

## WHITE PAPER



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# Addressing Issues of Homophobia and Transphobia in the NYC Administration of Children's Service

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The Ali Forney Center

Written by: Nadia Swanson, LCSW , April 2024

### Summary of the Issue:

Over the last year The Ali Forney Center (AFC) has experienced an increase in blatant homophobic and transphobic remarks and treatment by the State Central Registry (SCR) and ACS workers. LGBTQ+ youth are overrepresented and are the most likely to experience homelessness as a result of not feeling safe at home or within the child welfare system. While internal policies and training state that homophobia/transphobia is abuse, in practice, too many individuals are not taking this form of abuse as seriously as others. There appears to be a failure in general oversight and accountability to address when individuals do not follow policy and the amount of training is inadequate.

Additionally, we need families to better understand the severity of this form of abuse and maltreatment.. Families must be offered specialized Prevention services to stay together and keep children safe in their homes. AFC acknowledges the many steps taken over the years to address this issue and has been part of the process at times; but we must do more to keep LGBTQ+ children safe. Especially at a time when the rights of Trans and Non-Binary children are being taken away across the country, and when parents are being threatened with legal action and family separation for supporting their Trans child; New York must make a stand, taking concrete action to do better and set an example for the country.

LGBTQ+ youth that experience family rejection are significantly more susceptible to the following risk factors<sup>1</sup>

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<sup>1</sup> Caitlin Ryan, David Huebner, Rafael M. Diaz, and Jorge Sanchez, "Family Rejection as a Predictor of Negative Health Outcomes in White and Latino Lesbian, Gay, and Bisexual Young Adults," *Pediatrics* 123, no. 1 (2009): 346-352, <https://doi.org/10.1542/peds.2007-3524>.



It is imperative that we intervene early and intentionally, providing LGBTQ+ youth and families with affirming support and access to education; and ensuring that the systems meant to protect youth are not exacerbating harm through compounded traumas that could be life threatening.

### Example Incidents Experienced at Ali Forney Center with ACS / SCR Workers:

**Reported by AFC Housing Director:** During a routine home visit at a housing site an ACS worker refused to use the youths chosen name, stating that ACS does not allow them to use their chosen name and that their name cannot be used while in court. Additionally, when our clinical staff was working with an ACS contracted agency that supported the same resident, the agency reported a determination that his Trans identity was a symptom of psychosis.

**Reported by an ACS Senior Director:** An official report was filed, with ACS regarding an extreme case of homophobia/transphobia from an ACS worker. The minor reported to AFC their experiences of physical abuse, emotional neglect, lack of supervision, parental drug use, inadequate food/clothing/shelter, serious emotional abuse about their trans identity and abuse if they do not dress as their sex assigned at birth. The worker questioned why we called ACS for those reasons; and refused to use their correct name and pronouns. This incident was handled after filing the report and the youth now works with an ACS worker that is respectful and affirming of the youths identity. We are unclear on how the incident was handled internally and what accountability measures and/or education was provided to the staff by ACS.

#### Reported by multiple staff and directors:

- An almost consistent failure from ACS workers to use proper names and pronouns;
- Recurring statements from both SCR and ACS workers that youth being forced to present as a gender they are not does not count as child abuse despite ACS policy stating otherwise;
- SCR workers consistently failing to dispatch investigators when SCR reports are made during the Drop In Overnight Program (between 8pm and 8am) as required, or showing

up to investigate and deciding they do not need to investigate further because they are at our Drop In Center, failing to connect them to appropriate services or hear from the youth what they would like to do.

- Numerous reports of ACS workers stating, “That’s y’all’s job” in regards to using correct names and pronouns, saying, “we don’t do pronouns.”

## Data:

In ACS’s 2019 Well Being Study on LGBTQ+ Youth Foster Care,<sup>2</sup> it is reported that:

LGBTQAI+ youth are overrepresented in foster care. More than one out of three youths (34.1%), ages 13-20, in New York City foster care is LGBTQIA+. This is substantially higher than the proportion of LGBTQAI+ youth in the general population and double the national statistic of 20% LGBTQIA+ youth in foster care.

- **LGBTQAI+ youth in foster care are more frequently youth of color**, with almost three quarters of the sample identifying as African American and almost a third identifying as Latinx
- **The placements of LGBTQAI+ youth in foster care differ from those of non-LGBTQAI+ youth in foster care.** Compared to non-LGBTQAI+ youth, LGBTQAI+ youth were more likely to be placed in group homes or residential care and less likely to be placed in family-based care. LGBTQAI+ youth were less satisfied with their current placement. LGBTQAI+ youth were more likely to say that they experienced little to no control over their lives in foster care and to have heard staff or other people refer to them as “hard to place.”
- **The family experiences of LGBTQAI+ youth in foster care can be challenging.** While LGBTQAI+ youth were more likely to be in touch with family members, they saw these family members less frequently. Fewer LGBTQAI+ youth reported that there were adults in their lives, other than family members, who they could rely on and by whom they felt supported.
- **LGBTQAI+ young people have more struggles with institutional systems and higher risk factors for depression.** LGBTQAI+ youth had been absent without permission from their foster care placements for significantly more days than non-LGBTQAI+ youth; Furthermore, LGBTQAI+ youth reported more frequently than non-LGBTQAI+ youth to have been criticized for dressing too feminine/too masculine (20.3% versus 4.9%, respectively) and to behave too much like a person of the other sex (22.0% versus 5.0%, respectively). These risk factors were associated with differences in well-being: LGBTQAI+ youth reported to experience more depressive symptoms and fewer feelings of optimism compared to non-LGBTQAI+ youth.

