

<b>DCF</b>	COMMONWEALTH OF MASSACHUSETTS ~ DEPARTMENT OF CHILDREN AND FAMILIES	
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## LGBTQIA+ Nondiscrimination Policy

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## **I. POLICY**

The Department is committed to promoting safe, affirming, and discrimination-free environments for LGBTQIA+ children, youth, young adults, parents, caregivers, and foster parents working with the Department. The purpose of this policy is to ensure that the Department's services, programs, and placements are safe, affirming, and free from discrimination, harassment, and bullying for all children, youth, and families regardless of sex assigned at birth, gender identity, gender expression, or sexual orientation.

The Department recognizes that fostering an inclusive and respectful environment benefits children and families by making it safe for young people to explore their own emerging identities. The Department uses respectful and inclusive terminology and does not make assumptions about a person's sexual orientation or gender identity. All individuals who interact with children and families must be respectful of how individuals ask to be identified. The Department does not tolerate discrimination, bullying, harassment, violence, or threats of violence towards children and families based on actual or perceived sexual orientation, sex assigned at birth, gender identity, or gender expression. The Department takes action to intervene if such behavior occurs.

To meet the needs of LGBTQIA+ individuals, the Department provides culturally responsive training for all employees and foster parents on an ongoing basis. Training includes communicating effectively and professionally with children and families regarding LGBTQIA+ issues and identities.

The Department ensures that all placements for children, youth, and young adults are safe and affirming. The Department actively recruits and assesses foster families for their ability and willingness to support LGBTQIA+ children placed in their care, including recruiting foster families that identify as LGBTQIA+. The Department offers education and training to all foster families on supporting a child's identity. The Department matches children to foster families who can best meet their needs and maintains an electronic record of placements that can best support the needs of LGBTQIA+ children. The Department is committed to recruiting foster families from varied backgrounds and experiences to care for LGBTQIA+ children. The Department does not discriminate based on religion, race, color, creed, gender, gender identity or expression, sexual orientation, national origin, age, or disability.

## **II. PROCEDURES**

### **A. DEFINITIONS/KEY TERMS**

**Names and Pronouns** - The use of a name that may differ from a person's legal name. Pronouns refer to the set of third-person pronouns that an individual uses that represent their gender identity.

**Gender Diverse** – A term that is used to describe people with gender behaviors, appearances, or identities that differ from the cultural norms ascribed to their sex assigned at birth. Gender diverse individuals may refer to themselves with many different terms, such as transgender, nonbinary, genderqueer, gender non-conforming, and gender fluid amongst others. Gender diversity is used to acknowledge and include the vast diversity of gender identities that exist.

**Gender Dysphoria** – A medical condition characterized by discomfort or distress caused by a discrepancy between a person's gender identity and their sex assigned at birth, including discomfort or distress with their physical sex characteristics and/or the associated gender role.

**Gender Expansive** – an umbrella term used to describe people who expand notions of gender expression and identity beyond what is perceived as the expected gender norms for their society or context. Some gender-expansive people identify with being either male or female, some identify as neither, and others identify as a mix of both. Gender-expansive people include those with transgender

and non-binary identities as well as those whose gender in some way is seen to be stretching society's notions of gender.

**Gender Expression** – The external way a person expresses gender, such as with clothing, hair, mannerisms, activities, or social roles.

**Gender Identity** – A person's deep internal sense of being female, male, a combination of both, somewhere in between, or neither.

**Intersex** - An umbrella term that refers to people who have one or more of a range of variations in sex characteristics that fall outside of conceptions of male or female bodies. For example, intersex people may have variations in their chromosomes and/or anatomy. Some intersex characteristics are identified at birth, and some intersex traits emerge at puberty or later in life.

**Sex** – An assignment that is made at birth, usually male or female, typically based on external genital anatomy.

**Sexual Orientation** - a person's emotional, romantic, or sexual attraction to people of the same sex, different sex, or any sex.

**Transgender** – A term used to describe an individual whose gender identity is different from their sex assigned at birth and generally remains persistent, consistent, and insistent over time.

