

November 1, 2021

DFPS Commissioner Jaime Masters
P.O. Box 149030
Austin, Texas 78714-9030

Delivered via email to Jaime.Masters@dfps.texas.gov and via certified mail.

Dear Commissioner Masters,

As Texas child welfare system stakeholders concerned about the safety and well-being of children in the Texas Department of Family and Protective Services (DFPS) care, we write to request that you immediately enable the Texas Youth Connection website¹ and approve and disseminate the Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Two-Spirit, and Gender Diverse (LGBTQ+) Children and Youth Resource Guide (LGBTQ+ Child Welfare Resource Guide) which was submitted to your office for approval nearly 18 months ago. We request a meeting with you at your earliest convenience to discuss these requests.

We were alarmed by DFPS's recent decision to disable the Texas Youth Connection website in response to a politically motivated, ill-informed complaint about the website's supportive and affirming resources for LGBTQ+ youth in DFPS's care.² The website included life-saving information for LGBTQ+ youth, including suicide prevention hotline numbers and other crucial mental health resources. This decision was not in accordance with DFPS's mission and legal obligation to promote the safety, permanency, and well-being of *all* children in its care.³ More importantly, the removal harms all children in DFPS's care directly by depriving them of needed resources and support on a site created especially for youth, including LGBTQ+ youth who are over-represented in care compared to their non-LGBTQ+ peers and disproportionately experience harm and poor outcomes related to safety, permanence, and wellbeing.

Also, we bring to your attention that members of the LGBTQ+ Child Welfare Work Group (the Work Group),⁴ which includes many of the signatories below, created the LGBTQ+ Child Welfare Resource Guide which was presented to you for approval in May of 2020 through the

¹ Texas Department of Family and Protective Services, *Texas Youth Connection*, <https://www.dfps.state.tx.us/txyouth/default.asp> (last visited Oct 26, 2021).

² Don Huffines (@DonHuffines), Twitter (Aug. 31, 2021, 2:38 PM), <https://twitter.com/donhuffines/status/1432789978090807296>; Don Huffines (@DonHuffines), Twitter (Aug. 31, 2021, 3:42 PM), <https://twitter.com/DonHuffines/status/1432806029792890890>.

³ Texas Department of Family and Protective Services, *Learn About DFPS*, https://www.dfps.state.tx.us/About_DFPS/default.asp.

⁴ The LGBTQ+ Child Welfare Work Group is composed of child advocates, social workers, psychologists, researchers, attorneys for children, judges, service providers, DFPS staff, and other child welfare stakeholders in Texas with years of collective practice and experience in the field.

DFPS approval process. The guide, similar to others DFPS produces internally, is designed to ensure that DFPS caseworkers have practical guidance about how to treat LGBTQ+ youth fairly and respectfully, consistent with DFPS policy, and directs caseworkers how to take action if youth are experiencing harm or discrimination in care, in school, or in the community. In addition, the guide contains links to resources so caseworkers may easily make referrals for any services and support youth may need to address trauma, find community support, receive necessary medical and mental health care, and promote positive youth development. Although you have had the draft guide before you for over a year and a half, you have not approved the guide nor indicated willingness to collaborate by submitting suggestions or edits.

By disabling the Texas Youth Connection website, failing to approve the Resource Guide, and issuing a “determination” letter⁵ purporting to categorize certain types of gender-affirming health care (which we request you retract) as “child abuse,” you have indicated that you are unwilling to support LGBTQ+ youth in care. These actions further indicate a pattern of categorically treating LGBTQ+ youth differently than other children in DFPS’s care and basing decisions on stigma and prejudice rather than law, child welfare policy, professional standards,⁶ and current best research evidence.

Below we outline a brief history of the development of the content for LGBTQ+ youth on the Texas Youth Connection website and the LGBTQ+ Resource Guide.

Texas Youth Connection

As part of the agency’s commitment to provide resources to support *all* youth, LGBTQ+ specific information was uploaded on The Texas Youth Connection website. As noted by DFPS website manager, Darrell Azar, the LGBTQ+ information has been up as “long as [he] can remember” and was provided by staff from the agency’s Preparation for Adult Living Program (“PAL”).⁷ After review of content by external stakeholders knowledgeable about the experiences and needs of LGBTQ+ youth, the stakeholders, including members of the Work Group, expressed concern that language used on the site was dated and the categorization and placement of LGBTQ+ information solely under the mental health category on the site was problematic. As a result, from 2016 to 2019, DFPS staff collaborated with Work Group members to update the website

⁵ Letter from Jaime Masters, TX DFPS Commissioner, to Greg Abbott, Texas Governor (Aug. 1, 2021), https://gov.texas.gov/uploads/files/press/Response_to_August_6_2021_OOG_Letter_08.11.2021.pdf.

