



Standard of Practice

Effective Date: August 5, 2015

Approved by: Pat Valentine

Housing and Placement with LGBTQ Individuals

Allegheny County DHS is committed to ensuring that every individual and/or family is afforded the opportunity for safe and appropriate housing or placement resources.

For individuals who identify as LGBTQ or are gender nonconforming, access to an appropriate housing environment is especially critical to ensuring individual safety and wellbeing. If a placement or housing resource is discovered to be rejecting or unwelcoming to LGBTQ individuals, staff will continue to search for an appropriate and welcoming home or facility for the individual.

Family Settings

Foster and resource family homes, domiciliary care, family living, lifesharing, etc.

Paid caregivers and family members (including the roles listed above) must be willing to accept and support the LGBTQ individual in their care at all times, including through their coming out process.¹ Caregivers are encouraged to engage and maintain involvement and advocacy in the individual's service and care planning. Individualized support should be given to these families as they learn and adjust to the individual's sexual orientation, gender identity and expression (SOGIE), with special attention to providing relevant opportunities to engage with community resources and peer supports.

The below guidelines for group care settings also apply for family settings.

Group Care Settings

RTFs, group homes, shelters, detention facilities, transitional housing, supportive housing, residential habilitation, nursing homes, assisted living facilities, etc.

Sleeping and Bathroom Spaces

¹ Refer to the Supporting an Individual in the Coming Out Process Tip Sheet for additional guidance.

Providing safe and appropriate bathroom and sleeping quarters for LGBTQ individuals is critical for the individuals' safety and well-being. **Transgender and gender nonconforming individuals** will *not* be automatically assigned placement based on their sex assigned at birth; their gender identity and other individualized needs for emotional and physical safety must also be considered. For transgender as well as lesbian, gay, and bisexual individuals, staff will take into account the individual's perception of where they will be most secure, as well as any recommendations by the individual's medical and/or mental health care provider, if any. For bathrooms and changing, all residents should be allowed to bathe and dress in private, in individual stalls.

Individual sleeping space should also be made available if it is requested by the individual, or if it is deemed necessary to assure safety. However, isolation without cause is *not* permitted. In shared sleeping situations, utmost concern should be given to ensure roommates do not pose a threat to the individual. Providers should plan in advance for how they will accommodate or address these requests within their facilities.

Sex Offender Status

LGBTQ individuals should never be treated as sex offenders, housed with sex offenders, or sent to sex offender treatment programs simply because of their gender identity or sexual orientation. These practices are both discriminatory and extremely harmful. Being wrongly labeled or treated as a sex offender may also cause an individual permanent psychological damage. Treating an individual who identifies as LGBTQ as a sex offender solely based upon their gender identity or sexual orientation, without the requisite due process protections, may constitute a civil rights violation and may be deemed actionable. If a facility labels or treats an LGBTQ individual as a sex offender or houses the individual with sex offenders without adequate due process protections, such as a hearing, an evaluation by a qualified mental health professional, and an opportunity to appeal, the facility has violated the individual's constitutional rights and can be prosecuted accordingly.

The Prison Rape Elimination Act requires that all detention facilities screen all residents for potential sexual harassment and/or assault victims, as well as perpetrators, at intake.

Romance and Sexual Activity in Care

All individuals will be held to the same standards of behavior regarding romance and sexual activity in care. The same consequences will apply to all individuals who violate these rules, regardless of sexual orientation, gender identity, or marital status. Staff and resource families must also maintain professional boundaries for safe and appropriate behavior with all individuals in their care.

Dress and Grooming

Allegheny County Department of Human Services
1 Smithfield Street
Pittsburgh, PA 15222
412-350-5701
<http://www.alleghenycounty.us/DHS/index.aspx>

All individuals will also be held to the same standards for dress, grooming, and hair regardless of their SOGIE. Individuals will not be restricted from or disciplined for dress and grooming practices that fall outside gender norms. For example, a male identified individual that chooses to wear more typically feminine clothing, and uses makeup. Overall, dress codes should not be gender-based, and clothing allotments must provide for the individual's choice, or be gender neutral. If a gender must be identified to accompany a formal clothing request/allotment, the listed gender should reflect the individual's wishes.

Resident Activities

All individuals will be allowed to participate in activities for which they are eligible. Encouraging or discouraging participation in activities on the basis of SOGIE is not permitted. For example, an individual may wish to attend events or programming at the local LGBTQ Center or an individual might be interested in sports or hobbies that are considered outside gender norms. Additionally, individuals should not be forced to hide their identities because of religious objections or be required to participate in religious activities that condemn homosexuality and gender difference. In addition, facility staff will not be permitted to intimidate or coerce individuals into adopting any particular religious practices or beliefs. Those who wish to participate in religious activities that are accepting and affirming of their identities will be permitted to do so.

Conflicts with Other Residents

While other individuals in placement may state discomfort with sharing space with someone that identifies as LGBTQ, discomfort is not an indication of a safety risk. Such statements should be used as an opportunity to create conversation or open a dialogue with other residents to better understand what an LGBTQ identity truly means, and that their presence is not a threat. This should be done in a way that does not result in the outing of an individual. If an individual is unable to reconcile their discomfort and poses a safety risk to an LGBTQ person, the situation should be handled according to the facility's procedure for any instance of a safety risk. The LGBTQ individual is not to be isolated or disciplined as a result of someone else's ignorance and hostility. Accordingly, congregate care settings are strongly encouraged to provide age or generationally appropriate educational opportunities for the entire population exploring LGBTQ issues and teaching respect and acceptance. Such sessions should be taught and promoted in a way that is not alienating or intrusive to LGBTQ individuals. Further, these sessions should be available in group and individual formats, and coincide with the behavior model used by the facilities' programs.

