFFORDED THE RIGHT TO A PRIVATE LIFE.” - UNCRC

“It is important for youth to feel safe enough to express themselves in any way they choose, without fear of harm.” - Stakeholder

While we heard heartbreaking stories from young people that have experienced rejection, bullying, verbal abuse, and violence, we were amazed at their hope and positivity. They just wanted to feel safe and ensure that other young people do not experience what they have endured.

Each young person will have unique safety needs that can be determined in communication with the young person. There are a number of ways to promote safety for LGBTQ2S+ young people. Young people in the child welfare and youth justice systems, for instance, often have their personal information shared with large numbers of people, sometimes without a clear reason or purpose. It is important that young people feel secure that their personal information is protected and that it will only be disclosed in limited circumstances. It is important that staff and service providers understand that it is a young person's right to decide with whom to share their sexual orientation and gender identity. This information should not be shared without their permission.

It is vital for staff and service providers to review their policies and practices to ensure they are capable of providing safe spaces. Pride flags can be used where staff have the relevant knowledge, training and accept the responsibility of ensuring LGBTQ2S+ young people are welcomed and supported.

Positive development and well-being is possible when a young person is in an environment that is safe. By taking certain steps - some big, some small - we can ensure a safer Alberta for LGBTQ2S+ young people in care. A factor that we heard, time and again, impacted identity, safety, and overall well-being was where young people needed to live.

APPROPRIATE PLACES TO LIVE

We spoke with youth who experienced living in a variety of places, including in families, foster homes, group homes, independent living programs⁹, young offender centres, or shelters. Many of the young people we talked to had also experienced homelessness. In addition to worrying about their safety and stability in the places they live, they are trying to figure out their sexual and gender identities, often while experiencing homophobia and transphobia and struggling with mental health (Child Welfare Information Gateway, 2013; Human Rights Campaign Foundation, n.d.; Reitman et al., 2013; Williams & Chapman, 2011). These negative experiences are strongly linked with risk-taking behaviours (Grace, 2015; Cochran, Stewart, Ginzler & Cauce, 2002; Abramovich, 2009) and echo what young people told us.

LGBTQ2S+ young people are overrepresented in the homeless population (Durso & Gates, 2012; Abramovich, 2013). The primary reason for this is family rejection (Durso & Gates, 2012; Wilson & Kastanis, 2015; Abramovich, 2016). We heard many stories of young people who were kicked out of their biological, foster, or adoptive homes when they came out. Some youth who remained at home discussed how parent-teen conflict and tensions were unbearable, often escalating to emotional, verbal, and physical abuse. For many of these youth, running away from living situations they believed were not accepting or safe was a better option than staying.

There are opportunities within the child welfare and youth justice systems to consider the most appropriate placement options for LGBTQ2S+ young people, and include the young person in the decision-making process. Knowing that some young people are not always open about how they identify, staff in placement settings need to have the skills to support the safety, well-being, and identity of young people, regardless if they are openly LGBTQ2S+ or not.

“Instability in your home life leads to more problems, drug addictions, and, as we see with LGBT youth, higher rates of suicide.” - Young Person

“I couch surfed for three months on other people’s couches. It’s pure hell. I lived out of a back pack.” - Young Person

“My friend is in the system and he is trans and he got kicked out and now he is in a group home. If he wasn’t trans, he might be still living with his parents.” - Young Person

9 Independent Living Programs: Child welfare placements typically for youth age 16+ that focus on living independently with financial support and teaching life skills.

What is Working

Supportive places to live – Some LGBTQ2S+ young people told us that there were places they lived that were positive and safe. They discussed these places with fondness and said what made them safe and accepting was the people, both adults and youth. Serving as positive role models, these adults were helpful, caring, and supportive and they demonstrated this by calling youth by their chosen name, using correct pronouns, and accepting the youth for who they were. The young people felt encouraged and hopeful when adults were knowledgeable and helped them access supports, services and resources available for LGBTQ2S+ young people (both online and in the community).

“My group home staff had much to do with my healing journey and role modeled what a functional home would be like. This stability and kindness is what helped me heal. When you have staff who are not overwhelmed with kids and who genuinely care for the jobs they do, relationships are built between the staff and you as a young person ... I had my first opportunity to truly feel love and experience a home for the first time. Despite the stigma many group homes get, some positive occurs given the right circumstances.” – Young Person

Some stakeholders acknowledged that there is a greater focus on intentionally recruiting LGBTQ2S+ friendly foster parents. It is essential that LGBTQ2S+ children and youth feel emotionally safe within their foster family homes. Research creates a strong link between positive child development for children in care and feeling accepted and cared for by their foster parents (Buehler, Rhodes, Orme & Cuddeback, 2006). Many of the young people we talked to discussed how they longed to feel like part of a family and had a strong desire to belong. For many, this longing did not diminish even after having experienced multiple placements.

“There is a shift in promoting foster and adoptive placements with queer people which has shifted greatly in ten years.” – Stakeholder

“Foster Care also came to the Pride event to show that Children’s Services is open to the LGBT community.” – Stakeholder

What is Not Working

Unsupportive places to live – While many young people in care experience multiple placements, LGBTQ2S+ young people tend to have more placements than their sexual and gender conforming peers (Wilson & Kastanis, 2015). The instability of where they lived was another issue raised by those we spoke to. We heard about young people who were kicked out of their homes or foster homes because of their sexual orientation or gender identity. They said they experienced homophobic and transphobic slurs and comments where they were living and did not feel safe to come out. This instability impacted their ability to form and maintain relationships within their home/placement, within their schools, and communities. This ultimately impacted their feelings of self-worth. Families have a big impact on the well-being of their LGBTQ2S+ children; when there is acceptance it reduces likelihood of suicidal thoughts, self-harm and other risk factors (Ryan, 2009). We heard from young people who were in care due to family conflict resulting from their sexual orientation and gender identities. They highlighted the need for supports to be available to parents or caregivers that will help create accepting environments at home.

