



State of Connecticut
JUDICIAL BRANCH
COURT SUPPORT SERVICES DIVISION
POLICY AND PROCEDURES

POLICY NO.
8.418

EFFECTIVE DATE:
June 1, 2013

PAGE 1 of 6

SUPERSEDES:

NEW POLICY

APPROVED BY:

William H. Carbone, Executive Director

TITLE:

**JUVENILE RESIDENTIAL SERVICES
NON-DISCRIMINATORY PRACTICES
FOR LGBTQI JUVENILES**

1. **Policy** The Court Support Services Division (CSSD) in accordance with state and federal laws will ensure LGBTQI juveniles under their jurisdiction reside in an environment free of sexual abuse, sexual harassment and discrimination. CSSD is committed to providing a healthy and accepting setting for all juveniles placed in its care by training staff, instituting policies, and educating juveniles to respect each other. The CSSD does not tolerate discrimination or harassment by employees, volunteers, contract providers, or juveniles.

2. **Definitions**
 - A. **Bisexual** A person who is emotionally, romantically, and sexually attracted to both males and females.
 - B. **Central Responsible Health Authority** A qualified health care professional or health care administrator, appointed by the Executive Director, responsible for all healthcare functions in the detention centers.
 - C. **Discrimination** Any act, or practice that, regardless of intent, has the effect of subjecting any youth to differential treatment as a result of that youth's actual or perceived sexual orientation or gender identity.
 - D. **Gay** A person who primarily is emotionally, romantically, and sexually attracted to individuals of the same sex; primarily boys or men.
 - E. **Gender Identity** A person's internal, deeply felt sense of being male or female, regardless of the person's sex at birth.
 - F. **Harassment** Includes, but is not limited to, name-calling; disrespectful gestures, jokes or comments; inappropriate touching; threats of physical or emotional acts or negative consequences; physical abuse; sexual abuse, including unwanted sex acts, touching, pantomime, and threats; and emotional abuse, such as shunning or isolation. Attempting to change a youth's sexual orientation or gender identity is also a form of harassment.
 - G. **Intersex** A condition in which a person is born with external genitalia, internal reproductive organs, chromosome patterns, and/or an endocrine system that does not fit typical definitions of male or female.



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- H. Lesbian A girl or woman who primarily is emotionally, romantically, and sexually attracted to girls or women.
 - I. LGBTQI An acronym commonly used to refer to lesbian, gay, bisexual, transgender questioning, and intersex individuals.
 - J. Questioning A person who is exploring or questioning issues of sexual orientation or gender identity or expression in his or her life.
 - K. Sexual Orientation A person's emotional, romantic, and sexual attraction, to individuals of the same sex or of a different sex.
 - L. Transgender A person whose gender identity does not correspond with their birth sex. A transgender girl is a girl whose birth sex was male but who understands her self to be female. A transgender boy is a boy whose birth sex was female but who understands him self to be male.
3. **Procedure** LGBTQI juveniles will receive fair and equal treatment, without bias, and in a professional and confidential manner.
- A. Staff will not discriminate against or harass any juvenile in their care based on the juvenile's actual or perceived sexual orientation or gender identity.
 - B. Staff will protect juveniles from discrimination, physical and sexual harassment or assault, and verbal harassment by other juveniles, based on a juvenile's actual or perceived sexual orientation or gender identity.
 - C. The Detention Center Superintendent will be responsible for establishing and maintaining a culture where the dignity of every juvenile is respected and all juveniles feel safe. Staff will model positive behavior when interacting with LGBTQI juveniles and remind all juveniles that anti-LGBTQI threats of violence, actual violence, or disrespectful or suggestive comments or gestures, will not be tolerated.
 - D. All staff will use respectful language and terminology that does not further stereotypes about LGBTQI people.



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- E. All staff in the course of their work, will not refer to juveniles by using derogatory language in a manner that conveys bias or hatred of LGBTQI people. In particular, staff will not imply or tell LGBTQI juveniles that they are abnormal, deviant, or sinful, or that they can or should change their sexual orientation or gender identity.
- F. Safe Zones will be made available in each facility.
- (1) The facility library will include LGBTQI-affirming books and other materials.
 - (2) All youth will have access to these materials when requested.
 - (3) Where possible, staff will display materials, such as “safe zone” posters that convey to juveniles that the facility maintains an LGBTQI-friendly environment.
 - (4) Staff will be aware of local and community LGBTQI resources to provide supportive services to LGBTQ juveniles.
- G. Confidentiality
- (1) Staff will not disclose a juvenile’s sexual orientation or gender identity to other juveniles, friends, or family members; or to outside individuals or agencies without the juvenile’s permission.
 - (2) This confidentiality restriction does not prevent individuals working at the detention facility from discussing a juvenile’s needs or services with other staff members.
- H. Intake/Classification
- (1) Staff should be aware that LGBTQI juveniles are in various stages of awareness and comfort with their sexual orientation and gender identity.
 - (2) Classification and Program Officers, during intake, will attempt to ascertain information about any gender non-conforming appearance or manner or identification as LGBTQI, and whether the juvenile may therefore be vulnerable to sexual abuse or sexual harassment.



