



Model Policy: Transgender, Gender Nonconforming, and Intersex Youth in Confinement Facilities

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Introduction

The Need for Policy Guidance

The vulnerability of transgender, gender nonconforming, and intersex (TGNCI) youth is well-documented. In a 2018 [survey](#) of 5,600 transgender and gender expansive youth, 84% of youth experienced verbal threats, 53% experienced bullying at school, 57% had been mocked or taunted by their families, and 16% had been sexually attacked or raped – all based on their actual or perceived gender identity. Because of pervasive stigma and discrimination, TGNC youth experience disproportionately high rates of [psychological distress](#), [homelessness](#), and [bullying](#). [TGNC youth of color](#), who experience discrimination at the intersections of race and gender identity, experience extraordinarily high rates of violence and mistreatment.

While there are fewer data on intersex youth, the available research estimates that up to [1.7% of people are born with intersex traits](#). Although transgender and intersex identities are distinct, both groups encounter discrimination based on gender identity or gender expression and both groups lack access to competent medical care. Some intersex children undergo [unnecessary, irreversible, and involuntary surgeries](#), and transgender youth are often denied medically necessary, gender affirming treatment.

Pervasive rejection and discrimination in their homes, schools, and communities contribute to the overrepresentation of TGNCI youth in confinement facilities. According to [recent national data](#) 12% of youth in juvenile facilities identify as transgender or gender nonconforming, and 85% of LGBTQ and GNC youth are of color. These youth experience higher levels of sexual abuse and other mistreatment in confinement settings, particularly when facilities lack clear, enforceable guidance on how to protect their safety and promote their well-being.

The extreme vulnerability of TGNC youth in confinement facilities has led many local and state jurisdictions to adopt [nondiscrimination policies](#). In the first published opinion addressing the treatment of LGBT youth in youth justice facilities,

a [federal district court](#) found that the staff's failure to protect the plaintiffs from relentless verbal harassment and abuse, as well as subjecting them to prolonged "protective" solitary confinement, violated the Constitution.

The standards adopted to implement the Prison Rape Elimination Act of 2003 (PREA) contain several provisions intended to keep TGNCI youth safe from sexual misconduct. These standards represented a critical acknowledgment of the unique vulnerability of TGNCI youth in confinement settings and the first explicit federal protections of this population.

However, the PREA standards also raised questions about how to operationalize the standards in policy and practice, and they sparked a broader conversation about supporting TGNCI youth and protecting their safety and well-being across all aspects of facility operations. Growing awareness among youth justice professionals of the unique needs and vulnerabilities of TGNCI youth has created an increased demand for professional guidance. The model policy is a practical tool designed to meet that demand.



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Guiding Principles

The recommendations in the model policy are grounded in a series of guiding principles that embody emerging professional consensus promoting gender affirming approaches in youth serving systems. The principles counter common misconceptions about gender and provide a framework for accommodating the needs of youth across the full spectrum of gender identity, gender expression, and intersex status. Agencies and facilities can expressly incorporate these principles in their own policies and/or training on the implementation of their policies. When questions or situations arise that are not directly addressed in the model policy, the principles can provide critical guidance.

1. Variations in gender identity and gender expression are part of the normal spectrum of human diversity.
2. The increased risks faced by TGNCI youth, particularly TGNCI youth of color, are not inherent to their identities, but stem from the trauma caused by prejudice, discrimination, rejection, and mistreatment.
3. Like all youth, TGNCI young people thrive and succeed when their families, schools, and communities support and nurture their evolving identities.
4. Efforts to change or suppress a young person's gender identity or gender expression are ineffective, unnecessary, and harmful.
5. TGNCI youth are a diverse population that embody multiple identities that confer unique and intersecting stressors and strengths.
6. The employees and contractors of public systems are legally and ethically required to treat TGNCI young people equitably and respectfully, regardless of personal beliefs.
7. Asking youth about their gender identity and gender expression helps facility personnel understand youth, protect their safety, and promote their health and well-

being.

8. Permitting youth to decide when and to whom to disclose their gender identity, gender expression, or intersex status protects their safety and promotes their healthy development.

Scope and Purpose

The purpose of this model policy is to address operational practices that promote the safety, dignity, and well-being of TGNCI youth in confinement facilities. Although many of the provisions apply to all youth, the policy was created specifically to address the unique needs and vulnerabilities of TGNCI youth.

