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DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION OF CHILD AND FAMILY SERVICES
Helping people. It's who we are and what we do.



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MTL # 0217 – 04012022
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TO: Timothy Burch, Administrator – Clark County Department of Family Services
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FROM: Dr. Domonique Rice, Deputy Administrator, Division of Child and Family Services

POLICY DISTRIBUTION

Enclosed find the following policy for distribution to all applicable staff within your organization:

0216 Non-Discrimination of LGBTQ+ Individuals

This policy is/was effective: 3/18/2022

- This policy is new. Please review the policy in its entirety
- This policy replaces the following policy(s): MTL # _____ - _____ Policy Name: _____
- This policy has been revised. Please see below for the type of revision:
 - This is a significant policy revision. Please review this policy in its entirety.
 - This is a minor policy revision: (List page number & summary of change): _____
 - A policy form has been revised: (List form, page number and summary of change): _____

NOTE:

- Please read the policy in its entirety and note any areas that are additionally required by your agency to be in compliance with the policy enclosed.
- This is an **ALL STAFF MEMO** and it is the responsibility of the person listed above to disseminate the policy enclosed to appropriate staff within his/her organization and to ensure compliance.
- The most current version of this policy is posted on the DCFS Website at the following address: <http://dcfs.nv.gov/Policies>
Please check the table of contents on this page for the link to the chapter you are interested in.

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0216 Non-Discrimination of LGBTQ+ Individuals

Policy Approval Clearance Record

<input checked="" type="checkbox"/> Statewide Policy	<input checked="" type="checkbox"/> New Policy
<input type="checkbox"/> Administrative Policy	<input type="checkbox"/> Modified Policy
<input type="checkbox"/> DCFS Rural Region Policy	<input type="checkbox"/> This policy supersedes:
Date Policy Effective:	03/18/2022
Attorney General Representative Review:	06/15/2021
DCFS Deputy Administrator Review:	03/18/2022
DMG Original Approval	03/18/2022
DMG Review:	

STATEMENT OF PURPOSE

Policy Statement and Purpose: The purpose of this policy is to ensure that LGBTQ+ youth under the custody of a child welfare agency receive non-discriminatory, safe, affirming and non-detrimental services and interventions, to include but not be limited to mental health, substance abuse, foster care and adoption, and mentoring services without regard to actual or perceived sexual orientation, gender identity or expression (SOGIE). The child welfare agency will facilitate recruitment and retention of supporting foster or adoptive parent(s) or mentors, to ensure that all persons, including LGBTQ+ individuals, shall not delay or deny mentoring services or the placement of a child or youth for adoption or into foster care. The agency is committed to:

- a. Being respectful of the dignity of all children, youth and families and provide fair and equal treatment in a professional and confidential manner.
- b. Keeping children and youth safe while meeting their unique needs, regardless of whether these needs are related to their sexual orientation, gender identity or gender expression; and
- c. Prohibiting discrimination and bias based on a child or youth’s real or perceived sexual orientation, gender identity, or gender expression.

AUTHORITY

NRS: [NRS 424.0145](#); [NRS 424.0445](#); [NRS 424.0365](#); [NRS 424.235](#)

NAC: [NAC 424](#); [NAC 424.270](#); [NAC 424.375](#); [NAC 424.485](#); [NAC 424.500](#); [NAC 424.585](#); [NAC 424.712](#); [NAC 424.825](#)

DEFINITIONS

Gender Identity or Expression: A gender-related identity, appearance, expression or behavior of a person, regardless of the person’s assigned sex at birth ([NRS 424.0145](#)).

Sexual Orientation: A person’s emotional, romantic, physical and sexual attraction to persons of the same and/or different gender. Examples of sexual orientation are: heterosexuality, homosexuality, asexuality, bisexuality and pansexuality.

LGBTQ+ terminology changes over time to reflect individuals’ identities. The best approach is to talk to one another, listen to how people self-identify, and use language and pronouns that work best for each

person. Additional terms and definitions are available here: [General Definitions | LGBT Resource Center \(ucsf.edu\)](#)

STANDARDS/PROCEDURES

Protocols:

