



SB 731 – Respecting Gender Identity in Foster Youth Placements

Author: Senator Mark Leno, 11th Senate District

Cosponsors: Equality California, National Center for Lesbian Rights, Transgender Law Center



In Brief

Senate Bill 731 will require child welfare workers and caregivers in California to consider a child's gender identity when making decisions about foster care placement.

The Issues

Studies show that lesbian, gay, bisexual, and transgender (LGBT) youth are at much higher risk for homelessness, abuse, depression, and suicide. An estimated 25 to 40 percent of LGBT homeless youth report leaving home due to conflicts with family members related to their sexual orientation or gender expression. Many transgender youth face rejection, harassment, and physical abuse at the hands of their families, communities, and schools due to bias against their gender identity or expression. These young people are at extremely high risk for poor health and mental health outcomes. These risks are magnified for youth in foster care, many of whom have already experienced significant trauma. When a foster child is improperly placed without consideration of gender identity, the child may be at risk for further bullying, harassment, and abuse.

The Solution

SB 731 enables children to feel safe, accepted, and respected. Research links the acceptance and support of caregivers to the long-term health and mental health of LGBT youth. SB 731 will help ensure that caregivers provide appropriate supportive care, including respecting and affirming every child's gender identity. This bill enables a child welfare worker to place a child according to the child's gender identity by amending the Foster Care Bill of Rights. It also directs the Department of Community Care Licensing to develop regulations to implement this right.

Support

Equality California (Cosponsor)
National Center for Lesbian Rights (Cosponsor)
Transgender Law Center (Cosponsor)
California Alliance of Children and Family Services
County Welfare Directors Association of California
East Bay Children's Law Offices
Gender Health Center
Gender Spectrum
Juvenile Court Judges of California
Legal Services for Children
National Association of Social Workers
National Center for Youth Law
National Council on Crime and Delinquency
Youth Law Center

Background

When a child enters California's foster care system, child welfare workers and caregivers consider a wide range of factors when deciding the most appropriate foster care placement. Children in California's child welfare system are protected by the Foster Care Bill of Rights, which includes the right to fair and equal access to all services, and the right to be free from discrimination based on race, ethnicity, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, disability, or HIV status. However, these provisions do not provide specific guidance to child welfare workers and caregivers when placing foster children who are transgender.

SB 731 will provide needed guidance to child welfare workers and by clarifying that they must consider the gender identity of a child in order to provide the most appropriate care, regardless of the gender listed in child's or child welfare court records.

For More Information

Jo Michael, Legislative Manager
Equality California
619-204-4995
jo@eqca.org

Shannan Wilber, Youth Policy Director
National Center for Lesbian Rights
415-392-6257
swilber@nclrights.org

Sasha Buchert, Staff Attorney
Transgender Law Center
415-865-0176
sasha@transgenderlawcenter.org

Carrie Martin
Office of Senator Mark Leno
916-651-4011
carrie.martin@sen.ca.gov