The model policy is designed for broad application in a wide range of confinement facilities (e.g., detention facilities, residential treatment centers, shelter homes). Throughout the policy, the term "personnel" is used to refer collectively to facility staff, contractors and volunteers, defined consistently with the PREA standards. The policy is intended to apply to all individuals who may have contact with youth in confinement facilities.

The model policy incorporates constitutional and statutory requirements as well as national professional standards and best practices. Although the model policy incorporates PREA's requirements with respect to TGNCI youth, it is not intended to be a comprehensive PREA policy. The model policy provides guidance on operational implementation of the relevant PREA standards, such as the provisions addressing cross-gender searches. It also addresses conditions and practices that fall outside the scope of PREA, such as gender affirming health and mental health care, which are essential to promoting the health and safety of TGNCI youth.

The model policy contains substantive operational provisions followed by commentary that explains the rationale or application of the provisions. Agencies or facilities developing their own policies should include the same or similar substantive provisions. The commentary may be useful to

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guide discussions during policy development, to help youth understand the policy, or to train staff.

Development of the Model Policy

With support from the National PREA Resource Center, the National Center for Lesbian Rights (NCLR) and the Center for Children’s Law and Policy (CCLP) worked with a diverse array of stakeholders to develop this model policy.

NCLR is a national legal organization committed to advancing the civil and human rights of lesbian, gay, bisexual, and transgender people and their families through litigation, legislation, policy, and public education. NCLR collaborates with youth justice advocates and professionals to support policies and practices that promote the safety and well-being of LGBTQ youth in youth justice systems.

CCLP is a national law and policy organization focused on improving the youth justice system in jurisdictions throughout the country. CCLP has particular expertise in implementation of the PREA standards in juvenile facilities and in improving conditions of confinement in facilities that house youth.

NCLR and CCLP developed a draft model policy by drawing upon a variety of sources, including case law describing constitutional requirements, the PREA standards for juvenile facilities, national and international professional standards for the treatment of TGNCI individuals, professional literature describing best practices, and the organizations’ expertise and experience working with facilities across the country.

CCLP and NCLR invited a group of diverse youth justice system stakeholders to review and provide feedback on the draft policy. These stakeholders, listed in the acknowledgements, included advocates for TGNCI communities, formerly incarcerated young people, facility personnel, and youth justice practitioners from across the country. The National Partnership for Juvenile Services (NPJS), an organization providing professional development and technical assistance

to juvenile justice professionals, served as a key partner and participant in the project by identifying facility staff representing diverse jurisdictions and facility types to participate in the development of the policy.

On November 9, 2018, NCLR and CCLP co-facilitated an all-day convening of these stakeholders. During this meeting and in the weeks that followed, NCLR and CCLP collected feedback, comments, and recommended edits and created a final draft of the model policy. NCLR and CCLP circulated the model policy for approval by stakeholders, with all listed individuals endorsing the model policy as written.

How to Use this Policy

The model policy is meant to serve as the foundation for an agency or facility policy on TGNCI youth. Jurisdictions developing a policy should convene a group of youth justice system stakeholders to review the document in its entirety. Jurisdictions may need to adapt provisions based on their local procedures and the specific features of their confinement facilities. Any changes must preserve the intent and impact of each provision, maintaining the policy’s overall purpose of creating an affirming and safe environment for TGNCI youth. When discussing each section of the policy, stakeholders will find it helpful to reference the accompanying commentary, which explains the rationale of each section of the policy, as well as the Guiding Principles listed above.

