

Laws or State Agency Regulations Related to LGBTQ Youth in the Child Welfare System

Current as of August 16, 2017

Alabama

- State has no explicit protection against discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system.
- State has an exemption law that permits religiously-affiliated service providers to refuse to work with any prospective parents or offer affirming services to youth in care with whom they have a moral or religious objection. H.B. 24 (Ala. 2017).

Alaska

- State has no explicit protection against discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system.

Arizona

- State has no explicit protection against discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system
- Agency policy provides that youth should receive services and resources related to their sexual orientation and gender identity. See [Policy and Procedures Manual](#) Chapter 5, Section 35: Independent Living Services & Supports.

Arkansas

- State has no explicit protection against discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system.

California

- State law includes protections against discrimination for youth in the child welfare system on the bases of sexual orientation and gender identity. See Cal. Welf. & Inst. Code 16001.9 and Cal. Code Regs. tit. 22, § 83072.
- State law requires that transgender youth in out-of-home care be placed according to their gender identity. See Cal. Welf. & Inst. Code § 16006
- State law requires LGBT-inclusive cultural competency training for foster agencies and staff. See Cal. Code Regs. tit. 22, § 88022.



Colorado

- State law includes protections against discrimination for youth in the child welfare system on the bases of sexual orientation and gender identity. See Colo. Rev. Stat. Ann. 19-7-101 and 12 Colo. Code Regs. § 2509-7:7.604.
- State law prohibits gender identity discrimination in housing, which may apply to placement in the child welfare system. See 3 Colo. Code Regs. § 708-1:81.9.

Connecticut

- State Department of Children & Families has a nondiscrimination policy specific to upholding the rights of LGBTQI youth in care that includes protection against discrimination on the bases of sexual orientation and gender identity. See [Connecticut Department of Children & Families, Non-Discrimination of LGBTQI Individuals, Policy Manual 30-9](#) (May 14, 2004).

Delaware

- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation. See Code Del. Regs. 201-7.2.

District of Columbia

- Law, regulation, and policy include protections against discrimination for youth in the child welfare system on the bases of sexual orientation and gender identity. See D.C. Code Ann. § 2-1402.73, D.C. Code Ann. § 4-1303.72, D.C. Mun. Regs. tit. 29, § 6004, D.C. Mun. Regs. tit. 29, § 6203, [Child and Family Services Agency Statement of Nondiscrimination](#).

Florida

- State law includes protections against discrimination for youth in the child welfare system on the bases of sexual orientation and gender identity. See Fla. Admin. Code & Fla. Admin. Reg. 65C-14.021
- State law includes a protocol for determining whether transgender youth in out-of-home care should be placed according to their gender identity. See Fla. Admin. Code & Fla. Admin. Reg. 65C-14.040.
- State law requires LGBT-inclusive cultural competency training for staff working directly with children. See Fla. Admin. Code & [Fla. Admin. Reg. 65C-14.023](#).



Georgia

- State has no explicit protection against discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system.

Hawaii

- State has Department of Human Services (DHS) policy-based protection against discrimination on the bases of sexual orientation, gender identity and gender expression for youth who are participants in DHS programs, which includes the child welfare system. See [Department of Human Services Policy and Procedures Manual Discrimination Complaints Policy](#) (2014).

Idaho

- State has policy-based protections against discrimination on the bases of sexual orientation, gender identity, and gender expression. See [Idaho Youth in Care Bill of Rights](#).

Illinois

- State has policy-based protections against discrimination on the bases of sexual orientation and gender identity. See [Illinois Foster Child and Youth Bill of Rights](#) (2016)
- State policy provides transgender youth with the right to be placed according to their gender identity. See [Illinois Foster Child and Youth Bill of Rights](#) (2016).
- State policy requires LGBT-inclusive cultural competency training. See [Illinois Foster Child and Youth Bill of Rights](#) (2016)

Indiana

- State has policy-based protections against discrimination on the bases of sexual orientation and gender identity. See [Indiana Bill of Rights for Youth in Foster Care](#) and [Indiana Department of Child Services Code of Conduct](#).

Iowa

- State has Department of Human Services (DHS) policy-based protection against discrimination on the bases of sexual orientation and gender identity. See [Iowa Department of Human Services Non-Discrimination Policy](#).

Kansas

- State has no explicit protection from discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system.



Kentucky

- State has no explicit protection against discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system.

Louisiana

- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation. See La. Admin Code. tit. 67, pt. V., § 7311(E)(5) and La. Admin Code. tit. 67, pt. V, § 7115(A)(5).