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<sup>2</sup> Theo G. M. Sandfort, “Experiences and Well-Being of Sexual and Gender Diverse Youth in Foster Care in New York City: Disproportionality and Disparities,” *Columbia University Vagelos College of Physicians and Surgeons, Department of Psychiatry* (2019)

In the reports conclusion, researches state: "Although some observed health disparities were bigger than others, these disparities form a pattern and warrant ongoing policy and programming activities to better accommodate the needs of LGBTQAI+ youth in foster care, and to promote their safety, permanency, and well-being. LGBTQAI+ youth should have access to competent and appropriate support in an environment that validates gender and sexual diversity. This requires that all parties that interact with foster care youth, including social workers, foster parents, and institutional staff, understand gender and sexual diversity and related issues. They should be enabled to appropriately interact with LGBTQAI+ youth and address their needs."

### **Runaway and Homeless Youth(RHY)**

**LGBTQAI + youth were also more likely to have been homeless and to have had negative confrontations with the police.** 23.3% of the LGBTQAI+ youth reported to have been homeless versus 19.5% of the non-LGBTQAI+ youth. 24.1% of the LGBTQAI+ youth reported negative encounters with the police versus 17.5% of the non-LGBTQAI+ youth.

The Ali Forney Center's 2023 intake data reports that 18% of our youth have had some contact with the child welfare system. The compounded traumas of family rejection, family separation in the foster care system and experiencing homelessness put the youth we serve at a higher disadvantage to success and independence.

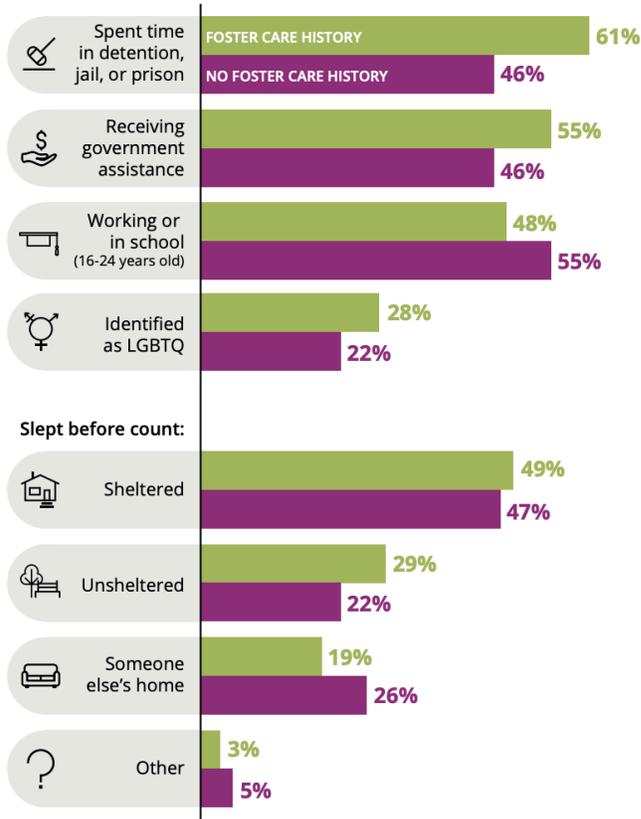
As reported by Chapin Hall Voices of Youth Count,<sup>34</sup> youth who experience homelessness with a foster care history and youth who experience homelessness and are LGBTQ have greater barriers and trauma experiences than their counterparts:

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<sup>3</sup>Amy Dworsky, Elissa Gitlow, Beth Horwitz, and Gina Samuels, "Interrupting the Pathway from Foster Care to Homelessness," Chapin Hall, The University of Chicago, 2019