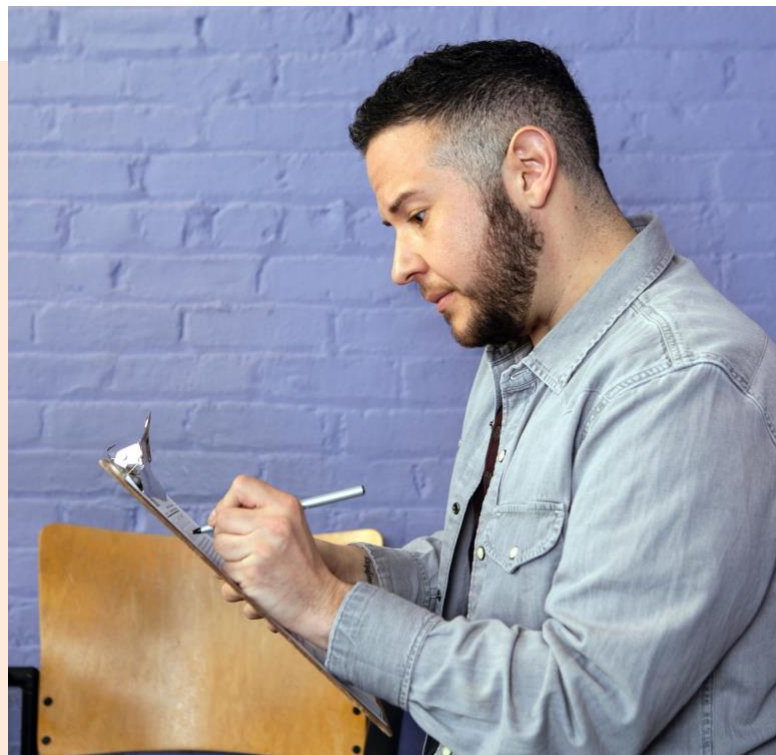
There are placeholders identified throughout the policy where officials must identify the staff members who will be responsible for implementing provisions in the policy (e.g., monitoring retaliation; reviewing housing and programming determinations). These placeholders are designed to permit flexibility, recognizing that the individuals who will serve these functions will vary from agency to agency and facility to facility. They are also designed to promote accountability by requiring officials to assign responsibilities to specific individuals.

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Many agencies and facilities already have a PREA policy that references the standards specific to TGNCI youth. Others may have a broader policy that addresses sexual orientation as well as gender identity and gender expression. In these situations, jurisdictions can either adopt a separate TGNCI youth policy or integrate the provisions of this model policy into a broader LGBTQ youth policy. Jurisdictions may also choose to integrate the provisions of the model policy into their general policies, supplementing the existing policies topically (e.g., classification, health care, intake). Whichever approach the jurisdiction takes, it is critical that all existing and incoming personnel receive training on the provisions specific to TGNCI youth.

For More Information:

- Submit a [request for technical assistance](#) through the PREA Resource Center and [consult the resources available](#) on the PREA Resource Center website.
- Contact Shannan Wilber, Youth Policy Director at the National Center for Lesbian Rights (swilber@NCLRights.org | 415-365-1331) or [visit NCLR's website](#) for additional information and resources.
- Contact Jason Szanyi, Deputy Director at the Center for Children's Law and Policy (jszanyi@cclp.org | 202-637-0377 x018) or [visit CCLP's website](#) for additional information and resources.



Contact other national organizations with expertise in promoting the safety and well-being of TGNCI youth.

- [National Center for Transgender Equality](#)
- [Lambda Legal](#)
- [Ceres Policy Research](#)
- [GLSEN](#)
- [Gender & Sexualities Alliance Network](#)
- [Movement Advancement Project](#)
- [True Colors Fund](#)
- [National LGBTQ Task Force](#)
- [Black & Pink, Inc.](#)
- [interACT](#)
- [Gender Spectrum](#)

Model Policy

1. Purpose, Scope and Dissemination

- a. The purpose of this policy is to establish operational practices that promote an environment in which all youth, including transgender, gender nonconforming, and intersex (TGNCI) youth, are physically and emotionally safe and treated fairly and respectfully.
- b. This policy applies to all facility personnel, including staff, contractors, and volunteers.
- c. **[Insert responsible position or department]** shall ensure that all existing and incoming personnel receive written copies of this policy and participate in training on the operational aspects of this policy relevant to their positions.
- d. **[Insert responsible position or department]** shall ensure that all youth receive a statement of their rights and responsibilities under this policy, as well as a verbal explanation of the policy in a language they understand, during their orientation.

Commentary:

TGNCI youth in confinement facilities are uniquely vulnerable. They are over-represented in the youth justice system and are more likely than their peers to experience mistreatment and abuse, including sexual abuse, by personnel and other youth. They also have unique needs related to housing, privacy, and health care. This policy seeks to promote the physical and emotional safety and well-being of TGNCI youth through clear operational practices grounded in law, professional standards, and credible science. Effective implementation of the policy requires the full support of agency leadership, and written procedures to hold all personnel and youth accountable for adherence to the policy. To this end, the agency must ensure that all personnel receive training and understand how to request guidance on any aspect of the policy. Effective implementation also requires education of all youth so that they understand their rights and responsibilities under the policy.

