

SB 731 (Leno)

As Introduced February 27, 2015

Respecting Gender Identity in Foster Youth Placements

FACT SHEET

SUMMARY

SB 731 will require child welfare workers and caregivers in California to consider a child's gender identity when making decisions about foster care placement.

SB 731 will provide needed guidance to child welfare workers and by clarifying that they must consider the gender identity of a child in order to provide the most appropriate care, regardless of the gender listed in child's or child welfare court records.

BACKGROUND

When a child enters California's foster care system, child welfare workers and caregivers consider a wide range of factors when deciding the most appropriate foster care placement.

Studies show that lesbian, gay, bisexual, and transgender (LGBT) youth are at much higher risk for homelessness, abuse, depression, and suicide. An estimated 25 to 40 percent of LGBT homeless youth report leaving home due to conflicts with family members related to their sexual orientation or gender expression.

Children in California's child welfare system are protected by the Foster Care Bill of Rights, which includes the right to fair and equal access to all services, and the right to be free from discrimination based on race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, disability, or HIV status.

Many transgender youth face rejection, harassment, and physical abuse at the hands of their families, communities, and schools due to bias against their gender identity or expression. These children are at extremely high risk for poor health and mental health outcomes.

However, these provisions do not provide specific guidance to child welfare workers and caregivers when placing foster children who are transgender.

These risks are magnified for children in foster care, many of whom have already experienced significant trauma. When a foster child is improperly placed without consideration of gender identity, the child may be at risk for further bullying, harassment, and abuse.

SOLUTION

All children deserve to feel safe, accepted, and respected. Research links the acceptance and support of caregivers to the long term health and mental health of LGBT youth.

SB 731 will help ensure that caregivers provide appropriate supportive care, including respecting and affirming every child's gender identity. This bill enables a child welfare worker to place a child according to the child's gender identity by amending the Foster Care Bill of Rights.

It also directs the Department of Community Care Licensing to develop regulations to implement this right.

STATUS

2/27/15 Introduced

SUPPORT

National Center for Lesbian Rights (Co-Sponsor)
Equality California (Co-Sponsor)
California Alliance of Child and Family Services
Child Welfare Directors Association
East Bay Children's Law Offices
Gender Spectrum
Legal Services for Children
National Center for Youth Law
Transgender Law Center
Youth Law Center

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