Laws and Policies Protecting LGBTQ Youth from Discrimination

Federal Laws and Policies Protecting LGBTQ Youth from Discrimination

1st Amendment

Limits the right of public systems to censor a young person's speech or expression. Protects the right of a youth to be "out," display symbols of pride, and wear clothing consistent with their gender. The 1st Amendment also gives youth the right to be free of religious indoctrination.

14th Amendment-Due Process Protections (Right to Safety)

The right to "reasonably safe conditions of confinement" and "freedom from unreasonable bodily restraint." Youth have a right to physical and emotional safety, adequate food, shelter, clothing and appropriate medical care.

14th Amendment-Equal Protection

Requires public systems to protect LGBT youth to the same extent as other youth and respond to harassment. It also provides equal treatment in the provision of placements and services and equal access to programs.

California Laws and Policies Protecting LGBTQ Youth from Discrimination

Civil Rights Act of 2007-AB 14

LGBT Californians receive protections from discrimination in state-funded programs and activities.

Nondiscrimination in State Programs and Activities-SB 1441

LGBT Californians protected from discrimination in state-operated and funded services, activities and programs.

Juvenile Justice Safety and Protection Act-SB 518

Protects LGBT youth against discrimination and harassment in the state's juvenile justice facilities.

Omnibus Hate Crimes Act-SB 1234

Makes the state definition of a hate crime consistent throughout law to protect all Californians.

Sexual Orientation Change Efforts SB 1172

Prohibits mental health professionals from using "conversion therapy" to attempt to change a minor client's sexual orientation.

Providing Safe, Supportive Homes for LGBT Youth AB 1856

Requires foster care administrators, group home staff and foster parents to complete training on LGBT cultural competency, sensitivity and best practices with a goal of improving care and outcomes for LGBT youth in foster care.

California Foster Care Nondiscrimination Act-AB 458

All foster children in California have the right to fair and equal access to all available child welfare services, placements, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity.

All persons engaged in providing care and services to foster children shall have fair and equal access to all available programs, benefits, services, and licensing processes, and shall not be subjected to discrimination or harassment on the basis of their clients or their own, actual or perceived sexual orientation or gender identity.

County child welfare departments, group home facilities, and foster family agencies have a legal responsibility to provide care, placement, and services to foster children, family members, foster parents, and service providers without discriminating on the basis of actual or perceived sexual orientation or gender identity.

School Success and Opportunity Act (AB 1266)

Protects the rights of transgender and gender non-conforming students to participate in sex-segregated programs and activities that are aligned with their gender identity. This right includes participation on sports teams and in physical

education classes. It also protects the rights of youth to use facilities (restrooms and locker rooms) in alignment with their gender identity.

California Student Safety and Violence Prevention Act – AB 537

AB 537, the California Student Safety and Violence Prevention Act of 2000, changed California's Education Code by adding actual or perceived sexual orientation and gender identity to the existing nondiscrimination policy. State law says that "'gender' means sex, and includes a person's gender identity and gender related appearance and behavior whether or not stereotypically associated with the person's assigned sex at birth." The nondiscrimination policy also prohibits harassment and discrimination on the basis of sex, ethnic group identification, race, ancestry, national origin, religion, color, or mental or physical disability. AB 537 protects students and school employees against discrimination and harassment at all California public schools and any school receiving state funding except religious schools.

Personal Rights-California Code 22 CCR 80072

Youth shall have personal rights that include being free to attend religious services or activities of their choice and have visits from the spiritual advisor of their choice. Attendance at religious services shall be on a completely voluntary basis.

Los Angeles County Policies Protecting LGBTQ Youth from Discrimination

All DCFS clients have a right to file a complaint against any DCFS employee, contractor vendor or consultant if they perceive they have been discriminated against because of sexual orientation or gender identity. The complaint must be filed within 180 days of the allegation and will receive a response within 90 days. (Los Angeles County Policy of Equity, July 2011. P.7)

Code of Ethics Policies Protecting LGBTQ Youth from Discrimination

Marriage and Family Therapists	American Psychological Association	American Counseling Association	National Association of Social Workers
Marriage and family therapists do not condone or engage in discrimination, or refuse professional service to anyone on the basis of gender identity, gender expression, or sexual orientation.	The American Psychological Association's policy statement on Transgender, Gender Identity, and Gender Expression Non-Discrimination "supports efforts to provide safe and secure educational environments, at all levels of education, as well as foster care environments and juvenile justice programs, that promote an understanding and acceptance of self and in which all youths, including youth of all gender identities and expressions, may be free from	Counselors do not condone or engage in discrimination based on gender identity or sexual orientation. Counselors do not discriminate against clients, students, employees, supervisees, or research participants in a manner that has a negative impact on these persons.	Social workers should obtain education about and seek to understand the nature of social diversity and oppression with respect to sexual orientation and gender identity or expression. Social workers should not practice, condone, facilitate, or collaborate with any form of discrimination on the basis of sexual orientation and gender identity or expression.

	discrimination, harassment, violence, and abuse."		

For more information on laws and policies that affect LGBTQ youth visit: http://www.nclrights.org/site/DocServer/LGBTQ_Youth_In_Child_Welfare_System.pdf?docID=1581

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