2. Authority

- a. Prison Rape Elimination Act (PREA) (42 U.S.C. §§ 30301 *et seq.*) <https://bit.ly/2CVNafO> and implementing regulations (28 C.F.R. §§ 115 *et seq.*) <https://bit.ly/2Rs9mmK>
- b. **[Insert relevant state or local laws, regulations or ordinances.]**

- c. **[Cross reference related facility/agency policies, such as the PREA policy.]**
- d. Professional standards, guidelines and recommendations promulgated by:
 - i. National Commission on Correctional Health Care: Position Statement on Transgender, Transsexual and Gender Nonconforming Healthcare in Correctional Settings <https://bit.ly/2SnFVnN>
 - ii. World Professional Association of Transgender Health (WPATH): Standards of Care for the Health of Transsexual, Transgender and Gender Nonconforming People <https://bit.ly/2HxNjXU>
 - iii. Annie E. Casey Juvenile Detention Alternatives Initiative Juvenile Detention Facility Assessment Standards <https://bit.ly/2JkI54u>
 - iv. Annie E. Casey Juvenile Detention Alternatives Initiative Practice Guide: Lesbian, Gay, Bisexual and Transgender Youth in the Juvenile Justice System <https://bit.ly/2PWkWa4>
 - v. Safe Havens: Closing the Gap Between Recommended Practice and Reality for Transgender and Gender-Expansive Youth in Out-of-Home Care <https://bit.ly/2xAXIVa>
 - vi. OJJDP Federal Advisory Federal Advisory Committee on Juvenile Justice, Recommendations of the LGBT Subcommittee <https://bit.ly/2AuawZZ>
 - vii. American Academy of Child and Adolescent Psychiatry (AACAP): Position Statement on Transgender Youth in Juvenile Justice and other Correctional Systems <https://bit.ly/2AwHNUj>
 - viii. Substance Abuse and Mental Health Services Administration: Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth <https://bit.ly/2CJAvoK>
 - ix. American Psychological Association: Guidelines for Psychological Practice with Transgender and Gender Nonconforming People <https://bit.ly/26urYWJ>
 - x. American Medical Association: Policy on Appropriate Placement of Transgender Prisoners <https://bit.ly/2Rp95lh>
 - xi. American Academy of Pediatrics: Policy Statement: Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents <https://bit.ly/2JbiJow>
 - xii. Endocrine Society: Endocrine Treatment of Gender Dysphoric/Gender Incongruent Persons: An Endocrine Society Clinical Practice Guideline <https://bit.ly/2D9pdnG>
 - xiii. National Association of Social Workers (NASW) Position Statement: Sexual Orientation Change

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Efforts (SOCE) and Conversion Therapy with Lesbians, Gay Men, Bisexuals and Transgender Persons <https://bit.ly/2D9djdE>

- xiv. Intersex Society of North America: Clinical Guidelines for the Management of Disorders of Sex Development in Childhood <https://bit.ly/1CptvzA>

Commentary:

Despite significant advances in the public's understanding and acceptance of the diversity and complexity of gender identity, gender expression, and sex characteristics, misinformation and bias continue to jeopardize the health and safety of TGNCI youth in their homes, schools, and communities. TGNCI youth of color are particularly at risk for these harms. The documented vulnerability of TGNCI youth to discrimination, harassment, and physical and sexual abuse makes it imperative to provide accurate information, training, and guidance to personnel who are responsible for their care and custody. Policies should cite as authority relevant federal and state laws and regulations, as well as professional standards, guidelines, and recommendations that are grounded in credible science and research. Agencies and facilities should update the policy, as well as the list of authorities, as relevant professional organizations issue updated standards or best practice recommendations for serving TGNCI youth in confinement facilities. Agencies should review and revise the policy as often as practicable, and at a minimum, every three years.

