**Guidelines for Managing Information Related to the Sexual Orientation & Gender Identity and Expression of Children in Child Welfare Systems**

**Guiding Principles**

1. All children deserve safety and acceptance in their homes and communities.
2. All children need support and nurturance to develop and embrace all aspects of their evolving identities, including their sexual orientation and gender identity and expression.
3. Children thrive when their caregivers affirm and respect their sexual orientation and gender identity and expression, and family acceptance both protects against health risks and promotes overall health. Conversely, children experience negative health and mental health outcomes when their caregivers reject or fail to support their sexual orientation and gender identity or expression.
4. Children perceived by others to be lesbian, gay, bisexual or gender non-conforming are exposed to the same risks as children who openly identify as lesbian, gay, bisexual or transgender.

**Recommendations**

**A. Collecting Information for Individual Case Planning**

1. Intake forms and protocol should require child welfare personnel to document each child’s biological sex, gender identity, and gender expression.
2. Child Welfare personnel should assess the extent to which each child’s expression of gender matches or diverges from cultural and social expectations in the child’s family and community.
3. Child welfare workers should document the ender identity of every child three years of age or older.
4. Child welfare personnel should determine the most appropriate time and manner of identifying each child’s gender identity and expression, based upon the child’s age, stage of development, cognitive abilities and personality, as well as the level of trust developed between the worker and the child.
5. Child welfare workers should document the sexual orientation of every child 10 years of age or older who can understand and discuss these issues.
6. Child welfare personnel should identify the most appropriate time and manner of documenting the child’s sexual orientation, based upon the child’s age, stage of development, cognitive abilities, personality, and readiness to discuss the issue.
7. Child welfare personnel should ensure that their understanding, and any documentation, of the child’s sexual orientation and gender identity and expression remains current.
8. **Collecting Information for Agency Assessment and Planning**
9. Child welfare agencies should include sexual orientation and gender identity in the demographic data collected for each child.
10. Child welfare agencies should provide all youth in protective custody with the opportunity to complete an annual confidential survey evaluating the services they have received.
11. **Recording Information**
12. Child welfare personnel should record relevant and reliable information related to the child’s sexual orientation, gender expression or gender identity in the case file.
13. Child welfare personnel should record information related to a child’s sexual orientation or gender identity or expression in a court report only when the information is directly relevant to the issue to be decided by the court, the worker preparing the court report has discussed the matter with the child and obtained his or her authorization, and the worker has taken precautions to minimize unnecessary disclosure of the information to third parties.
14. **Disclosing Information**
15. Child welfare professionals should regard children as the principle owners of information related to their sexual orientation and gender identity and expression, and should actively involved them in decisions related to any disclosure of this information.
16. Child welfare professionals should identify and document a specific rationale related to the child’s interests for every decision to disclose information related to the child’s sexual orientation or gender identity.
17. Policies governing the management of information related to the sexual orientation or gender identity of children should be consistent with state and federal confidentiality laws, as well as agency policy and rules of court.
18. Child welfare agencies should consider adopting additional measures to prevent inappropriate or harmful disclosure of information related to children’s sexual orientation, gender identity or expression.
19. **Institutional Practice**
20. Agency policies, practices, training and supervision related to children’s sexual orientation, gender identity and gender expression should be explicitly grounded in credible social science research and the foundational objectives of safety, permanency and well-being.
21. Child welfare agencies should have writing policies and procedures governing the management of information related to the sexual orientation, gender identity and gender expression of children and youth under their care.
22. Child welfare agencies should provide pre-service and ongoing training to all child welfare personnel regarding the agency’s policies governing the management of information related to children’s sexual orientation, gender identity and gender expression.
23. Child welfare agencies should ensure that all staff receive ongoing supervision and technical assistance on the management of information related to the sexual orientation, gender identity and gender expression of children and youth under the agency’s care.