



10 Tips:

Working with LGBTQ (Lesbian, Gay, Bisexual, Transgender, and Questioning) Youth

LGBTQ youth may be the most disenfranchised, isolated and complex juvenile clients that you, as defense attorneys, will represent. Misunderstanding, homophobic attitudes and out right persecution are common experiences for them. Frequently abandoned by their family and their community, these teens are often scared, confused, depressed, alienated and defiant. When they become involved in the juvenile justice system, these experiences become magnified. The defense attorney may be their sole advocate, visitor, “friendly ear”, and even, lifeline. It is critical that your relationship and interactions with LGBTQ clients be as positive and effective as possible. The following are ten suggestions to help you in that process.

1. Conduct thorough background interviews.

Glean enough information so that you can really give the court an idea of who this young person is. Get to know them as more than just a client with a problem or my “gay” client. What do they love to do? What do they feel passionate about? What are their dreams? In addition, many LGBTQ youth in the juvenile justice system have been through traumatic and violent experiences which are important for the court to know about. You may have to ask these questions more than once as the client comes to trust you more. When looking for dispositional options remember if their immediate nuclear family is not available or appropriate, find out if there is an extended family member who is more sympathetic. Is there an appropriate adult who would be willing to become a guardian or foster parent?

2. Do not be afraid to ask hard or uncomfortable questions.

Being comfortable with your own sexuality will make it easier to ask your clients what may seem like very personal, private, yet crucial, questions. When conducting initial background interviews you may ask, when inquiring about significant people in their lives, if they have a girlfriend or a boyfriend. You may also want to inquire if they have another name that they prefer to be called or if they wish to be addressed as “he” or “she”. If a transgender youth has been arrested you may want to ask if they have been taking hormones so that you could advocate medically as well. LGBTQ youth are often homeless and they may have been arrested for prostitution or engaged in other high risk behaviors. Check and see if they have been tested for HIV. Ask the questions with respect and explain that “information is power”. It will enable you to do a better job for them.

3. Be mindful of who you’re talking to...respect privacy.

Even if someone’s sexuality seems completely “obvious” and “everyone knows”, always check with your client before you disclose information about his or her sexual orientation or gender identity. It is also important to be careful and sensitive with youth who are questioning and/ or may have difficulty coming to terms with their sexuality. Don’t make any assumptions.

4. Find the right experts.

If a psychological evaluation would be helpful in your client's defense, make sure you hire someone who has an understanding of LGBTQ issues and how they effect your client. Homophobia can be expressed subtly and may not necessarily be hostile or blatant. On the other hand, simply finding a "gay" psychologist may not prove as helpful if they are not experienced or credible in Juvenile Court. Think about this in advance and develop your own resources.

5. Utilize the community.

Are there LGBT community resources near you that offer services and support groups for youth that you can use as part of your dispositional plan? Is someone available to come and visit with your client while detained? Will they come to Court on behalf of your client? Once again, the more you can do to reduce isolation, the better. It is helpful to remind the judge that the client has community support and attention.

6. Find allies.

LGBTQ youth who are detained are often isolated and depressed. Ask your client if there is a particular worker in the detention facility with whom they have a good relationship. If so, talk with that person and make sure they know how to contact you. Ask them to keep an "eye out" for your client in terms of harassment and /or abuse by other youth or staff. If your client can't identify anyone, find someone yourself who appears empathetic and would be willing to pay attention to these concerns. You may also want to touch base with the supervisor of the unit that your client is housed on just to let them know that you are paying attention. If the youth has a therapist or case manager from the community make sure that they have access to your client as soon as possible

7. Regularly check-in.

Spending even a short time with your client as often as you can is very important. It will help build trust, alert others that you are "watching", and also allow you to monitor for signs of depression or suicidal ideation. These clients may require more of your time.

8. Learn about adolescent development.

Although LGBTQ youth have their own unique struggles, remember they are teenagers. What may seem to be unreasonable and difficult behavior may also be related to typical teenage behavior. Don't take it personally. Issues relating to "fairness", the desire for self determination, and primary referencing to their peer group can be expected.

9. Allow yourself to be taught.

You are not expected to be a cultural expert on LGBTQ youth. It can be very effective to admit that you don't know much about their lifestyle. Asking questions will help you to understand. In this way you are being honest, authentic and allowing them to be the experts.

10. Be aware of complexities.

While respecting issues of sexual diversity, do not assume that these issues operate independently of other forms of social marginalization (i.e. race, class, gender.) Identity is multidimensional and it may be an error to focus on one dimension or aspect of a client's social identity at the detriment of another. Although one should be sensitive to these issues and how your LGBTQ client has special needs, be careful not to treat them too differently. They are still teenagers and have much in common with their heterosexual counterparts.