3. Definitions

- **Affirm:** To acknowledge, validate and support the identities and autonomy of TGNCI people.
- **Bias:** A personal, generalized preference for or against something that has the tendency to interfere with one's ability to be impartial or objective.
- **Cisgender:** Describes people whose gender identity matches their sex assigned at birth.
- **Conversion Therapy (also known as "Reparative Therapy"):** Discredited, ineffective, and harmful practices aimed at changing an individual's sexual orientation or gender identity.
- **Cross-gender:** Of or by another gender. For example, a pat down search by a male staff member of a female youth is a cross-gender search.
- **Exigent Circumstances:** Any set of temporary and unforeseen circumstances that require immediate action to combat a threat to the security or institutional order of a facility.
- **Gender Affirming Health Care:** Medical treatment that affirms a youth's gender identity, as experienced and defined by the youth. Treatment may include, but is not limited to:
 - a. Interventions to suppress the development of endogenous secondary sex characteristics.
 - b. Interventions to align the patient's appearance or physical body with the patient's gender identity.
 - c. Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the Diagnostic and Statistical Manual of Mental Disorders, 5th Edition.
- **Gender Affirming Mental Health Care:** Therapeutic services that affirm a youth's gender identity, as experienced and defined by the youth. Services may include, but are not limited to, exploration and integration of identity, reduction of distress, adaptive coping, and strategies to increase family acceptance.
- **Gender Dysphoria:** Discomfort or distress caused by a discrepancy between a person's gender identity and that person's assigned sex at birth.
- **Gender Expression:** A person's presentation or communication of their gender to others, through hairstyles, clothing, physical mannerisms, alterations of their body, or name and pronoun.
- **Gender Identity:** An individual's core and hard-wired sense of their own identity as a boy/man, woman/girl, something in between, or outside the male/female binary. Everyone has a gender identity, which may or may not align with that person's sex assigned at birth.

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- **Gender Nonconforming:** Describes a person whose appearance or manner does not conform to traditional gender stereotypes. For the purposes of this policy, the term “gender nonconforming” includes youth who identify as “non-binary,” meaning that their gender identity is neither man/boy nor woman/girl. The terms “genderqueer,” “bigender,” or “agender” also describe gender identities that fall outside the gender binary.
- **Gender Norms:** A behavior or characteristic that society attributes to a particular gender. Gender norms vary between cultures and often change over time.
- **Gender Transition:** A process by which transgender people align their anatomy (medical transition), identity documents (legal transition), or gender expression (social transition) with their gender identity.
- **Harassment:** Unwanted verbal, physical, visual, or sexual conduct that creates an intimidating, hostile or offensive environment.
- **LGBTQQI:** An acronym that refers to individuals who identify as lesbian, gay, bisexual, transgender, queer, questioning, or intersex.
- **Lesbian:** Describes a woman who is attracted to women.
- **Gay:** Describes a person who is attracted to people of the same gender. While the term is often used to refer to men who are attracted to men, it is also used to refer to women who are attracted to women.
- **Bisexual:** Describes a person who is attracted to both men and women.
- **Transgender:** Describes a person whose gender identity is different from their assigned sex and who lives, or desires to live, in accord with their gender identity.
 - **Transgender Man:** A person who was assigned female at birth, but identifies as, and desires to live as, a man.

- **Transgender Woman:** A person who was assigned male at birth, but identifies as, and desires to live as, a woman.



- **Questioning:** Describes people who are unsure of, or in the process of discovering, their sexual orientation or gender identity.
- **Queer:** An umbrella term that describes a person who does not identify as straight or cisgender. The term has negative connotations for some people, given its historical use as a pejorative term. Many people have reclaimed the term, often to expand upon limited sexual and gender-based categories.
- **Intersex:** A general term used for variations in sex characteristics in which a person is born with a reproductive or sexual anatomy that doesn't seem to fit the typical definitions of female or male. Variations may appear in a person's chromosomes, genitals, or reproductive organs like testes or ovaries. Some intersex traits are discovered at birth, while others may not be discovered until puberty or later in life. Previously, intersex children were subjected to medically unnecessary interventions in infancy, with best practice now counselling that all procedures be delayed until the intersex person can participate in the decision.

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Just like other people, an intersex person may identify as male, female, or non-binary, and may be lesbian, gay, bisexual, or straight. Being intersex does not mean that a person does not identify as male or female.

- **Personnel:** Facility staff, contractors, and volunteers.
- **Sex Assigned at Birth:** the designation of an infant's sex at birth, usually by a medical professional, based on the child's external genitalia. A person's sex assigned at birth may or may not be congruent with the person's gender identity.
- **Sexual Orientation:** An attraction to others that ranges from attraction to only men or only women, to varying degrees of attraction to both men and women, to attraction to neither men nor women.
- **SOGIE:** An acronym for sexual orientation, gender identity, and gender expression.
- **Staff:** Employees of the agency or facility.
- **Stereotype:** A preconceived, generalized and oversimplified opinion, belief, or judgment applied to an entire group of people.