1. Child welfare agencies and contracted provider staff utilize principles of positive youth development in all interactions and settings by:
 - a. Establishing and maintaining a culture that respects the dignity of every youth.
 - b. Providing opportunities for dialogue about diversity in case planning and service delivery.
 - c. Not making assumptions regarding any youth's sexual orientation or gender identity.
 - d. Using gender neutral language when discussing dating relationships until a youth has confirmed their sexual orientation.
 - e. Speaking in an open and non-judgmental manner with all youth, including any youth who discloses self-identification as LGBTQ+.
 - f. Recognizing that youth are in various stages of awareness and comfort with their SOGIE.
 - g. Providing each youth with an opportunity to discuss the meaning of self-identification as LGBTQ+ in care planning and service provision.
 - h. Allow and respect youth in wearing gender affirming hairstyles, clothing, makeup, jewelry and/or other accessories.
 - i. Be mindful that a youth's identity and expression may change over time, and that it is not unusual for changes to occur. All youth explore their identities and express SOGIE differently.
 - j. Modeling a respectful demeanor toward all youth.
 - k. Reinforcing respect for diversity among youth.
 - l. Encouraging the development of healthy self-image in all youth.
 - m. Treating each youth as a whole person without over emphasis on actual or perceived SOGIE.
 - n. Assisting youth in identifying and managing stigma as a part of case planning and service delivery.
 - o. Ensuring that LGBTQ+ affirming publications and media are included when such resources are utilized in programming.
 - p. Be aware of how visual reminders are able to convey to staff and service providers that the agency values respect for diversity, including SOGIE.
 - q. Making youth aware of local LGBTQ+ resources that offer supportive services and providing appropriate referrals for youth who are experiencing difficulty with issues of SOGIE.
 - r. Make foster or adoptive families or mentor(s) aware of local LGBTQ+ resources that offer supportive services.
 - s. Ensure that each foster child who is placed in the foster home is treated in all respects in accordant with the youth's gender identity or expression ([NRS. 424.0445](#)).
2. Child welfare agencies and contracted providers are prohibited from attempting to persuade an LGBTQ+ individual to reject or modify their SOGIE and do not:
 - a. Practice or tolerate discrimination, bullying, harassment, violence, or the threat of violence by staff or by youth towards youth and/or families based on SOGIE.
 - b. Utilize derogatory language about LGBTQ+ people around or in the presence of youth or families they serve or while performing their job duties.
 - c. Impose personal beliefs, including religious beliefs on any families, including LGBTQ+ youth or families, or allow such beliefs to limit the way individual needs of youth or families are met.
 - d. Disclose any youth's SOGIE without the youth's consent unless such disclosure is in the best interest of the foster child and is limited to the circumstances recommend by a mental health professional ([NAC 424.485](#)). This includes the youths formal and informal supports (e.g., family members, service providers, teachers). Any disclosure related to a youth's LGBTQ+ identity is limited to the minimum amount of information necessary to achieve the specific purpose of the disclosure.
 - e. Attempt to coerce a LGBTQ+ youth to disclose or reveal their sexual orientation or gender identity.
3. The child welfare agency and/or service providers ensure that all staff, youth, and families are aware that these behaviors are not tolerated and take immediate action to intervene when:

- a. A youth or service provider physically, verbally, or sexually abuses or harasses another individual based on their actual or perceived SOGIE.
 - b. A service provider makes a general statement around or in the presence of youth or families served or while performing their job duties, disparaging any SOGIE
 - c. The agency and service provider staff:
 - i. Report such conduct to supervisory/ administrative staff, as well as the child welfare agency's licensing unit and/or Child Protective Services as appropriate;
 - ii. Treat any violation of this policy seriously; and
 - iii. Take swift action in accordance with policy and procedures;
4. The child welfare agency shall develop an internal process which is clearly defined to allow a youth, the parent or guardian, or any person representing the youth to file a complaint concerning the child welfare agency or any foster home in which the youth was or is currently placed. The internal process must include methods for resolving such a complaint. Refer to [NAC 424.825](#) for additional information.
5. If a youth, parent, or guardian feels their rights have been violated they may at any time file a grievance concerning a foster care agency or a foster home by filing a form, approved by the Division of Child and Family Service, with the designated agency representative responsible for resolving complaints regarding the protection of children who are receiving services from the child welfare agency. This process may be obtained from the child welfare agency website, court, local juvenile probation department, and any office of the court appointed special advocate. The designated agency representative shall evaluate and further assess the grievance and impose remedies, as applicable. The designated agency representative shall, at a minimum:
- a. Require the foster care agency or a foster home to make changes to address the grievance; or
 - b. Notify a regulatory or law enforcement agency with jurisdiction over the foster care agency or a foster home of the grievance.

Procedures

The only way the child welfare agency employees can know someone's sexual orientation or gender identity is if the person shares this information. Youth may disclose their sexual orientation or gender identity when they feel ready, and if a safe environment and trusting relationship has been established.