⁶ Child Welfare League of America et al., *Recommended Practices: To Promote the Safety and Well-Being of Lesbian, Gay, Bisexual, Transgender and Questioning (LGBTQ) Youth and Youth at Risk of or Living with HIV in Child Welfare Settings* (2012), <https://www.lambdalegal.org/sites/default/files/publications/downloads/recommended-practices-youth.pdf>.

⁷ Allyson Waller, *State agency removed online resources for LGBTQ youth after complaints from a Republican challenging Gov. Greg Abbott, emails show*, The Texas Trib. (Oct. 12, 2021), <https://www.texastribune.org/2021/10/12/texas-lgbtq-resources-department-family-protective-services/>.

content and add additional resources, in addition to increasing its accessibility and eliminating stigma by featuring information in the “identity” portion of the site as well as other relevant sections. All the work was done with the goal of best meeting the needs of LGBTQ+ youth in care and ensuring content was vetted by subject matter experts as accurate.

Concerningly, it appears PAL staff were not consulted about the content of the website or whether it should be disabled. A member of the Work Group brought the disablement of the website to the attention of PAL staff. You were notified on September 1 it was set to be disabled and were aware of the inaccurate and disingenuous reason for it.⁸ It appears you did not take steps to intervene and did not prevent the disablement. Work Group members have asked your staff to enable the website, yet it remains disabled and the information and resources unavailable for youth in DFPS’s care.

LGBTQ+ Child Welfare Resource Guide

This guide was created by the Work Group, including DFPS staff members. It is similar to other “Resource Guides” DFPS publishes⁹ for staff to ensure that their day-to-day practice is meeting the needs of children and youth in care. Consistent with child welfare professional standards and legal and policy obligations, the purpose of the LGBTQ+ Child Welfare Resource Guide is to ensure that LGBTQ+ youth are emotionally and physically safe while in DFPS’s care and receive services that are supportive, inclusive, and affirming. Notably, the guidance and resources are designed to help workers address the disproportionately negative experiences and outcomes LGBTQ+ youth in care have compared to their non-LGBTQ+ peers.¹⁰

The guide covers topics including Safety and Well-Being, Placement and Permanency, Disclosure and Confidentiality, School and Community, and Professional Obligations. Within each subject, there is specific practice guidance followed by resources to support implementation. For example, the practice guidance to “call transgender and gender diverse youth by the names and pronouns they use” includes strategies for caseworkers to ask about and use youth’s correct name and pronouns, as well as links to educational resources regarding pronouns and the positive impact of using a young person’s chosen name and pronouns on mental health outcomes.¹¹ In addition, the guide contains a section summarizing current social

⁸ Justin Miller (@by_jmiller), Twitter, (Oct. 12, 2021, 7:20 PM), https://twitter.com/by_jmiller/status/1448066155713810434/photo/1.

⁹ Texas Department of Family and Protective Services, *CPS Resource Guides*, <https://www.dfps.state.tx.us/handbooks/CPS/Files/CPSResourceGuides.asp>.

¹⁰ Casey Family Programs, *Strategy Brief Safe Children* (last updated Sept. 2019), https://caseyfamilypro-wpengine.netdna-ssl.com/media/SC_LGBTQ-Programming.pdf.

¹¹ Amanda M. Pollitt et al., *Predictors and Mental Health Benefits of Chosen Name Use Among Transgender Youth*, 53 *Youth & Soc’y*, no. 2, 320 (2021). <https://journals.sagepub.com/doi/abs/10.1177/0044118X19855898?journalCode=yasa>.

science research, a glossary of concepts and terms, and a list of resources for LGBTQ+ youth categorized by DFPS region.

The guide was presented to you by DFPS staff via the normal approval process over a year and a half ago. You have not indicated whether you have suggestions or edits or whether the guide will be approved, nor have you offered a justification as to why you have taken no action.

We request a meeting with you to discuss our requests and that you take immediate steps to address three recent actions that treat LGBTQ+ youth differently than other youth in care and exacerbate the harm and stigma they experience in society - harm that should not be perpetuated by an agency legally charged with ensuring their wellbeing.

Sincerely,

LGBTQ+ Child Welfare Work Group

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