

If you are transgender, gender non-conforming, or questioning, you have the right to be safe in the foster care system.

In New York City, the agency that runs foster care programs is called the Administration of Children's Services (ACS). If you are no longer living at home, ACS is the agency that should place you in either a foster home or a group care facility. It is ACS's job to make sure that you are safe and that your basic needs are met while you are not living with a parent. Group homes and residential treatment facilities are usually run by private organizations hired by ACS. They still must follow all the rules that apply to ACS. **They have to make sure that you are safe, free from harassment, and able to develop and express your gender identity.**

Gender identity is the way that a person thinks of themselves in terms of gender. Most people identify as either male or female, boy or girl, or man or woman. Some people identify as a third gender, as more than one gender, or as no gender at all. **Transgender people identify differently than the gender they were assigned at birth.** For example, transgender girls identify as girls but were classified as males when they were born. Transgender boys identify as boys but were classified female when they were born. Everyone has a gender identity.

People who are questioning their gender identity might be wondering whether they identify as a boy or girl or another gender.

Gender expression is the way a person expresses or shows their gender. Just like everyone has a gender identity, we all express our gender in different ways. People express their gender through their clothes, hairstyle, and the way they talk, as well as in many other ways.

Both the law and ACS policy protect transgender youth in foster care. ACS is not allowed to discriminate against you for being transgender or for questioning your gender identity. ACS also may

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not discriminate against you because your gender expression is different from stereotypes about how a boy or girl should act. For example, ACS may not treat you badly for being an AG or butch girl or an effeminate boy. This means that ACS cannot treat you differently than other youth because of your gender identity or gender expression. It also means that ACS must keep you safe, provide you with the healthcare you need, and make sure that you are not harassed or treated badly because of your gender identity or expression.

We all deserve to have a home where we can express our gender identity without fear of violence, harassment, humiliation, or unfair discipline because of our gender. If you feel unsafe, are denied healthcare, or are treated unfairly in any other way, tell an ACS worker you trust or your law guardian right away. **You can also call the Sylvia Rivera Law Project for help at 212-337-8550, ext. 308.**

KNOW YOUR RIGHTS

Transgender Youth in Foster Care

The Sylvia Rivera Law Project (SRLP) works to guarantee that all people are free to self-determine gender identity and expression, regardless of income or race, and without facing harassment, discrimination or violence.

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Here is some more information about your specific rights while in ACS care.

You have the right to be safe from physical, emotional, or sexual harm.

- You have the right to be free from abuse and maltreatment. You have the right not to be physically assaulted, degraded, or demeaned because of your gender identity or expression.
- You have the right to not be harassed, degraded, intimidated or coerced by other residents if you live in a group home. The staff in your group home must keep other residents from treating you badly.
- You have the right to be free from anyone either touching or looking at the private parts of your body in a sexual way.
- You cannot be hit, isolated in your room, or denied visits, mail, or food as a form of punishment. You have a right to nutritional food.
- You have the right to a clean living space with adequate heat and hot water. You have a right to a bedroom with windows, drawers, and closet space that you share with no more than two other youth.
- You have the right to get the education you need without being harassed or abused. When you first enter ACS care, you have the right to continue at the school you had been attending if you are old enough to travel to school on your own. You can also go to a local school right away—even if your paperwork is not yet in order.

You have the right to express your gender identity.

- You have the right to get the same services, care, placement, treatment, and benefits as any other foster youth. You cannot be treated differently or denied services because of your gender identity.
- You have the right to express your gender identity without being disciplined or punished for doing so.
- You have the right to wear clothes that match your gender identity in group homes and other facilities. For example, you should be able to wear girl's clothes if those clothes better match the way you see your gender. Your group home must provide you with comfortable clothing that fits you.

You have the right to receive healthcare you need.