Maine

- State has policy-based protections against discrimination on the bases of sexual orientation, gender identity, and gender expression. See [The Maine Youth in Care Bill of Rights](#).

Maryland

- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation. See Md. Code Regs. 10.57.05.03(C).
- Placement of transgender youth will be made on a case-by-case basis. See [Memo \(2016\)](#).

Massachusetts

- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation. State policy includes protections against discrimination on the bases of both sexual orientation and gender identity. See 110 Mass. Code Regs. 1.09 and [Massachusetts Foster Child Bill of Rights](#).

Michigan

- State has policy-based protection against discrimination on account of sexual orientation, gender identity and gender expression for youth in the child welfare system. See [MDHHS Nondiscrimination Statement](#).
- State has an exemption law that permits religiously-affiliated service providers to refuse to work with any prospective parents or provide affirming services to youth in care with whom they have a moral or religious objection. See Mich. Comp. Laws Ann. § 722.124e.



Minnesota

- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation. State policy includes protections against discrimination on the bases of both sexual orientation and gender identity. See Minn. R. 2960.0050, Minn. R. 2960.0080, Minn. R. 2960.3080, and [Minnesota Department of Human Services, Working with lesbian, gay, bisexual, transgender and questioning/queer youth](#).
- State requires LGBT-inclusive cultural competency training for child welfare staff. See [Minn. R. 2960.0150](#).

Mississippi

- State has regulatory-based protection against discrimination on account of sexual orientation and gender identity for youth in the child welfare system. See Code Miss. R. 18-6:1.D-XII App'x L, Code Miss. R. 18-6:1.D-XII App'x M,

Missouri

- State has Department of Social Services policy-based protection against discrimination on account of sexual orientation for youth in the child welfare system. See [Missouri DSS Nondiscrimination Policy Statement](#).

Montana

- State has Department of Public Health and Human Services policy-based protection against discrimination on account of sexual orientation for youth in the child welfare system. See [DPHHS Nondiscrimination Policy](#) (2014).

Nebraska

- State has no explicit protection from discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system.

Nevada

- State law and policy includes protections against discrimination for youth in the child welfare system on the bases of sexual orientation and gender identity. See Nev. Rev. Stat. Ann. § 432.525 and [Nevada's Foster Youth Bill of Rights](#).
- State law requires transgender youth to be placed in accordance with their gender identity. See [A.B. 99](#) (2017).
- State requires LGBT-inclusive cultural competency training for providers. See [A.B. 99](#) (2017).



New Hampshire

- State has regulatory and policy-based protection from discrimination on account of sexual orientation for youth in the child welfare system. See N.H. Code Admin. R. He-C 6450.23 and [DHHS Nondiscrimination Policy](#).

New Jersey

- State has a regulatory- and policy-based protection against discrimination on account of sexual orientation, gender identity and gender expression for youth in the child welfare system. See N.J. Admin. Code 10:122B-1.5, N.J. Admin. Code 10:133-1.4, and [New Jersey Department of Children and Families, LGBTQI Policy](#) (Aug. 30, 2016).

New Mexico

- State has regulatory-based protection against discrimination on account of sexual orientation and gender identity for youth in the child welfare system. See [N.M. Admin. Code 8.26.5.15](#).
- State requires agency-provided LGBT-inclusive cultural competency training for current or prospective foster parents. See [NMAC 8.26.5.18](#).

New York

- State has regulatory- and policy-based protections against discrimination on account of sexual orientation, gender identity and gender expression for youth in the child welfare system. See N.Y. Comp. Codes R. & Regs. tit. 18, § 441.24, N.Y. Comp. Codes R. & Regs. tit. 18, § 423.4, N.Y. Comp. Codes R. & Regs. tit. 18, § 421.3
- Youth can request particular placement on the bases of sexual orientation or gender identity and requests will be taken into consideration in placement determinations. See [NYOCFS Policy and Procedures Manual](#) (2008).
- State has a policy requiring LGBT-inclusive cultural competency training for agency staff. See [NYOCFS Policy and Procedures Manual](#) (2008).

North Carolina

- State has no explicit protection from discrimination on the bases of sexual orientation, gender identity or gender expression for youth in the child welfare system.

North Dakota

- State has regulatory-based protection against discrimination on the basis of sexual orientation for youth in the child welfare system. See N.D. Admin. Code 75-03-36-35.



