

# California and LA County Protections for LGBTQIA+ Youth in Child Welfare

## **Ca Statutes**

**Gov. Code 11135** | Non-Discrimination in state programs and activities.

Prohibits discrimination by any program or activity conducted, operated, or administered by the state or any state agency, or funded by the state, or receiving any financial assistance from the state.

## **WIC 16001.9 | The CA Foster Youth Bill of Rights**

Declares that all youth in foster care have the rights to:

- Be treated with RESPECT
- Live in a safe, healthy comfortable least restrictive home free from abuse
- Privacy and confidentiality
- Receive adequate clothing, grooming and hygiene products that respect the child's culture, ethnicity, and gender identity and expression.
- Have social contacts outside of foster care and participate in extracurricular activities consistent with sexual orientation, gender identity and expression
- Fair and equal access to available services, placement, care and not be subject to discrimination
- Have caregivers, social workers and attorneys who have received cultural competency and sensitivity training relating to SOGIE and best practices for LGBTQ youth in out of home care
- Be placed in out of home care according to gender identity
- Be referred to by preferred name and gender pronoun
- Gender affirming care, subject to applicable consent laws
- And many other enumerated rights

**WIC 16006** | Requires placement in accordance with gender identity.

*Children and nonminor dependents in out-of-home care shall be placed according to their gender identity, regardless of the gender or sex listed in their court or child welfare records.*

**WIC 16010.2** | Specifies that the foster youth right to health care and mental health care includes covered gender affirming health care and gender affirming mental health care, subject to applicable consent laws

**WIC 16013** | States that all persons engaged in providing care and services to foster children, shall have fair and equal access to all available programs, services, benefits, and licensing processes, and shall not be subjected to discrimination or harassment  
See also findings and declarations of the Legislature under Section 1, [AB-458 Foster Care](#): Foster children are harmed by discrimination. County child welfare departments, group home facilities, and foster family agencies have a legal responsibility to provide care, placement and services to foster children without discriminating. Foster parents and relative caregivers have a legal responsibility to provide care without discriminating once they accept a child into their home.

## **Licensing Regulations**

[22 CCR 83072](#) – Small Family Homes

[22 CCR 84072](#) – Group Home Personal Rights

[22 CFR 86172](#) – Personal Rights – THPP

- Required to personally advise and post list of foster child's rights
- Required to ensure each child is afforded the WIC 16001.9 personal rights in addition to other specified personal rights

[22 CFR 89372](#) –Foster Family Home/Caregivers, Relatives, NREFMs

- Required to ensure each child is afforded the WIC 16001.9 personal rights in addition to other specified personal rights

## **LA County DCFS Policies**

[DCFS Nondiscrimination Policy in Placement Decisions 1200-500.00](#)

This policy guides outlines the DCFS nondiscrimination policy regarding clients, out-of-home caregivers, and adoptive parents in regards to placement decisions.

[LGBTQ+ Children/Non-minor Dependents 1200-500.1](#)

This policy provides guidance and resources for providing services to lesbian, gay, bisexual, transgender, queer, questioning (LGBTQ+) children/Non-minor dependents (NMDs) and information on placement requirements for Transgender and gender non-conforming (TGNC) children/NMDs in out-of-home care based on current legislation and best practice.

California Department of Social Services

## **Other Resources**

**California Foster Care Ombudsperson Office.**

877-846-1602

[fosteryouthhelp@dss.ca.gov](mailto:fosteryouthhelp@dss.ca.gov)

<https://fosteryouthhelp.ca.gov/>

[Foster Youth Rights Poster](#)

<https://www.cdss.ca.gov/cdssweb/entres/forms/English/pub396.pdf>

**CA Department of Social Services All County Information Notice I-81-10**

[SERVING LESBIAN, GAY BISEXUAL, TRANSGENDER AND QUESTIONING \(LGBTQ\) YOUTH, LGBTQ CAREGIVERS AND LGBT PROSPECTIVE FOSTER AND ADOPTIVE PARENTS ACIN I-81-10](#)