Both stakeholders and young people said there is a lack of supportive and/or appropriate places for LGBTQ2S+ young people to live in government care. This meant that many LGBTQ2S+ youth ended up living in less than ideal situations, including some that were isolating, non-affirming, or not safe. Some LGBTQ2S+ young people told us that they were bullied, harassed, and experienced violence from staff and peers in places they were living.

“I was staying in a recovery home for addicts and I wasn’t an addict.” – Young Person

“I was placed in a very religious home. They were open about their beliefs that being LGBT was disgusting. They pushed their beliefs on me. Another young person in the home was talking about LGBT being gross. My worker was aware and she made the decision to place me there.” – Young Person

“Youth still experience discrimination in group homes and other facilities from staff and peers, including such things as direct and indirect comments, innuendos, and insults.” – Young Person

“Being here is really stressful. I am dealing with homophobic and transphobic kids everyday.” – Young Person

ONE YOUTH'S EXPERIENCE

I lived in places where I was not supported to be who I am. People who were supposed to care for me hated people like me, so I hated myself. I hid behind drugs and alcohol and tried to kill myself and went to jail to find relief from an unaccepting environment. It was hard to find people to talk to when they said things like, “you will have a nice wife” or asking, “do you have a girlfriend?” When one staff person finally spoke up to say it was not okay for anyone to make negative comments about LGBTQ2S+ people, it felt good to hear. I practiced in the mirror to be able to say, “I am gay” out loud. I had to cover my eyes and my ears and finally just said it and it felt so great I kept saying it and saying it.

We also heard from young people who were placed in segregation¹⁰ for “their own safety” when in custody. While they recognized that this may address their physical safety, they told us that it jeopardizes their emotional well-being and created a lot of stress. While physical safety is important, it is essential that mental, emotional and spiritual safety are also considered as significant parts of keeping young people safe.

“Segregation is a jail inside a jail.” – Young Person

“I am allowed out once a day for 1.5 hours by myself. The boys on the unit are allowed out at a different time.” – Young Person

Lack of LGBTQ2S+ specific housing - Many group homes, shelters, and custody facilities separate young people according to their biological sex. Bathrooms are also separated by biological sex. This creates significant safety issues, especially for transgender young people. Some young people we heard from said they wanted to live in places that were specifically for LGBTQ2S+ youth, and they wanted to be given a say in where they feel safest. Many stakeholders supported this as well. The Human Rights Campaign Foundation (n.d.) recommends that transgender youth not be placed based on biological sex; instead, individualized decisions should be made “based on the physical and emotional well-being of each youth, taking into account their level of comfort and safety, the degree of privacy afforded, the types of housing available” (p. 14). It is also important that young people participate in the decisions that impact them, especially where they live.

ARTICLE 12: “STATE PARTIES SHALL ASSURE THE VIEWS OF THE CHILD BEING GIVEN DUE WEIGHT IN ACCORDANCE WITH THE AGE AND MATURITY OF THE CHILD.” – UNCRC

¹⁰ Also known as solitary confinement or secure isolation.

“Put youth that identify together in a cell block/unit.” – Young Person

“Have a rainbow unit in jail. I would feel more comfortable – that I belong.” – Young Person

“If there are group homes, there should be group homes for trans and queer kids...so when they are in a group home they are not feeling isolated.” – Young Person

“Equality isn’t equity – all kids are treated equal to ensure they are safe. Sometimes separate streams of resources are needed to meet the needs of certain young people. The system isn’t designed to acknowledge this.” – Stakeholder

What Would Help

Safe, stable, and accepting places to live are essential to ensure positive development and well-being of LGBTQ2S+ young people. When LGBTQ2S+ youth can’t live with their families and need to be in government care or custody, they want to have a say about where they live. They are capable and acutely aware of where they will feel safe and where they will not. When adults are making decisions about where LGBTQ2S+ young people live, they need to consider what the young person has to say along with their best interests, and provide them with options. There is also a need for specific placement options for LGBTQ2S+ youth who would benefit from specialized supports.

“Kids won’t be afraid to love.” – Young Person

“Connection and safety are the most important things.” – Young Person

Placements associated with the child welfare and youth justice systems (e.g. kin, foster, group homes, residential, custody, etc.) need to ensure that caregivers and staff are trained to support LGBTQ2S+ young people. Those making decisions need to be aware that at the time placement decisions are made, it may not be known that the young person is LGBTQ2S+. Finally, ensuring the safety of LGBTQ2S+ young people cannot lead to a lack of services due to instability, segregation, or isolation. Efforts must be made to ensure LGBTQ2S+ young people are living in circumstances where they are safe, supported, and able to engage in positive ways.

While some LGBTQ2S+ young people will find the supports they need where they live or with support from the adults in their lives, others may not. Beyond a safe place to live, LGBTQ2S+ young people need access to services that will address their unique needs and ensure healthy development.

SERVICES AND SUPPORTS

Young people's development requires that their basic needs (i.e. shelter, food, and clothing) are met. It also requires that they have a sense of safety and belonging, learning opportunities, and feel respected. Additionally, the *Voices for Change* (2016) report highlights the importance of spiritual needs as a basic necessity for young people (OCYA, p.19). Most children and youth have these needs met by their family, extended family, and community. When LGBTQ2S+ young people are supported by their families, they develop a positive self-identity and have better mental health (Ryan, 2009). Families, too, need support during this process (Craig-Oldsen, Craig, Morton, 2006). Accessing information, education and support groups assists families to understand what their child is going through and helps to keep families together (Albracht-Crogan, 2012).