Safety Factors Specific to the LGBTQ+ Population

1. Safety planning for LGBTQ+ youth should include interventions that allow the youth to be both physically and emotionally safe. LGBTQ+ individuals may face risk of abuse or alienation when their SOGIE is disclosed regardless of whether or not the disclosure was consensual. Individuals who may not identify as LGBTQ+ but may be perceived to be LGBTQ+ may also experience maltreatment based on the perception of another person.
2. As with any other safety assessment, the focus of the assessment is on what behaviors the caregiver displays which impact the safety of the youth or places the youth at risk of physical or emotional harm. Safety Factors that may be present include, but are not limited to:
 - a. Youth is fearful of parent/caregiver or others living in the residence.
 - b. Caregiver is verbally abusive when talking to/or about the youth and has unrealistic expectations (i.e., ostracizes, ridicules, or belittles the youth).
 - c. Caregiver caused serious physical harm or plausible threat to cause harm.
 - d. Caregiver has not, will not, or is unable to provide care and supervision necessary to protect the youth from harm, including self-harm (i.e., the parent will not allow the youth to remain in the home because of the youth's SOGIE).
 - e. If the youth is afraid to remain in the household out of fear that the parent may harm the youth or allow the youth to be harmed.
 - f. Caregiver has extremely negative perception of the youth (i.e. religious beliefs).
3. Interviews with parents or caregivers of LGBTQ+ youth may include a discussion of the youth's sexual orientation or gender identity. In instances where the youth has already identified openly as LGBTQ+ and the alleged abuse or neglect is directly related to the youth's SOGIE, the agency

caseworker should gather information from the caregiver about their attitudes and beliefs regarding the LGBTQ+ population.

4. As is true for all youth served by the child welfare agency, safety planning for LGBTQ+ youth should include interventions that allow the youth to be both physically and emotionally safe. Some families may need additional supports and resources to work through barriers they may face regarding their youth's SOGIE. In instances where youth are lacking supportive family members or other natural supports, efforts should be made to grow the young person's safety network and conducting ongoing discussions with the youth about who they are connected to and view as supportive of the youth's SOGIE.
5. When the alleged abuse or maltreatment, is related to the youth's actual or perceived SOGIE; the agency caseworker's focus will be on eliciting information about the attitudes and beliefs of family members (parents/caregiver, siblings, or significant individuals) regarding gender expression and/or sexual orientation. The agency caseworker should assess how the parent/caretaker's beliefs and attitude about youth's SOGIE, will impact the safety and well-being of the youth. The agency caseworker must determine if the youth is at risk of future physical or emotional harm and be aware of case circumstances, even when the youth may not disclose that they identify as LGBTQ+.
6. In the event that a youth is not open about their SOGIE or has not made such a disclosure to their parent or caregiver, eliciting information should be done without divulging or confirming information about the youth's actual or perceived LGBTQ+ status or identity except with the permission of the youth.

Placement Considerations Specific to the LGBTQ+ Population:

1. The agency is committed to making ongoing efforts to recruit, train, support, and retain foster families who are LGBTQ+ affirming and supporting. When LGBTQ+ youth cannot safely remain in their homes, the agency will make every effort to place the youth in a LGBTQ+ affirming out-of-home placement.
2. Youth who identify as transgender should be placed in a home or location consistent with their individualized needs and preferences (which may be based on their stated gender identity). Exceptions include safety-based rationale as determined in consultation with a supervisor, and if a residential placement is needed, the agency caseworker will consult with the residential treatment facility. Safety-based exceptions to placement decisions shall have a specific and credible basis (such as other treatment needs or aggression/violence) and will not be solely based on a SOGIE reason. Placement decisions for transgender youth will be reassessed at least monthly during the worker's monthly face-to-face visit, or as needed or requested by the youth, to review any threats, harassment, bullying, or safety concerns experienced by the youth. This information must be documented in case notes within five (5) business days.

Case Planning Specific to the LGBTQ+ Population:

1. As is true for all youth served by the child welfare agency, LGBTQ+ youth will be at the forefront of decision-making and case planning activities. No single approach, accommodation, or plan will apply in all circumstances. Agency caseworkers, with the support of supervisors, must determine the appropriate resources and supports for LGBTQ+ youth on a case-by-case basis, informed by the individual youth's needs.
2. In instances where having information about the youth's sexual orientation or gender identity is important to making an informed case decision (which serves the youth's best interests and protects their safety), the agency caseworker will exercise professional discretion in asking for the individual's SOGIE. To support the youth's health, safety and well-being, staff must be mindful when a youth discloses their LGBTQ+ identity. The decision to share this information will be guided by the youth's preferences and wishes. Staff should ask the youth to what extent they want to disclose this information and to whom.
3. The child welfare agency will allow all youth to request the use of a preferred first name and pronouns, rather than their legal name, regardless if the name or pronoun conform to the youth's assigned sex at birth, which reflect the youth's gender identity as much as possible.