4. Nondiscrimination

- a. All youth in the facility, including TGNCI youth, shall be free from physical, sexual, verbal, or emotional abuse or harassment by personnel or other youth.
- b. Personnel shall provide fair and equal treatment to all youth, irrespective of gender identity, gender expression, and sex characteristics, and shall ensure that all youth have equal access to available services, care, and treatment.
- c. Personnel shall apply consistent behavioral standards to all youth, including TGNCI youth.
- d. Personnel shall affirm the gender identity and gender expression of all youth.
- e. Personnel shall neither punish nor prohibit behavior that is deemed to defy gender norms.
- f. Personnel shall not engage in formal or informal attempts to censor, suppress, or change a youth's gender identity or gender expression.
- g. Personnel shall promptly and effectively intervene whenever any adult or youth bullies, harasses, demeans, mistreats, or abuses a youth based upon that youth's actual or perceived gender identity or gender expression.

Commentary:

Adoption and implementation of a nondiscrimination policy is the cornerstone of the facility's obligation to ensure the physical and emotional safety of TGNCI youth. Facility personnel should reinforce the nondiscrimination policy by:

- *Modeling respectful, affirming interactions with youth and other personnel.*
- *Intervening promptly and consistently to stop name-calling, bullying, or other forms of gender-based harassment or mistreatment.*
- *Responding to violations of the policy as teaching moments and opportunities to reiterate the facility's policy and address the underlying issues.*
- *Creating videos or other media that celebrate diversity and describe the harms that result from name-calling, bullying and harassment.*
- *Supporting the right of all youth to self-expression and objecting to any suggestion or requirement that TGNCI youth hide their identities or suppress their gender expression to prevent harassment by other youth.*
- *Supporting each youth's decision about whether to disclose their gender identity or status as TGNCI to other youth or to personnel.*
- *Holding other personnel accountable when they use disrespectful language or make derogatory remarks based on a youth's identification or status as TGNCI.*
- *Ensuring that the curriculum, programming, books, materials, and visual images in the facility portray positive images of TGNCI individuals and are inclusive of TGNCI youth of color.*

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5. Intake

- a. Intake personnel shall conduct intake in a place and manner that maximizes privacy and fosters open communication.
- b. As part of the facility's intake process, **[insert the position responsible for intake]** shall ask each youth a series of questions to obtain information about the youth's gender identity and gender expression and any related needs or concerns.
- c. Personnel shall not make assumptions about a youth's gender identity based solely on the staff member's observations or impressions of the youth. However, staff should subjectively determine whether a youth's appearance or manner is gender nonconforming and identify any related safety concerns.
- d. If the youth discloses identification as TGNCI, personnel shall respond supportively and use the opportunity to explore the youth's concerns and needs.
- e. Personnel shall not compel youth to disclose information about the youth's gender identity, gender expression, or sex characteristics, nor shall personnel threaten a youth with discipline or other punishment for declining to disclose such information.
- f. **[Insert responsible position or department]** shall ensure that intake personnel receive training on how to obtain information about youth's gender identity and gender expression or status as TGNCI in an effective, professional, and supportive manner.

Commentary:

Increasingly, youth justice agencies and facilities collect SOGIE data from all youth to meet several objectives:

- *To ensure the safety and well-being of youth.*
- *To provide an opportunity to affirm youth who disclose LGBTQQI status.*
- *To inform agency planning.*
- *To develop individual case plans, including re-entry services.*
- *To measure bias, disparities and outcomes.*
- *To measure prevalence and monitor overrepresentation.*

The questionnaire on page 24 was developed by Ceres Policy Research. These questions, or similar questions have been used by multiple jurisdictions to meet some or all of these objectives.

The PREA standards also require facility officials to attempt to ascertain information about "[a]ny gender-nonconforming appearance or manner or identification as lesbian, gay, bisexual, transgender or intersex, and whether the resident may therefore be vulnerable to sexual abuse." Personnel may observe whether the youth's gender expression appears nonconforming and they are required by the PREA standards to make this subjective determination.

However, the only reliable means of determining the youth's gender identity is to ask the youth directly. Accordingly, the National PREA Resource Center has clarified that the person conducting the risk assessment must affirmatively ask each youth questions about their SOGIE. The PREA standards require staff to obtain this information within 72 hours of the youth's arrival at the facility and periodically throughout the youth's confinement.