- You have the right to safe medical care that is right for you.
- You have the right to transition-related healthcare, such as hormones, if the doctor says you need it.
- You have the right to ask for and receive HIV testing no matter how old you are. You just need to under-

stand what the test is for, what the results mean, and what your options are for getting treatment.

- You have the right to get the therapy and counseling you need in foster care. This includes therapy or counseling related to your gender identity or sexual orientation.
- If you live in a group home, you have the right to have your medical information kept confidential from other residents.

You have the right to communicate with family, friends, and mentors outside of the foster care system, including other LGBT youth and adults.

- You have the right to go to in social groups or clubs for queer and trans youth like youth group meetings, outings, and proms.
- Your group home must have a non-coin-operated phone available for you to use. You have the right to make, receive, and refuse phone calls to or from anyone you choose. ACS or your foster parent may put reasonable limits on the duration, cost, and time of the telephone calls. Your privacy should be respected as much as possible during these calls.
- You have the right to send and receive mail without it being opened, unless there is reasonable cause to suspect that the mail contains contraband in which case you may have to open it in front of another person.
- You always have the right to talk to your lawyer, or clergyperson, by mail or phone.
- You should be able to visit your parents and siblings at least once every two weeks. With your caseworker's permission, you should also be able to visit your friends **at their houses**.

Who To Contact And Where To Go For Help

- **Parents' and Children's Rights Unit at ACS** – 212-676-9421 (The Parents' and Children's Rights Unit at ACS accepts calls from any concerned party regarding how a child welfare case is being handled.)
- **Sylvia Rivera Law Project** – 212-337-8550 ext. 308 (The Sylvia Rivera Law Project provides free legal services to low-income people and people of color who are transgender, intersex, or gender nonconforming.)
- **PCYP (Peter Cicchino Youth Project)** – 646-602-5600 (The Peter Cicchino Youth Project provides free legal services to LGBT young people up to age 24.)
- **Lawyers for Children** – 212-966-6420 (Lawyers for

children provides legal advocacy and support for young people in the New York City foster care system.)

- **The Door** – 212-941-9090 (The Door provides legal, mental health and health services as well as community programs and education to young people between the ages of 12 and 21.)
- **YES (Youth Enrichment Services) at The Center** – 212-620-7310 (The YES program provides community support to LGBTQ young people between the ages of 13 and 21.)
- **FIERCE!** – 646-336-6789 (FIERCE is a membership-based organization building the leadership and power of lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth of color in New York City.)
- **Audre Lorde Project** – 718-596-0342 (The Audre Lorde Project (ALP) is a Community Organizing Center for Lesbian, Gay, Bisexual, Two-Spirit, Trans and Gender Non-Conforming (LGBTSTGNC) People of Color Communities.)
- **Child Abuse Hotline** – 1-800-342-3720 (The child abuse hotline is a state-run 24 hotline that receives calls about alleged child abuse or mistreatment and directs the information to the local Child Protective Services agency.)
- **Hetrick-Martin Institute (HMI)** – 212-674-2400 (The Hetrick-Martin Institute provides after-school programs and supportive services for LGBTQ young people between the ages of 12 and 21. HMI also hosts the Harvey Milk High School, a voluntary New York City public school specializing in the needs of young people at risk of physical or emotional violence in a traditional educational setting.)
- **Anti-Violence Project (AVP)** – 212-714-1141 (The Anti-Violence Project provides free and confidential assistance to lesbian, gay, bisexual, transgender, queer, and HIV-affected (LGBTQH) survivors of violence.)
- **Your lawyer: All young people in Foster Care have been assigned a lawyer by the Court.** If you do not know how to contact your lawyer, you may ask your caseworker or call:

The Legal Aid Society:

- Manhattan – 212-312-2260
- Bronx – 718-579-7900
- Brooklyn – 718-237-3100
- Queens – 718-298-8900
- Staten Island – 718-981-0219

Lawyers for Children

- 1-800-244-2540
- 212-966-6420