For LGBTQ2S+ young people, they need access to accepting and supportive adults. This is important as these supports not only meet their basic needs but ensure that they grow up to be healthy and contributing adults (Crisp & McCave, 2007). For young people who are not able to live with their family, they must have access to services that will provide them with the tools and supports needed to foster their emotional, psychological, and spiritual well-being. The young people we spoke to were often dependent on the child welfare and youth justice systems to provide them with these supports and services. In addition to accessing services within these systems, they were often connected to other professionals in the child welfare, youth justice, education, and health systems, as well as to community services.

ARTICLE 4: "GOVERNMENTS SHALL UNDERTAKE ALL APPROPRIATE LEGISLATIVE, ADMINISTRATIVE, AND OTHER MEASURES FOR THE IMPLEMENTATION OF RIGHTS." - UNCRC

Many LGBTQ2S+ young people told us they were not receiving the supports and services that they needed and this had a negative impact on their well-being. In some cases, they were denied access to services that would be beneficial for their mental health, such as counselling. In other cases, they accessed services that did not feel safe or supportive and they did not end up getting their needs met. For others, because their basic needs were not met, they could not focus on other aspects of their health and development – their focus was on survival.

Particularly for transgender young people, access to medical services and interventions that support their gender identity was crucial to their emotional well-being. There have been many studies that have highlighted this importance (Child Welfare Information Gateway, 2013; Dyck, 2012; Marksamer et al., 2011; McNeil et al., 2012; Reitman et al., 2013; Yan, 2014).

“All I am asking for is therapy. I am asking to transition and I am not getting it.” – Young Person

“I would ask for resources or to have somebody to support me with a task, and I would be told that I’m old enough to figure it out on my own. However, we all need some help sometimes.” – Young Person

What is Working

Relationship building – Young people stressed to us the importance of having open and trusting relationships with adults and professionals in their lives. They need relationships where they feel a sense of belonging and inclusion so that they are comfortable to be their authentic selves (Alberta Human Services, 2017). We repeatedly heard from young people about the importance of adults listening to them, caring about them, and respecting them. They told us about workers who had a major impact on their lives and made a positive difference. Young people said that the biggest factors that led to creating positive relationships were when adults:

- were open to learning;
- were willing to seek out information when they did not have the answers;
- used inclusive language;
- listened to and acknowledged what they had to say; and/or
- were available and responsive.

They emphasized that adults do not need to be experts to create positive relationships; willingness to be open-minded and learn was more important. Young people appreciated when adults made an effort to find appropriate resources, supported them, and advocated for them as allies.

“Feeling cared about is really important, especially with vulnerable youth.” – Young Person

“By getting to know this person over time, I gained a connection with them which made me feel safe to open up to them.” – Young Person

“I felt good about talking about my sexuality. I had a real relationship with my worker. We would meet weekly. There was time to talk about myself.” – Young Person

Staff training – We heard from young people and stakeholders about how important it is to have knowledge and skills when working with LGBTQ2S+ youth. Stakeholders indicated that training opportunities that provide basic information on language, issues faced by LGBTQ2S+ youth, as well as strategies for being inclusive are increasingly available. Young people said that they could tell when staff were competent and comfortable discussing these issues and were aware of resources and supports.

The stakeholders we spoke to indicated that there are many staff who could benefit from this type of training. They further stated that this training is often not mandatory. In their view, only those with a personal interest, or felt it is relevant to their work, tended to participate. Stakeholders admitted that even with more training available, they still rely heavily on the Internet for information. Given the increased vulnerabilities LGBTQ2S+ youth experience, it is important that those around them are aware of the warning signs that the young person may need help. (Human Rights Campaign Foundation, n.d.). When caring professionals are trained, they are able to be strong advocates and allies (Harper et al., 2007).

“I would make all staff take a class so they were better understanding of what LGBTQ2S+ is and how to better help.” – Young Person

“The other thing that’s working well is that there are more and more people having safe space training.” – Stakeholder

What is Not Working

Accessing services – We heard from some LGBTQ2S+ young people about their difficulty accessing support from child welfare when they were no longer able to live at home. Family rejection and conflict is the most common reason for homelessness among LGBTQ2S+ youth (Durso & Gates, 2012; Wilson & Kastanis, 2015; Abramovich, 2016). Some of the young people we spoke to were denied services on the grounds that they could return home if they followed their parents’ or guardians’ rules, even if this meant suppressing their identities.

“They [child welfare] wouldn’t help me. Said it was okay if I lived in a youth shelter because my dad and stepmom didn’t want me.” – Young Person

“The assessor wasn’t necessarily listening to what I was saying about not feeling safe in the home I was living in... I was kicked out, her husband kicked me out. But she called my mother, and my mother said that’s not what happened, he left on his own accord. She put a lot more weight on what they were saying and said you can either go home and we’ll help facilitate healthy family relationships and/or we can’t help you.” – Young Person

Young people experienced challenges accessing the services and supports they believed they needed. These challenges became increasingly complex when youth were involved in both the child welfare and youth justice systems. Given their risk factors and vulnerabilities, LGBTQ2S+ youth often require specialized and individualized services.

The young people and stakeholders we heard from mentioned the following challenges to accessing services:

- Long wait times for services specific for LGBTQ2S+ young people. We heard from both young people and stakeholders that there are wait times upwards of 18 months to see specialists in the mental health and medical profession (e.g. counsellors, endocrinologists, psychiatrists, etc.).
- Lack of LGBTQ2S+ specific policy. Youth and stakeholders told us that this leads to inconsistent and delayed decision making processes. We heard that this includes referrals to health professionals, legal name changes, and services deemed to be “over and above” or “non-essential”, such as clothing, makeup, and binders¹¹/packers¹².
- Personal values and beliefs of professionals impacted the development of meaningful relationships.