Staff should be aware that TGNCI youth may be in various stages of awareness and comfort with their gender identity and expression. The stress of intake, as well as the correctional environment, may also affect a youth's willingness to disclose personal information. Intake personnel should make every effort to create an atmosphere of safety and affirmation by:

- *Explaining that they ask the same questions of every youth to ensure their safety and meet their individual needs.*
- *Assuring the youth that the facility treats as private and confidential information about a youth's gender identity or status as TGNCI.*
- *Informing the youth who will have access to the information, and when and to whom it may be disclosed.*
- *Integrating questions about gender identity and gender expression with other demographic questions, rather than questions associated with sexual victimization or other indicia of vulnerability, to normalize the questions and reinforce that everyone has a gender identity and gender expression.*

6. Confidentiality

- a. Personnel shall treat any information about a youth's identification as TGNCI – however the information is obtained – as private and confidential. Personnel shall only share this information internally with those who have a need to know to meet the youth's needs or ensure the youth's safety. Whenever this information is disclosed internally, personnel shall inform the youth about the reason for the disclosure and to whom the information will be disclosed.
- b. Personnel shall not disclose information about a youth's identification as TGNCI to other youth, outside parties, individuals, or agencies, including health care or social service providers, without the youth's permission, unless such disclosure is necessary to comply with state or federal law or relevant to an emergency mental health or medical incident.
- c. **[Insert responsible position or department]** shall implement protections to ensure that confidential information about a youth's gender identity or identification as TGNCI is not inadvertently shared on documentation shared with parties outside of the facility (e.g., incident reports, behavioral reports, status reports, email, etc.).
- d. Personnel shall not disclose information about a youth's status as TGNCI to a youth's parent, legal guardians, or other family members without the express consent of the youth.
- e. Personnel shall explain to youth the extent and limits of their ability to keep confidential information about the youth's status as TGNCI. If personnel are required to disclose such information for any reason, they shall inform the youth to whom the information will be disclosed and the reason for the disclosure. Personnel shall document the specifics of the disclosure, including their conversation with the youth.

Commentary:

Unwarranted disclosure of SOGIE information may subject youth to rejection, ridicule, harassment, or abuse. Facility personnel should be thoughtful and cautious about recording or sharing this information and should only do so when necessary to advance the youth's well-being and after consulting with the youth and securing the youth's consent. Talking with youth about potential disclosures gives them the opportunity to ask questions, assert their wishes, and minimize potential negative consequences. Engaging with youth on these issues also conveys respect and sensitivity and builds trust. Some youth may be "read" as transgender or gender nonconforming regardless of efforts to maintain their privacy. Personnel should still empower these youth to decide whether they want to discuss their gender identity, and with whom.

7. Classification and Housing

- a. Personnel shall make housing and programming assignments for TGNCI youth within 72 hours of admission using an individualized, case-by-case approach.
- b. Personnel shall not automatically house youth according to their sex assigned at birth, nor shall personnel automatically assign TGNCI youth to special housing units or rooms based solely on their gender identity or gender expression. The presumption shall be that TGNCI youth are housed consistent with their gender identity.
- c. In addition to the information relevant to classification of all youth, personnel shall consider the physical and emotional safety of TGNCI youth and prioritize the youth's views about their own safety. Personnel shall also consider any recommendations from the youth's regular health care provider as well as the views of the facility's medical or mental health provider about the impact of potential placements on the youth's health and well-being.
- d. Personnel shall not base housing decisions on the complaints of personnel or other youth when those complaints are based on the youth's gender identity or gender expression.

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- e. Personnel shall not place TGNCI youth in isolation or segregation as a means of keeping them safe from discrimination, harassment, or abuse.
- f. Personnel shall not consider a youth's status as TGNCI as an indication that the youth is likely to be sexually abusive, nor shall personnel house a TGNCI youth in a unit designated for youth adjudicated for sex offenses unless the youth has a documented adjudication for a sexual offense.
- g. **[Describe the process for making housing and programming assignments for TGNCI youth, including who must be involved in making the decision, who must document the decision and the rationale, where that documentation must be maintained, and who must review and approve housing decisions.]**
- h. Unit personnel shall monitor the housing assignment of a TGNCI youth through regular observation of and communication with the youth and other staff. **[Insert responsible position or department]** shall formally review each TGNCI youth's housing assignment as frequently as necessary, and at a minimum, every 60 days.