- State has an exemption law that permits religiously-affiliated service providers to refuse to work with any prospective parents or provide affirming services to youth in care with whom they have a moral or religious objection. N.D. Cent. Code § 50-12-07.1

Ohio

- State has regulatory-based protection against discrimination on the bases of sexual orientation and "sexual identity" for youth in the child welfare system. See [Ohio Admin. Code 5101:2-7-09](#).

Oklahoma

- State has no explicit protection against discrimination on account of sexual orientation, gender identity or gender expression for youth in the child welfare system.

Oregon

- State has policy-based protection against discrimination on account of sexual orientation for youth in the child welfare system. See [Oregon Department of Human Services, Children, Adults and Families Policy No. I-A.1, Client Rights – Policy](#) (2007).

Pennsylvania

- State has regulatory-based protection against discrimination on the basis of sexual orientation for youth in the child welfare system in the context of residential facilities. See 55 Pa. Code § 3800.32.

Rhode Island

- State has statutory- and regulatory-based protections against discrimination on account of sexual orientation, gender identity and gender expression for youth in the child welfare system. See R.I. Gen. Laws 42-72-15, R.I. Code R. 14-3-101:1, R.I. Code R. 14-3-174:1-II
- State policy requires LGBT-inclusive cultural competency training for DCYF staff. See [Staff Protocol: Sexual Orientation, Gender Identity and Expression](#) (2016).

South Carolina

- State has no explicit protection against discrimination on account of sexual orientation, gender identity or gender expression for youth in the child welfare system.



South Dakota

- State has Department of Social Services policy-based protection against discrimination on account of sexual orientation and gender identity for youth in the child welfare system. See [Notice of Nondiscrimination](#).

Tennessee

- State has a policy-based protection against discrimination on the bases of sexual orientation, gender identity, and gender expression for youth in the child welfare system. See [Guidelines for Managing Children/Youth in DCS Custody Related to Sexual Orientation, Gender Identity and Expression](#) (2015).
- State has a policy to consider placement of transgender youth on a case-by-case basis. See above guidelines.

Texas

- State has no explicit protection against discrimination on the bases of sexual orientation and gender identity for youth in the child welfare system.
- State has an exemption law that permits religiously-affiliated service providers to refuse to work with any prospective parents or offer affirming services to youth in care with whom they have a moral or religious objection. H.B. 3859 (Tex. 2017)

Utah

- State regulation includes protections against discrimination for youth in the child welfare system on the basis of sexual orientation. State policy includes protections against discrimination on the bases of both sexual orientation and gender identity. See Utah Admin. Code r. R501-12-13 and [Practice Guidelines](#) (2013).
- Policy provides that transgender youth will not automatically be housed according to sex assigned at birth. See [Practice Guidelines](#) (2013).

Vermont

- State has Agency of Human Services-based policy protection against discrimination on account of sexual orientation and gender identity for youth in the child welfare system. See [State of Vermont Agency of Human Services, Chapter/Number 1.11, Non-Discrimination regarding receipt of services and benefits](#) (May 13, 2009).



Virginia

- State has no explicit protection against discrimination on account of sexual orientation, gender identity or gender expression for youth in the child welfare system.
- State has an exemption law that permits religiously-affiliated service providers to refuse to work with any prospective parents or offer affirming services to youth in care with whom they have a moral or religious objection. Va. Code Ann. § 63.2-1709.3.

Washington

- State has law and policy-based protections against discrimination on the bases of sexual orientation and gender identity. See RCW 49.60.030, Wash. Admin. Code 388-147-1595, Wash. Admin. Code 388-148-1520, and [Administrative Policy 7.22](#) (2011).
- State requires connection of youth with resources that meet their needs regarding sexual orientation and gender identity. It is unclear if this includes housing youth in accordance with their gender identity. See WAC 388-148-1520 (7).

West Virginia

- State has regulatory-based protection against discrimination on the basis of sexual orientation for youth in the child welfare system. See W. Va. Code St. R. 78-2-9.
- State requires LGBT-inclusive cultural competency training for child welfare staff. See W. VA. CSR § 78-3-11.

Wisconsin

- State has regulatory-based protection against discrimination on the basis of sexual orientation for youth in the child welfare system. See Wis. Admin. Code DC § 56.09, Wis. Admin. Code DC § 52.11, Wis. Admin. Code DC § 54.04, and Wis. Admin. Code DC § 57.05.

Wyoming

- State has regulatory-based protection against discrimination on the basis of sexual orientation for youth in the child welfare system. See Wyo. Admin. Code § FAMS PS Ch. 3 § 22 and WCWR 049-080-003.