Many rural and Indigenous LGBTQ2S+ young people indicated that they felt very isolated in their communities. When they accessed services and supports in larger urban areas, they noticed the difference in acceptance and willingness of staff to discuss or ask about their identity. Rural LGBTQ2S+ young people indicated that they had additional challenges accessing appropriate and affirming services including:

- lack of anonymity;
- difficulty with transportation to services; and
- shortage of LGBTQ2S+ friendly services in their area/community.

11 Binders are garments designed to compress a person’s chest.

12 Packers are objects that create the appearance of a penis.

ONE YOUTH'S EXPERIENCE

I have had child welfare services in both a small town and in a big city, and there is an extremely big difference. In the small town, I learned that it was better to be in the closet, acting straight, staying silent while jokes and innuendos were the only mention of LGBTQ2S+. My move to the big city brought relief, even comfort, and community – other accepting young people and professionals and more resources. The first thing visible in the city office was a big pride flag. For the first time, I was able to openly discuss something so important without the assumption of judgment.

Both stakeholders and young people highlighted that for transgender youth there is a need to be able to access specialized and appropriate services that support their transition. Many transgender people do not want to be known as transgender and simply want to be known as the gender that aligns with their gender identity. In order for this to happen, they need mental health assessments, hormone therapy, binders or packers, and identification and clothing that match their gender identity. We have seen firsthand the impact that not getting these services has on young people. As they get older and enter puberty, their physical body changes (e.g. facial hair growth, breast development, voice change, etc.) and the disparity between their physical body and gender expression becomes even greater. They indicated that they often face several barriers in getting the support they need including:

- parental or guardian approval for medical interventions;
- the belief that it is just a phase or that they are too young for medical intervention (before the age of 16);
- long wait times; and
- cost.

Lack of affirming services - LGBTQ2S+ young people told us that they had trouble accessing supportive and affirming services. They felt that services were not affirming when:

- their preferred names or pronouns were not used;
- language reflected the belief that heterosexuality is a given;
- they were treated differently or did not feel welcome; and/ or
- negative language about LGBTQ2S+ people was used.

Some youth recounted painful memories during their stay in a youth justice facility, including instances where derogatory language was used or they were physically unsafe due to their identity. Transgender and gender non-conforming young people have an especially hard time in the youth justice system because their gender identity is typically not supported. For example, the court does not use their preferred names or pronouns and young people are placed in either male or female units in custody centres.

ARTICLE 24:
“GOVERNMENT SHALL STRIVE TO ENSURE THAT NO CHILD IS DEPRIVED OF HIS OR HER RIGHT TO ACCESS HEALTH CARE SERVICES.” - UNCRC

LGBTQ2S+ young people also made it clear that affirmation starts at first contact with these systems. We heard that they felt the intake process and forms were often not inclusive, a first impression that negatively impacted their experiences and in some cases their willingness to access supports.

“A really, really big indication is definitely asking for someone’s pronouns when you first meet them. That definitely shows that you’re an ally and trying to be respectful. That’s a pretty big thing.” - Young Person

“When you are in here and they ask do you have a girlfriend? They don’t ask, ‘Do you have a partner?’ Well, if you asked, ‘Do you have a partner?’ I would be like, yeah.” - Young Person

“Their training is first aid, physical contact, self-defence. I know they sure as heck don’t have any things on LGBTQ. I think they should.” - Young Person

System navigation - Both the child welfare and youth justice systems are large and complex. This makes it difficult to find the services, programs, and professionals that best meet an individual’s needs. We heard from young people and stakeholders that they face difficulties and challenges in understanding and navigating these systems, especially when looking for services for LGBTQ2S+ young people. Stakeholders highlighted an additional challenge: the availability of LGBTQ2S+ specialized/friendly services.

When young people required services not offered by child welfare or youth justice, some young people said that their workers did not provide proper referrals (e.g. counseling, support/youth groups, psychologists, etc.). We heard that they were often responsible for finding their own supports and services, which they found stressful and overwhelming. Young people indicated that they regularly got information about in-person supports and services from the Internet, as well as friends or peers in similar situations.

“It’s not reasonable to know everything, but know where they can go to consult... and access resources they need.” - Young Person

“It’s hard to do systems navigation when the systems are not set up to work with these youth.” - Stakeholder

What Would Help

There are a number of ways for the child welfare and youth justice systems to improve services for LGBTQ2S+ children and youth. It starts with recognizing the diverse needs of these young people, and wanting to make things better for them. Every adult can play a role in creating a safe and welcoming environment where young people can access the services and supports they need.

At times, this might include the creation of LGBTQ2S+ specific resources. Other times, it is updating existing practices to ensure safety and inclusion. For example, having forms that use inclusive language. This provides an opportunity to foster relationships by acknowledging how young people identify. When the services a young person needs are not provided within the ministry, it is important that informed and timely referrals to external organizations and services are provided.

There needs to be ongoing LGBTQ2S+ training for adults who work with young people. Adults who work within, or are contracted by, either of these systems will benefit from gaining knowledge and skills about working with LGBTQ2S+ young people and will have a positive impact on the youth being served.

It is empowering for young people to be provided with information about their rights within the child welfare and youth justice systems. It is important for youth to be made aware of how decisions about services and supports are made. When there are delays or disagreements on decisions, young people need to be made aware of what they can do about this. For example, in the Investigative Review *15-Year-Old Jimmy* the OCYA recommended the development of an appeal process designed specifically for adolescents who are denied child intervention services and supports (OCYA, 2017, Recommendation 2).

Change needs to happen at all levels in order to develop better access to appropriate community supports, educated and confident staff, and inclusive policies and practices.