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- (3) If a juvenile discloses their sexual orientation or gender identity, the CPO will talk with the juvenile about it in an open and non-judgmental manner and determine if the juvenile has particular concerns or needs related to being LGBTQI.
- (4) Classification decisions for LGBTQI juveniles will occur as soon as possible after intake so that the juvenile is not at risk. The juvenile's physical and emotional well-being will be prioritized.
- (5) Juveniles will not be prohibited from having a roommate based on a juvenile's actual or perceived sexual orientation, in accordance with CSSD Policy and Procedure 8.106, Classification.
- (6) LGBTQI juveniles will not be treated or classified as sex offenders unless there are documented court charges.
- (7) Housing decisions for transgender or intersex juveniles will be considered on a case-by-case whether placement would ensure the juvenile's safety, and whether the placement would present management or security problems. The juvenile's emotional and physical safety, as well as the juvenile's perception of where he or she will be most secure will be taken into account, as well as any recommendations from the healthcare staff. If necessary to ensure their privacy and safety, transgender juveniles will be provided a single room.
- (8) Transgender juveniles will be referred to by their preferred name and the pronoun that reflects the juvenile's gender identity, even if their name has not been legally changed. All written documentation about a transgender juvenile will utilize the juvenile's preferred name as well as noting the juvenile's legal name recognized by the court.
- (9) Staff will provide juveniles with institutional clothing, including undergarments, appropriate for the juvenile's gender identity and gender presentation.
- (10) Staff will provide transgender juveniles with safety and privacy, in accordance with policy, when using the shower and bathroom and when dressing and



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undressing. Transgender juveniles will not be required to shower or undress in front of other juveniles.

- (11) LGBTQI juveniles will not be physically searched in a manner that is humiliating or degrading or for the sole purpose of determining the juvenile's physical anatomy. If a juvenile's gender is unknown, it will be determined during conversations with the juvenile, by reviewing medical records, or as part of a broader medical examination conducted in private by a medical practitioner.
- (12) Strip searches will be conducted by a staff member of the same anatomical sex as the juvenile, in accordance with CSSD Policy and Procedure 8.311, Searches.
- (13) Juveniles will be informed of their rights at the time of intake and sign the Juvenile Rights form in accordance with CSSD Policy and Procedure 8.400, Intake and Admissions.

H. Healthcare

- (1) If prior to arriving at the detention center a transgender juvenile has been receiving transgender-related medical care, such as hormone therapy or supportive counseling, healthcare staff will consult with the juvenile's medical providers and will continue to provide the juvenile with all transition related treatments that are medically necessary according to the juvenile's provider and accepted professional standards, in accordance with CSSD Policy and Procedure 8.545, Continuity of Care During Detainment.
- (2) Health care providers will facilitate exploration of gender or sexuality issues with LGBTQI juveniles in the same manner as with other juveniles by being open and non-judgmental.
- (3) Healthcare staff will be knowledgeable about the health care needs of LGBTQI and transgender juveniles.



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- I. **Training** – All staff will receive training about LGBTQI juveniles during their Pre-Service training and as part of their annual In-Service training requirements. These trainings will be taught by a qualified trainer with experience in working with LGBTQI juveniles.

6. **References**

- A. Hidden Injustice: Lesbian, Gay, Bisexual, and Transgender Youth in Juvenile Courts; Majd, Marksamer, Reyes; 2009 Legal Services for Children, national Juvenile Defender Center, and National Center for Lesbian Rights.
- B. National Commission on Correctional Health Care. Position statement on “Transgender Health Care in Correctional Settings”. October 18, 2009.
- C. “Standards of Care Gender Identity Disorders” available from the World Professional Association for Transgender Health (WPATH).
- D. Department of Justice. National Standards to Prevent, Detect, and Respond to Prison Rape; Final Rule. 2012. (115.315, 115.342)
- E. “A Quick Guide for LGBTI Policy Development for Youth Confinement Facilities”. U.S, Department of Justice. National Institute of Corrections, November 2012.
- F. Department of Justice. National Standards to Prevent, Detect, and Respond to Prison Rape; Final Rule 2012. (115.315, 115.331, 115.341, 115.342).

7. **Exceptions** Any exception to this policy will require prior written approval from the Division’s Executive Director.