## B. PROCEDURES: Case Practice to Support LQBTQIA+ Individuals

### Identification and Updating Demographics in iFamilyNet

1. The Department is respectful of how individuals ask to be identified and does not make assumptions about any individual's identity. The Department accepts a child's assertion of their LGBTQIA+ identity and allows children to use their expressed names and pronouns at any time. The Department addresses children by their names and pronouns when working with children and families and throughout the case record. A court-ordered name or gender change is not necessary for a child's expressed name and pronouns to be utilized.
2. The Department utilizes a child's name and pronouns consistent with their desired privacy and confidentiality. The Department asks children and youth about their desires around discussing their names and pronouns with their family and other individuals involved in their life. The Department does not disclose this information without the child or youth's permission.
3. The Department ensures that demographic information related to a child/youth's sexual orientation, gender identity, name, and pronouns is reviewed every six months and updated in the electronic record as needed. If a child/youth has not yet disclosed their identity or their family is not supportive of their identity, the Department should include this information in the electronic record so this information is not disclosed mistakenly without the child/youth's consent. (See [Family Assessment and Action Planning Policy](#))

### Support an Individual's Identity

4. Supportive involvement from family is associated with better mental and physical health outcomes for LGBTQIA+ children. LGBTQIA+ children need families who will support them as they explore who they are and as they develop a positive self-identity and resilience. Social Workers work with children and youth to identify individuals in their life who can support them. Social Workers are the primary intervention for a family and must work with families to understand the importance of accepting and supporting a child/youth's identity. Social Workers also help the family access resources and services that will support the child's/youth's identity. The Social Worker utilizes resources and services to help educate a family on acceptance and integrates this into the family's Assessment and Action Plan as appropriate. The Social Worker also involves youth in the development of their Action Plan. (See [Family Assessment and Action Planning Policy](#))

5. **Legal Name and Gender Change:** The Department connects and supports children/youth in care in legally changing their name and gender if they wish to do so.
6. **Clothing and Accessories:** Children/youth in care are allowed to express themselves through clothing, accessories, hairstyles, and other means of expression consistent with their identities. The Department supports gender-neutral practices regarding clothing and physical appearance. For transgender and gender diverse children in care, the Department connects children/youth to resources that provide gender-affirming clothing, such as binders, packers, body shapers, bras, breast inserts, and similar items in a timely manner.
7. **Gender-differentiated Facilities:** Children/youth have the right to use restrooms, changing facilities, or other gender-differentiated facilities that correspond to their gender identity or are gender-neutral, as they prefer. The Department works with placements and programs to ensure that children/youth have appropriate privacy. Youth may also use a separate, non-communal facility if they prefer.
- Connect to Services**
  8. The Department connects and provides LGBTQIA+ children/youth with resources in their community and schools, such as social support groups, books, and other resources that help build social connections and resilience. The Department takes care to ensure department offices have LGBTQIA+-affirming materials and signs posted throughout the office to demonstrate affirmation and support of LGBTQIA+ people. If a child/youth is experiencing bullying or harassment at school, the Social Worker and the child/youth's caregivers work together to address the issue with school administrators.
  9. The Department ensures that LGBTQIA+ children/youth are provided with culturally responsive and affirming case management, medical care, mental health care, and community resources, including gender-affirming care when applicable. **(See Consent for Gender Affirming Medication Consent Policy.)** The Department ensures that its staff and foster parents, as well as the service providers it contracts with, are committed to providing services as well as an environment where children's individual identities are supported and understood. The Department does not contract with or make referrals to health care providers who attempt to change a child/youth's sexual orientation, gender identity or gender expression in violation of M.G.L. c. 112, 275.
  10. The Department staff do not impose their personal, cultural, and/or religious beliefs on children and families involved with the Department. Children/youth can request a new social worker or placement if their needs are not being appropriately addressed or if they are experiencing bias, harassment, or discrimination from their social worker or placement. Requests for a new Social Worker or placement should be sent to the Area Director where the case is assigned.
- Placements**
  11. The Department ensures that placements for LGBTQIA+ children/youth, including foster homes, group homes, and residential programs, are safe and affirming for the child's/youth's identity and sexual orientation. The Department identifies safe and affirming placements in the electronic record when a foster home expresses an interest. Children/youth are placed consistent with their gender identity unless there is a safety or privacy concern expressed by the individual child/youth who is to be placed.
- Grievances**
  12. Children, youth, and families are able to file a grievance if they believe this policy has been violated. The grievance process provides an opportunity to resolve disagreements concerning any matters that cannot be appealed through a fair hearing (i.e., a written complaint about a decision made by, or the conduct of an individual employed by the Department, or a contracted provider). Children under

age 14 (through their attorneys or through a representative of the child authorized by the attorney, parent, or guardian), youth, and young adults may file a grievance with the director of the Department or provider agency office.

See Regulation 110 CMR 10.37-39