“Let the youth know that they are loved and respected and that they can accomplish anything. I know the world may seem scary, but it’s a beautiful world. They can make it better - maybe they can make the system better. It’s been a really rough six years. I hope the system listens to youth and I hope that the youth know that they have a voice.” - Young Person

“Open mindedness and willingness to learn are the most important things.” - Young Person

“We really need to be honouring and nurturing every child for who they are. We are responsible to do that for them.” - Stakeholder

What is Already Being Done

LGBTQ2S+ rights and policies have come a long way in Canada. In 1995 the Supreme Court of Canada ruled that sexual orientation was a character of person as listed in the Canadian Charter of Rights and Freedoms (Grace, 2015). Subsequently, the Canadian Human Rights Act included sexual orientation as one of the grounds of prohibited discrimination in June 1996 (Canadian Human Rights Commission, n.d.). In 1998, the Supreme Court of Canada confirmed equality rights for gay and lesbian citizens (Grace, 2015). Bill C-16, passed in June 2017, protects gender identity and gender expression in Canada (Cossman & Katri, 2017). In November 2016, the Prime Minister announced a Special Advisor on LGBTQ2S+ issues.

In the *Alberta Human Rights Act*, sexual orientation, gender identity, and gender expression have been protected grounds since 2015. That same year, the *Alberta Vital Statistics Act* was amended to make it easier for transgender people to change their gender identity on government identification such as driver's licences and birth certificates.

An Act to Amend the Alberta Bill of Rights to Protect our Children (formally Bill 10) came into effect on June 1, 2015. This Act amended the *Alberta School Act*. In 2015 the Alberta Education Minister issued a directive to Alberta school boards to review and develop policy supporting LGBTQ students based on the legislative changes. In 2016, The Ministry of Education released guidelines for best practices in schools to support this directive with the goal of “creating learning environments that are welcoming, caring, respectful, and safe” (Alberta Education, 2016, p.2).

Since the time that this Special Report was initiated, there has been some progress on LGBTQ2S+ policies affecting young people involved with the child welfare and/or the youth justice systems in Alberta.

- **May 2017:** The Young Offenders Centres released a new policy that allows transgender young people to have a say in their placement. While other factors are also taken into consideration, such as safety, the fact that young people have an opportunity to identify the unit that they would like to be placed on is a change. Previously, young people were placed strictly according to their biological sex.¹³
- **August 2017:** Recognizing that there is an over-representation of LGBTQ2S+ young people in the homeless population, the Government of Alberta created and released *LGBTQ2S Youth Housing and Shelter Guidelines*. These guidelines provide information that is intended “to help individuals and organizations to best meet the needs of LGBTQ2S homeless youth” (Alberta Human Services, 2017, p. 3).

We would also like to acknowledge the work of local organizations who support LGBTQ2S+ young people throughout the province. While working on this Special Report, we heard from many stakeholders and young people about community-based programs and services that are safe, affirming, and inclusive spaces for LGBTQ2S+ young people. Some organizations did not feel that they were there yet, but they were working hard to create safe spaces for both LGBTQ2S+ young people as well as staff. We also know there are programs, shelters, and services in the province that are specifically for LGBTQ2S+ people and they are positively impacting the lives of the young people that they serve.

¹³ Alberta Justice and Solicitor General; Admission, Housing and Management of Transgender Young Persons (Policy: 8.00.13)

Conclusion and Recommendations

Young people told us about what is working for them, but also about what we can do better. We have heard that their experiences in the child welfare and youth justice systems do not reflect the progress made at the federal and provincial levels with regard to legislative changes, or the work being done in other ministries.

The *Alberta Human Rights Act*, which provides rights to children and adults, was revised to protect gender identity, gender expression, and sexual orientation. Children and youth should not be discriminated against in statements made to them and through the services they receive, including those from government (child welfare, youth justice, health, and education). In addition, children are also afforded special rights under the *United Nations Convention on the Rights of the Child* (UNCRC, 1989). Government authorities have a responsibility to implement and ensure children's rights are realized.

Young people have told us that sometimes this is not happening and that government has further work to do. We have an obligation to ensure that LGBTQ2S+ young people's unique rights are being met and that the systems mandated to protect and foster their physical, mental, and emotional well-being are doing so consistently. This will allow them to develop positive self-esteem and identity, feel safe, have accepting and inclusive places to live, and receive appropriate services and supports. For many this is not their reality.

Currently, there are limited policies and guidelines that are specific in supporting LGBTQ2S+ young people in either the child welfare or youth justice systems. Also some information that provides direction to child welfare and youth justice staff does not align with respecting the rights of these young people. For example, the *Youth Criminal Justice Protocol* outlines procedures for working with joint clients between child welfare and youth justice. Within this protocol, sexual orientation is listed as essential care information and, as such, will be shared without requiring the consent of the young person (Alberta Justice and Solicitor General & Human Services, 2013, s. 6.4). As noted in other government materials such as the *LGBTQ2S Youth Housing and Shelter Guidelines* and the guidelines for the school boards, this information should be treated as confidential and only shared with the young person's consent.

While working with LGBTQ2S+ young people is complex, the path towards better outcomes starts with belonging. A recent report by UNICEF Canada highlights that belonging, which is directly related to well-being, "involves feeling of inclusion and welcome; connection to culture and community; and system-level policies, services, and representation that promotes and demonstrates inclusion" (UNICEF, 2017, p.22).

There are five areas that need attention in order to positively impact the outcomes for LGBTQ2S+ young people receiving child welfare and youth justice services.

Knowledge and Awareness

We heard from young people that they were acutely aware when the people they were working with were educated and knowledgeable. There is a lack of LGBTQ2S+ specific knowledge among staff in both the child welfare and youth justice systems. Young people have told us that this made them feel unwelcomed and not accepted in these systems and led to negative coping strategies. Research indicates that a lack of training, personal biases, and minimal resources impede the capacity and ability for adults to work effectively with LGBTQ2s+ young people (Estrada & Marksamer, 2006; Silvestre, Beatty & Friedman, 2013). Staff training and in-services are needed on an ongoing basis that target knowledge, attitudes and skills (Crips & McCave, 2007). Employees need to be educated to ensure that assumptions about how a young person identifies are not made and that inclusive language is role modeled.

