

Know Your Rights: LGBTQ Youth and Youth Living with HIV in Foster Care and Juvenile Justice Systems

Youth in foster care and juvenile justice systems who are lesbian, gay, bisexual, transgender or questioning (LGBTQ) or living with HIV have basic rights.



YOU HAVE A RIGHT TO BE SAFE

You have a right to be free from anti-LGBTQ and HIV verbal and physical harassment.

- Caseworkers, staff, foster parents and other service providers may not subject you to harassment.
- They also have a responsibility to protect you from mental, emotional, physical and sexual harm in your placement, school and community.

YOU HAVE A RIGHT TO BE TREATED EQUALLY AND BE FREE FROM DISCRIMINATION

You have a right to receive the same services and care as other youth. Adult caretakers and service providers should not treat you differently because you are LGBTQ or living with HIV.

- Service providers should not apply rules to LGBTQ youth or youth living with HIV that they do not apply against other youth. For example, if a facility has a “no hugging rule,” staff should not only use it against LGBTQ youth or youth living with HIV.
- Service providers should not ignore harassment or abuse against you because you are LGBTQ or living with HIV. This must be taken as seriously as harassment or abuse against other youth.
- You should not be isolated because you are LGBTQ or living with HIV.

YOU HAVE A RIGHT TO RECEIVE HEALTHCARE

- You have a right not only to medical healthcare, but also to appropriate mental healthcare.
- You should not be given “conversion therapy,” or any type of treatment that tries to change your LGBTQ status.
- If you are a transgender person living in the custody of the state and have medical needs because of a diagnosis of Gender Identity Disorder (GID), healthcare providers may be obligated to help you receive appropriate treatment, including hormones.
- If you are a youth living with HIV you have a right to see a doctor and to receive treatment based on their medical opinion.

YOU HAVE A RIGHT TO FREEDOM OF EXPRESSION

You have a right to be open about being LGBTQ or living with HIV.

- Service providers should not require you to hide that you are LGBTQ or living with HIV
- You have a right to express your gender identity through the clothes you wear, your name and your choice to be referred to as “he” or “she.”
- Staff should not punish you or single you out for being open about being LGBTQ or living with HIV.

YOU HAVE A RIGHT TO RELIGIOUS FREEDOM

You have a right to practice the religion of your choice, as well as a right not to practice a religion.

- You should not be required to participate in religious activities that condemn homosexuality.
- Caretakers and service providers should not intimidate or force you into adopting any particular religious beliefs.

WHAT YOU CAN DO:

If you are harassed, abused or discriminated:

- If you are in danger, get emergency assistance.
- Talk to someone you can trust. Talk to an adult involved in your care, social worker, guardian ad litem, attorney or another service provider about what happened.
- Write down what happened including who harassed or abused you, what they said or did, who witnessed what happened and any other information you think is important.
- If there is a system to report harassment or abuse in your placement, school or community, report what happened to you.
- If you need additional help contact Lambda Legal.

CALL TOLL FREE OR USE OUR WEBSITE:

1-866-LGBTeen

1-866-542-8336

www.lambdalegal.org/help/online-form

Remember: You are not alone. You have a right to be safe, to be free from harassment and to have adults stick up for you.