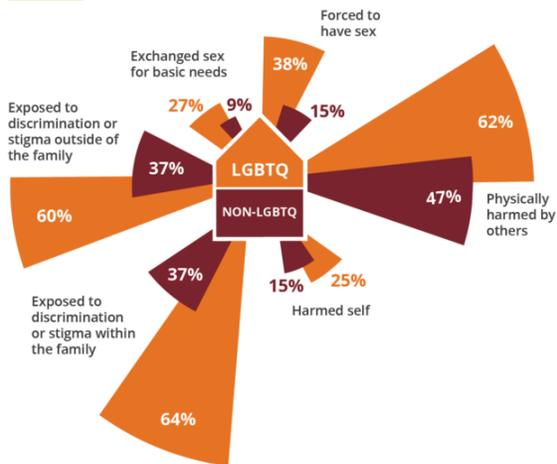
<sup>4</sup> Matthew Morton, Amy Dworsky, Sonali Patel, "LGBTQ Young Adults Experience Homelessness at More than Twice the Rate of Peers," Chapin Hall, The University of Chicago, 2018

## Differences between youth experiencing homelessness with and without a foster care history



(Source: VoYC Brief Youth Surveys)

## LGBTQ youth endured especially high levels of adversity among youth experiencing homelessness



(Source: Chapin Hall at the University of Chicago)

## Our Asks:

**Immediate Policy Reform** - We must see homophobia and transphobia more clearly addressed as forms of abuse in the child welfare policies of NYS-OCFS and NYC-ACS:

- Provide staff with more clear guidance and examples on how to identify homophobia and transphobia in the home and during SCR calls. Providing different levels and the appropriate intervention. Example: “Red, Yellow and Green Flags”.
- Hold workers and foster parents accountable when not followed and provide mandatory training with LIFT or Ackerman as part of their performance improvement plan.
- Complete revision of the current LGBTQ Policy<sup>5</sup>, last updated in 2012. With input from LGBTQ+ organizations and LGBTQ+ youth in the system. Example : The “How to Communicate Effectively” portion is on page 87 in the 146 pages of the policy and only focuses on health care.
- LGBTQ+ children and youth who are placed in a foster home, must be placed with foster parents that not only affirm but celebrate their identity; and workers must prioritize finding such a placement.

**Tailored Mental Health Services, a Lifeline for LGBTQ+ Youth** - LGBTQ+ youth in the foster system are significantly more likely to experience mental health challenges, with rates of depression and anxiety far surpassing their non-LGBTQ+ peers.

- When homophobia and transphobia are reported in the system, access to mental health services specifically designed to address the unique challenges faced by LGBTQ+ youth and families is needed.
- Create more partnerships to fast track LGBTQ youth and families to affirming services

**Affirming Family Therapy to Build Bridges and Heal Divides** - Family rejection is the violent reality for all too many LGBTQ+ youths— studies<sup>6</sup> show that family acceptance is linked to significantly lower rates of depression and substance abuse, and promotes overall well-being for young people.

- Create a specialized Prevention path for families to engage in individual, group and family therapy to educate and bridge gaps in understanding, reducing family conflict and increasing acceptance while keeping families out of the foster care and Runaway and Homeless Youth system.

**Educational Programs to Empower Change from Within** - Ignorance breeds fear and prejudice. Educational programs targeting both families and child welfare staff can dramatically shift perceptions, attitudes, and treatment of LGBTQ+ youth in the system. We would never expect someone to unlearn racism, ableism etc in one training; homophobia and transphobia are no different.

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<sup>5</sup> The City of New York Administration of Children's Services, "Policy # 2012/01, Promoting a Safe and Respectful Environment for LGBTQ Youth and their Families Involved in the Child Welfare, Detention and Juvenile Justice System," 2012

<sup>6</sup> Katz-Wise SL, Rosario M, Tsappis M. Lesbian, Gay, Bisexual, and Transgender Youth and Family Acceptance. *Pediatr Clin North Am.* 2016

- Staff need expanded trainings with clear examples of how to identify the abuse and guidelines on what actions to take when homophobia and transphobia is occurring in the home– by offering expanded training programs that include :
  - Empathic consciousness raising
  - The importance of accurate name/pronoun use
  - LGBTQ+ history and systemic oppressions
  - The impacts of discrimination
- Update the 2022 Parents Handbook<sup>7</sup> to include LGBTQ+ affirmation in the Parent Responsibilities section and other relevant areas.

**Legislative:**

Support the passing NYC Council Bill Int 0056 (Osse)<sup>8</sup> : Requiring the administration for children’s services to report annually on the number of and placement of LGBTQ+ foster youth.

**Join the Campaign:**

We are inviting you to join us and work collaboratively to make the outlined changes to policy and implementation of the agency values. Work with us to advocate to OCFS to make the changes on the state level. With your support behind the importance of elevating this issue it would make a significant impact Statewide and set a precedent for other states across the country to strengthen their support of LGBTQ+ youth and families.

We are requesting a meeting to be able to discuss our concerns and suggestions in person.

**Contact:** Nadia Swanson - They/Them - Director of Technical Assistance and Advocacy  
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<sup>7</sup> The City of New York Administration of Children’s Services, “A Guide for Parents of Children in the Foster Care System” 2022

<sup>8</sup>New York City Council Int 0056-2024 “Requiring the administration for children’s services to report annually on the number of and placement of LGBTQ+ foster youth”, Council Member Osse