RECOMMENDATION 1:

The Ministry of Children’s Services and the Ministry of Justice and Solicitor General should make certain that LGBTQ2S+ specific training and education is required for all employees who work directly with young people or make decisions that affect them.

FURTHER COMMENTS ON RECOMMENDATION:

These training opportunities should build knowledge and skills in the following areas: personal biases and beliefs, accepting and affirming people’s identities, understanding safety concerns and risk factors for LGBTQ2S+ young people, creating safe environments, privacy and confidentiality requirements, and community awareness and resources including those online.

EXPECTED OUTCOMES:

- Staff have the skills and knowledge to work effectively with LGBTQ2S+ young people.
- LGBTQ2S+ young people feel safe and accepted when receiving services.

Safe Places for Young People to Live

Young people repeatedly emphasized that where they lived was a significant factor that impacted their sense of safety, identity, and well-being and had the biggest impact on their experiences. Family and foster homes, group homes, custody centres, and homeless shelters were highlighted as places that were, at times, not emotionally, mentally, and physically safe for LGBTQ2S+ young people. Young people often ended up in assessment centres long term, segregation, group homes that are not equipped to support their unique needs, homeless, or with Independent Living Agreements once they become 16 years old.

The Government of Alberta has developed *LGBTQ2S Housing and Shelter Guidelines* acknowledging that safe and affirming housing options are essential for young people (Alberta Human Services, 2017). They state that “a lack of acknowledgement or awareness of LGBTQ2S youth has led to inappropriate responses by frontline workers, adding to the marginalization of this group” (Alberta Human Services, 2017, p.1). When adults are making decisions about where LGBTQ2S+ young people live, they need to consider what the young person has to say along with what is in their best interests. For some young people LGBTQ2S+ specific housing presents another way to create safe and welcoming living arrangements for young people (Abramovich, 2013, Hunter, 2008). These living arrangements must feel safe without isolating the young person from other youth (Child Welfare League of America, 2012).

RECOMMENDATION 2:

The Ministry of Children’s Services and the Ministry of Justice and Solicitor General create LGBTQ2S+ specific living options for young people.

FURTHER COMMENTS ON RECOMMENDATION:

For Children’s Services this will mean working with local communities, including the LGBTQ2S+ community as advisors, in developing options such as:

- supported residential living as provided by the YMCA Sprott House in Toronto
- host parents and supportive roommates as provided by Aura Host Homes, the Boys & Girls Clubs of Calgary
- trained foster parents
- short-term emergency beds

The living options will vary based on the community’s capacity and the need for such placements. Each service delivery region/authority needs to ensure options are available when needed or requested by a LGBTQ2S+ young person.

For Youth Justice, each young person’s situation needs to be considered with the young person having a say in where they are placed. Only after other protective measures have been explored with the youth (for example, increased supervision), should LGBTQ2S+ youth be separated from other youth. When young people are separated from others or are not placed where they have asked to be placed because of safety reasons, LGBTQ2S+ trained mental health professionals should be involved to explore ways to protect the young person’s mental health and rights.

EXPECTED OUTCOMES:

- LGBTQ2S+ young people have safe and accepting places to live.
- Young people are not be isolated due to their sexual or gender identities.

Practice Guidelines and Policy

We have heard from young people that their experiences in receiving services throughout Alberta are inconsistent. Even when they experience support and acceptance in one place, their experience can be completely different in a new location or with different employees. Young people, regardless of how they identify need to consistently feel welcomed and respected for who they are. The Alberta Ministry of Education created best practice guidelines and issued a directive to school Boards to develop policy that respects LGBTQ2S+ young people and supports inclusive and welcoming learning environments (Alberta Education, 2016). These guidelines are based on principles that respect the inherent rights and needs of LGBTQ2S+ students. This is done by ensuring privacy and confidentiality, dignity and respect in how they are treated, and collaborative decision making processes. This enables students to be open about who they are (Alberta Education, 2016, p.3).

It is essential, that this positive step that the government has made for students in Alberta also occurs for young people in government care and in custody. Both the Ministry of Children's Services and Ministry of Justice and Solicitor General should develop similar principles as well as policies for working with LGBTQ2S+ young people.

RECOMMENDATION 3:

The Ministry of Children's Services and the Ministry of Justice and Solicitor General should review and revise their policies and practices in relation to identity, safety, appropriate places to live, and services and supports for LGBTQ2S+ children and youth.

FURTHER COMMENTS ON RECOMMENDATION:

Children's Services and the Youth Justice Branch need to review and revise their policies, protocols and the requirements they have for in care/custody facilities to ensure they are meeting the needs of LGBTQ2S+ young people. The provincial government has directed school boards to do this and they have provided practical ideas of what to do such as providing non-gendered, single-stall washrooms for use by any student and reducing gender-segregated courses and activities. The provincial government's *LGBTQ2S Youth Housing and Shelter Guidelines* also provides practical direction to community organizations on the intake form/process, use of signage, and supporting and hosting LGBTQ2S+ events. Other organizations are consulting with the LGBTQ2S+ community to update their policies and practices. It is time for Children's Services and Youth Justice to do the same.

EXPECTED OUTCOMES:

- Children Services' and Youth Justice's policies respect the rights and support the needs of LGBTQ2S+ young people.
- LGBTQ2S+ young people receive services that are welcoming and respectful of their rights.