- a. A caseworker will periodically discuss name/pronoun preferences with the youth and identify if preferred name/pronouns should be utilized in conversations with the youth's family and service providers.
4. When necessary the youth's legal name must be used in all relevant written communication and documentation, as required by state or federal law or regulation.
 - a. A youth's legal name is the name entered into UNITY. When a legal name change occurs to affirm the youth's identity, the name listed in UNITY will also be changed.
5. Careful consideration shall be given to whether it is appropriate to document the youth's preferred name and pronoun in the agency's records or information submitted to the court or other partners.
 - a. The agency caseworker will inform youth of who could see the information (if documented in an affidavit, case determination, case notes, case plan, disposition report, etc.) and allow the youth to determine whether information about their identity should be documented.
 - b. A UNITY case note should be created to indicate the youth's preferred name and pronouns, and with the permission of the youth, UNITY allows for an alias which should be utilized to identify youth's preferred name.

Service Referrals for LGBTQ+ Individuals:

1. Being LGBTQ+ does not equate to having a mental illness or the necessity to be referred for mental health services and individuals who identify as being LGBTQ+ do not necessarily need counseling or other services. The agency caseworker is responsible for identifying and making referrals for counseling, health, mental health, or other services, regardless of SOGIE. If an individual discloses that they are LGBTQ+, the youth and/or family member(s) should be offered the opportunity for counseling and community resources to support the individual and family, if needed. Referrals must be made to community service providers who demonstrate cultural competence in working with LGBTQ+ individuals.
 - a. A child welfare agency will not make referrals to community service providers who attempt to change a youth's SOGIE by providing corrective or reparative therapy (i.e., conversion therapy). Service providers practicing such therapies must be reported to the provider's licensing board.
2. The agency caseworker shall identify and maintain social connections by encouraging and assisting individuals with identifying positive and permanent relationships with LGBTQ+ affirming caring adults and peers. Ensure youth and families are familiar with the resources which can facilitate the growth of such relationships. As in all cases an agency caseworker will assist youth in building critical thinking, decision making, conflict resolution, communication skills, and positive risk-taking behaviors.

LGBTQ+ Training for Child Welfare Staff and Foster Parents:

1. All child welfare agency staff and licensed family foster homes shall have access to, and awareness of, LGBTQ+ training resources for working with LGBTQ+ youth. Agency staff and all licensed foster care homes shall ensure training is received within ninety (90) days, and annually thereafter ([NRS 424.235](#)), refer to [1402 Training Policy](#) and [NAC 424.270](#) for more information regarding training requirements. LGBTQ+ sensitivity training shall be made available through the Nevada Partnership for Training (NPT) for all child welfare staff and through the Nevada QPI website for foster or adoptive parent(s) and mentor(s).

Legal and Medical Considerations for the LGBTQ+ Individuals:

1. The child welfare agency will work with the youth to identify people and a safe place (CFT, ILTP, etc.) to assist in making decisions on medical treatment, and other complex case issues related to LGBTQ+ youth in agency custody. These discussions should not be avoided because of their complexity or due to adults who may not agree with the youth's decision. Furthermore, regular conversations should be had with the youth, who may, at any time, change their mind regarding their SOGIE. The meeting(s) can provide support to the youth and the youth shall be consulted about the following issues and decisions:
 - a. Legal name changes;

- b. Legal gender marker change (the male [M] or female [F] identifier on one's birth certificate, ID, and/or passport);
- c. Obtaining or changing photo identification (passports or driver's licenses);
- d. Situations where a youth feels unsafe, uncomfortable, or disagrees with a placement because of their identity;
- e. Medical treatment decisions (i.e., puberty blockers/suspenders, gender affirming hormone treatment, fertility preservation, gender affirmation surgery, other medical procedures);
- f. Parent disagreement about the legal or medical decisions outlined above; or
- g. Other issues beyond the topics identified above.

JURISDICTIONAL ACTION

Development of Internal Policies: This policy must be adhered to by all agencies which provide child welfare services. Agencies may develop internal policies and procedures to implement the provisions of Federal and State law and this policy.

Supervisory Responsibility: Provide guidance to caseworker during times of concern or uncertainty in regard to this policy.

STATE RESPONSIBILITIES

The State will provide technical assistance regarding program development and implementation to the child welfare agencies.

POLICY CROSS REFERENCE

Policies: [1402 Training Policy](#)

History and Updates: This is a new policy effective 3/18/2022.

ATTACHMENTS

N/A