Transition-Related Care

If an individual in care makes a request to begin or continue hormone therapy and/or pursue surgical means to align their body with their gender identity, they must be promptly referred to an LGBTQ-affirming mental health and medical provider for evaluation. For youth under 18, parental permission or a court order must be obtained to pursue hormone therapy. Regardless of whether or not the young person has parental support, staff should remain supportive and affirming of the individual. Parental consent is **not** required for youth under 18 who are only interested in making a social transition. The medical provider, in consultation with the individual's case manager or service coordinator, will initiate the request for financial support and treatment when relevant.

If it is learned that hormone therapy is being obtained by an individual on the street or without a prescription, the individual must be immediately referred to LGBTQ clinically and culturally responsive medical and mental health providers for an evaluation. Staff must ensure that all necessary treatment continues if determined necessary by the medical and mental health clinicians.

Family Connections and Natural Supports

Whenever possible, it is important to work with individuals' families and natural supports throughout the individuals' residential stay to maintain and enhance family and social connectedness. It is recommended that the definition of family come from the individual's perspective. Emergency contacts or other natural supports do not have to have a biological or legal relationship with the individual to be considered family or natural supports.

Staff must also be mindful that individuals may not wish to disclose their LGBTQ status to family members or certain members of their natural support system, and staff must not disclose that information without the individual's consent. There may be occasions when disclosure of an individual's SOGIE might result in physical or emotional/psychological harm to the individual and as such, staff must take care to assess for safety before any potential disclosure. Staff will become familiar with community resources to support LGBTQ individuals and their families after discharge.

If a staff member becomes aware of a colleague intentionally disregarding the guidelines outlined in this standard, staff must report the incident to their direct supervisor **OR** to their Human Resources department **OR** to the Director's Action Line. Contracted provider staff should follow the appropriate reporting procedures as determined by their specific organization.

Related Resources & Documents

Policy Statements

Allegheny County Department of Human Services

Allegheny County Department of Human Services
1 Smithfield Street
Pittsburgh, PA 15222
412-350-5701
<http://www.alleghenycounty.us/DHS/index.aspx>

DHS Anti-Discrimination Policy
<http://info.alleghenycounty.us/WorkArea/DownloadAsset.aspx?id=5675>

U.S. Department of Health and Human Services
Non-Discrimination Policy Statement
<http://www.hhs.gov/asa/eo/nondiscrimination/index.html>

U.S. Department of Housing and Urban Development
Appropriate Placement for Transgender Persons in Single-Sex Emergency Shelters and Other Facilities
<https://www.hudexchange.info/resources/documents/Notice-CPD-15-02-Appropriate-Placement-for-Transgender-Persons-in-Single-Sex-Emergency-Shelters-and-Other-Facilities.pdf>

U.S. Department of Justice
Justice Department Releases Final Rule to Prevent, Detect and Respond to Prison Rape
<http://www.justice.gov/opa/pr/justice-department-releases-final-rule-prevent-detect-and-respond-prison-rape>
National Standards to Prevent, Detect, and Respond to Prison Rape
http://ojp.gov/programs/pdfs/prea_final_rule.pdf

Resources

Allegheny County Department of Human Services
Director's Action Line
1-800-862-6783
<http://www.alleghenycounty.us/dhs/dal.aspx>

Child Welfare Information Gateway
Supporting your LGBT Foster Youth: A Guide for Foster Parents
<https://www.childwelfare.gov/pubPDFs/LGBTQyouth.pdf>

Child Welfare League of America
CWLA Best Practice Guidelines for Serving LGBT Youth in Out-of-Home Care
<http://www.nclrights.org/wp-content/uploads/2013/07/bestpracticeslgbyouth.pdf>

National Coalition for the Homeless & National LGBTQ Task Force
Transitioning Our Shelters
http://www.thetaskforce.org/static_html/downloads/reports/reports/transitioning_our_shelters.pdf

New York City Administration for Children's Services
Safe and Respected: Policy, Best Practices, & Guidance for Serving Transgender & Gender Non-Conforming Children and Youth Involved in the Child Welfare, Detention, and Juvenile Justice Systems
http://www.nyc.gov/html/acs/downloads/pdf/lgbtq/FINAL_06_23_2014_WEB.pdf

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Services & Advocacy for Gay, Lesbian, Bisexual & Transgender Elders (SAGE)

Welcome Home: Improving Housing Security for LGBT Older Adults

<http://www.sageusa.org/resources/publications.cfm?ID=235>

National Alliance on Mental Illness

Mental Health Issues for GLBT Individuals

http://www.nami.org/Content/ContentGroups/Multicultural_Support1/Fact_Sheets1/GLBT_Mental_Health_07.pdf

Resources & Reading on Sexuality and Gender for Persons with Intellectual Disability

<http://www.fedvol.ie/fileupload/Research/Sexuality%20%20Relationships%20-Resources%20%20Grace%20Kelly%20Nov%20'09.pdf>

Pride Institute

Why LGBTQ –Specific Support in Addiction Services?

<http://pride-institute.com/about/why-lgbt-treatment/>