Decision-Making and Services for Transgender Young People

Transgender young people told us that they face barriers in accessing necessary interventions to support their transition when in the care of child welfare. The biggest barrier is the lack of understanding that “self-identification is the sole measure of an individual’s sexual orientation, gender identity, or gender expression” (Alberta Education, 2016, p.3). Another barrier is that those caring for them are often not aware of the process to transition and are reluctant to make decisions as a guardian on their behalf concerning this. The process includes getting a referral from a family doctor or psychologist to a gender specialist (psychiatrist), seeing an endocrinologist and counselling. It also includes ensuring that the young person has appropriate identification and attire that supports their gender identity. This is essential because when their outward appearance and their identity become increasingly contradictory, it negatively affects mental and emotional well-being as well as physical safety.

RECOMMENDATION 4:

The Ministry of Children’s Services should establish policy that guides decision-making for employees in their role as guardian, regarding consent for medical interventions and support services for transgender young people.

FURTHER COMMENTS ON RECOMMENDATION:

Alberta Health Services generally requires a guardian’s consent for a child to receive medical treatments such as hormone therapy.

The Enhancement Act Policy Manual provides detailed guidance on consenting to medical/dental treatments for children, however, provides no guidance for decision-making related to medical intervention and supports for transgender young people, which could include a referral from a family doctor or psychologist to a gender specialist (psychiatrist), seeing an endocrinologist, and counselling.

EXPECTED OUTCOMES:

- Staff receive guidance for making decisions when working with transgender young people.
- Transgender young people in care receive the support, services and resources that they need.

Sexual Health Education for Young People in Care/Custody

The young people we heard from felt that there was a lack of sexual health education about safe sex, personal hygiene, and healthy relationships that included discussion beyond heterosexual relationships.

They indicated that this left them lacking appropriate sexual health information, feeling abnormal, and not able to understand or have the words to explain their sexual and gender identities. Sexual health issues are a major concern as research indicates that many LGBTQ2S+ youth engage in unsafe sexual activities, resulting in higher rates of sexually transmitted infections and pregnancy (Abramovich, 2009; Human Rights Campaign Foundation, n.d.; Public Health Agency of Canada, 2014; Stieglitz, 2010; Williams & Chapman, 2011; Yan, 2014; Saewyc, 2011).

For young people in government care or custody, these risks can be intensified because they often do not have the opportunity to receive sexual health information from family or at school due to disruptions in school attendance. Young people need to receive information about healthy relationships and sexual health in ways that are appropriate for their age and mental development. Professionals are responsible for helping LGBTQ2S+ young people build age appropriate knowledge, skills, and relationships that can protect them and assist them in their decision-making (Grace, 2015).

RECOMMENDATION 5:

The Ministry of Children’s Services and the Ministry of Justice and Solicitor General should ensure young people in their care receive appropriate and inclusive sexual health information.

FURTHER COMMENTS ON RECOMMENDATION:

Parents, families and schools all play a role in educating young people about their sexual health. When children are in care, it is expected that the adults providing care will also play a role in educating children. However, Children’s Services has no policies or guidelines about educating children on sexual health.

The sexual health curriculum in Alberta provides inclusive sexual health education to children in schools. For those caring for children in care, they too have a responsibility to provide or reinforce this education as parents or families would normally do.

Youth Justice provides a life skills program to youth that is meant to teach skills “to improve their development, make responsible decisions, and successfully reintegrate into the community” (Alberta Justice and Solicitor Gender, n.d., para 5). Adding inclusive sexual health information on sexual orientation, gender identity, safe sex and healthy relationships in all forms would help achieve the goal of this program.

EXPECTED OUTCOMES:

- Young people feel they have the information needed to be healthy and safe.
- Young people are better prepared for adulthood.

Closing Remarks from the Advocate

No child should ever feel bad about who they are. Their uniqueness and diversity is something to be celebrated, supported and encouraged. LGBTQ2S+ children and youth in the child welfare and youth justice system need to feel safe and accepted for who they are. No matter where they live, they have a right to feel welcomed and be able to access the services and supports that they need.

I am grateful to all those youth and stakeholders who spoke out for the purpose of this report. They have shared with us their experience, and have shone a light on the barriers that exist for LGBTQ2S+ children and youth in the child welfare and/or youth justice systems. It is vital that child welfare and youth justice find solutions to the challenges that these young people face. The recommendations in this report create a clear path toward better outcomes and it is essential that they are acted on quickly.

There is some great work being done throughout the province but, as this report has shown, there is still work to be done. In speaking about this Report, an Elder said, “These young people are special gifts... They are not to be rejected – they should be accepted and cherished.” It is my sincere hope that every person that reads this report sees their role in supporting – and celebrating - LGBTQ2S+ young people.

[Original signed by Del Graff]

Del Graff

Child and Youth Advocate

Appendix A

Glossary of Terms Used in Special Report

While there are no universal definitions for these terms, this report aims to best capture the language currently being used. We understand that these terms will continue to evolve in the future.

We acknowledge that these definitions do not cover the range and complexity of sexual and gender diversity.

Biological Sex: The gender you were assigned at birth based on biological markers.

Bisexual: A person that is attracted to the same and opposite sex.

Cisgender: A person whose gender identity matches with the sex and gender they were assigned at birth.

Gay: A person that is attracted to the same sex. This term is typically used for males.

GSA (Gay Straight Alliance): Student organizations found in some K-12 schools and post-secondary institutions that create a safe and supportive place for sexual and gender minority students and their allies.

Gender expression: A person's outward display of their sense of gender.

Gender Diverse/Gender Creative: Umbrella terms referring to individuals whose gender expression (how you present your gender to society) differs from the culturally constructed male/female gender binary, or what is expected of them. The phrase *gender creative* is often used in reference to children.

Gender identity: A person's sense of their gender as it relates to ideas of maleness or femaleness that can be set or flow between concepts. All people have a gender identity. This identity can match their biological sex or be different.

Gender nonconforming: When a person's gender expression does not match the cultural expectations of gender roles or is fluid. Someone can be gender non-conforming but not be transgendered.

Gender transition: The process of aligning a person's physical body with their gender identity.

Heterosexual/Straight: A person that is attracted to the opposite sex.

Homophobia: An irrational fear or hatred of people who are, or perceived to be, gay, lesbian, or bisexual, often exhibited by prejudice, discrimination, intimidation, or acts of violence.

Lesbian: A female who is attracted to other females.

Outing: The public disclosure of another person's sexual orientation or gender identity without that person's permission or knowledge. This can be very disrespectful and is potentially dangerous.

Plus (+): An inclusive symbol that acknowledges that there is significant sexual and gender diversity in the ways people identify.

Sexual orientation: A person's feelings of attraction or affection that guide intimacy with others.

Survival Sex: Sex acts that are engaged in as trade for food, places to sleep, or other needs.

Transgender/Trans: People whose gender identities or expressions differ from the sex or gender they were assigned at birth.

Transphobia: An irrational fear or hatred of people who are transgender, or perceived to be transgender, often exhibited by prejudice, discrimination, intimidation, or acts of violence.

Two-spirit: An Indigenous person who is either gay, lesbian, bisexual, transgender, or someone who identifies as both male and female spirited.

Queer: An umbrella term for LGBTQ2S+. Once considered derogatory, this term is being reclaimed, particularly by young people.

Questioning: A term that refers to a process where one reflects on and learns about their own sexual orientation and/or gender identity.

Appendix B

External Advisory Panel Members

Roseline Carter

Roseline is a registered social worker who graduated from Mount Royal University in 2004 and has been working in the non-profit sector since graduation. Currently, she is the Director of Programs at the Calgary Sexual Health Centre. She is an active community advocate and volunteer.

André P. Grace, PhD

André is the Canada Research Chair in Sexual and Gender Minority Studies in the Faculty of Education at the University of Alberta. He has served as a member of the Canadian Teachers' Federation's Panel of Academic Experts for Sexual and Gender Minority Issues. In 2015, his book *Growing into Resilience: Sexual and Gender Minority Youth in Canada* was published. He also co-authored *Sexual and Gender Minorities in Canadian Education and Society (1969-2013): A National Handbook for K-12 Educators*, with Dr. Kristopher Wells, which was published in 2016. Currently, he directs the Comprehensive Health Education Workers Project (<http://chewproject.ca>) for vulnerable LGBTQ youth in inner city Edmonton.

Scott Mair

Scott is a Program Consultant for the Ministry of Children's Services in Alberta. Over the past 15 years, he has worked with children, youth, and families in both Alberta and the United Kingdom. He has expertise working with sexual and gender diverse youth as well as youth in care. He has developed several programs that provide youth support, skills, and advocacy in the greater Edmonton area. He considers his work to be a passion and strives to transform systems to be responsive and supportive to the needs of the children and youth in Alberta.

Sam Nels

Sam is a transgender social worker who is passionate about human rights and social justice who grew up in rural Alberta at a time when there was very little understanding about this topic. Sam thinks this project highlights the importance of dialogue and research, so that we can best support people who are facing marginalization and oppression. Sam feels that this report highlights important considerations for the public and key stakeholders and hopes that it helps to begin changes to service provision within the various systems that serve LGBTQ2S+ young people.

Marni Panas

Marni is a Senior Advisor Diversity and Inclusion with one of Canada's largest employers dedicated to creating safer, more welcoming and inclusive environments for health care related environments. She has a bachelor's degree in Health Administration and is working towards her designation as a Canadian Certified Inclusion Professional (CCIP). Marni was involved in the work that led to adding gender identity and gender expression to Alberta and Canada's Human Rights Acts. Marni has shared her experiences and expertise with inclusive health and cultural safety for LGBTQ* patients and their families locally, nationally, and internationally. Marni is also a transgender woman who has been very transparent throughout her journey in the hopes of fostering acceptance through education and respectful dialogue.

David Rust

David has over 30 years of experience providing clinical supervision to programs for vulnerable youth in the areas of personal development, mental health, and addictions. He has worked with diverse organizations such as UNICEF, AADAC, Junior Achievement, Alberta Health Services, and the Government of Alberta in the areas of prevention of sexual exploitation of children and youth, suicide prevention, sexual minority youth, family reunification, and supports for multicultural and Indigenous children and families. He is currently Project Lead of the Community Mental Health Action Plan. David has received such recognition as the Canadian School Mental Health Award, Alberta School Council's Association Excellence in Learning Partnerships Award, and the Man of Honour Award for community service and collaborative practices.

Peter Smyth MSW, RSW

Peter has been a social worker for over 28 years. He currently oversees the High Risk Youth Services with Alberta Children's Services, Edmonton Region. Before that, he supervised the High Risk Youth Unit. He developed a practice framework and philosophy incorporating non-traditional intervention methods to better meet the needs of high risk youth. Peter is also the co-founder of the Old Strathcona Youth Society. He provides consultation, training, and workshops on engaging and working with youth as well as understanding youth through an attachment, trauma, and brain development lens. Peter is a sessional instructor at the University of Calgary, Faculty of Social Work, Central and Northern Alberta Region and MacEwan University. His book High Risk Youth: A Relationship-Based Practice Framework was released in 2017.

Eric Storey, BCom, BSW

Eric retired in 2007 from the manufacturing sector. Throughout his professional career, he volunteered in youth and social programs. Eric went on to obtain his Social Work degree and increase his community involvement in his retirement. He combines social work skills with his previous management experience in working with the community. He is focused on social justice in the areas of at-risk and youth in-care, marginalized seniors, and sexual and gender minority populations.

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Speaking OUT:

A Special Report on LGBTQ2S+ Young People
in the Child Welfare and Youth Justice Systems



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