Commentary:

For many purposes, including housing, youth facilities are sex-segregated. The general rule is that a youth's gender identity is the primary determinant of the youth's sex for purposes of placing youth in these facilities. A transgender female is and should be considered female, irrespective of the name and gender marker on her legal documents or her physical characteristics. Accordingly, the presumption should be that all youth are housed consistent with their gender identity, including TGNCI youth. A rule that automatically houses transgender youth according to their sex assigned at birth harmfully disregards their identity, forecloses an individualized approach, and may subject the youth to the threat of victimization and psychological harm. When the youth, personnel, or the youth's health care provider identifies a specific concern with placing youth consistent with their gender identity, an exception may be made. The safety concern must be specific and credible and may not be based solely on the youth's gender identity.

8. Communication

- a. Inside the facility, personnel shall use the name and pronoun currently used by TGNCI youth, regardless of the youth's legal name or the name listed on the youth's identity documents or court records. In communications with people outside the facility, including parents, personnel shall respect the youth's wishes about which name and pronoun to use.
- b. In their communication with youth or other adults, personnel shall use respectful language. Personnel shall not:
 - o Demean or ridicule TGNCI individuals.
 - o Convey bias toward individuals whose behavior or appearance is perceived to defy gender stereotypes.
 - o Imply or state that TGNCI youth are abnormal, deviant or sinful, or that they can or should suppress or change their gender identity or gender expression.
 - o Use language that conveys bias or misconceptions about gender identity or gender expression.
 - o Ask intrusive questions about a youth's anatomy or sexual behavior unrelated to legitimate health or safety concerns.
- c. If personnel are required to document the youth's legal name in case records or other official records, they should also record the name and pronouns currently used by the youth, with the youth's consent.



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Commentary:

Bias – both intentional and unconscious – is often conveyed through language and verbal and nonverbal cues. Personnel should use the name and pronouns currently used by the youth. Intentionally referring to youth by the incorrect name or pronoun (known as “mis-gendering”) or referring to an individual youth as “it” or “he/she” is disrespectful, dehumanizing, and harmful to youth who are already vulnerable. Unintentional slips or mistakes are easily remedied with a sincere apology and effort to use respectful language going forward. Personnel should also be aware of cultural and generational differences in language related to gender and should defer to youth about the language they use to describe their identity. Personnel can signal openness and affirmation through nonverbal and environmental cues such as posters, stickers, books, etc.

9. **Clothing and Grooming**

- a. Facility personnel shall provide youth with clothing and undergarments consistent with their gender identity and gender expression as requested, regardless of their housing assignment.
- b. Facility personnel shall provide youth with personal hygiene items and grooming products consistent with their gender identity and gender expression, regardless of their housing assignment. Facility personnel shall provide menstrual hygiene products to youth as requested, regardless of their housing assignment.
- c. Personnel shall permit youth to express their gender through their clothing, hairstyle, personal items, and accessories, absent consistently applied and reasonable safety concerns.
- d. The facility superintendent and/or designee shall consider approval of additional accessories, including prosthetics, wigs, and chest binders, based on an individualized assessment of TGNCI youth.
- e. Facility personnel shall not deny access to gender affirming clothing or personal hygiene items based on a youth’s failure to achieve a specific level of the facility’s behavior management system, nor shall the facility unreasonably withhold these items based upon cost.



Commentary:

Like all youth, TGNCI youth benefit from acceptance and support, a central component of which is living consistently with their authentic gender. Preventing TGNCI youth from expressing their gender identity or punishing them for doing so increases their distress, undermines their health and well-being, and interferes with their care, treatment, and rehabilitation. Facilities should re-examine institutional norms that unnecessarily prohibit youth from exploring and expressing their identities, which are key developmental tasks for all adolescents. Facilities should make access to clothing, undergarments, and hygiene items gender-neutral so that all youth have access to gender appropriate items regardless of placement and without unnecessary restrictions.

10. **Showers and Bathrooms**

- a. Personnel shall permit youth to use bathrooms that correspond to their gender identity and shall accommodate any youth who has a need or desire for increased privacy.
- b. Personnel shall allow all youth to shower individually, if possible. If individual shower stalls or rooms are not available, facility personnel shall permit TGNCI youth to shower separately from other youth.
[Omit the second sentence language if facilities include individual shower stalls.]

Commentary:

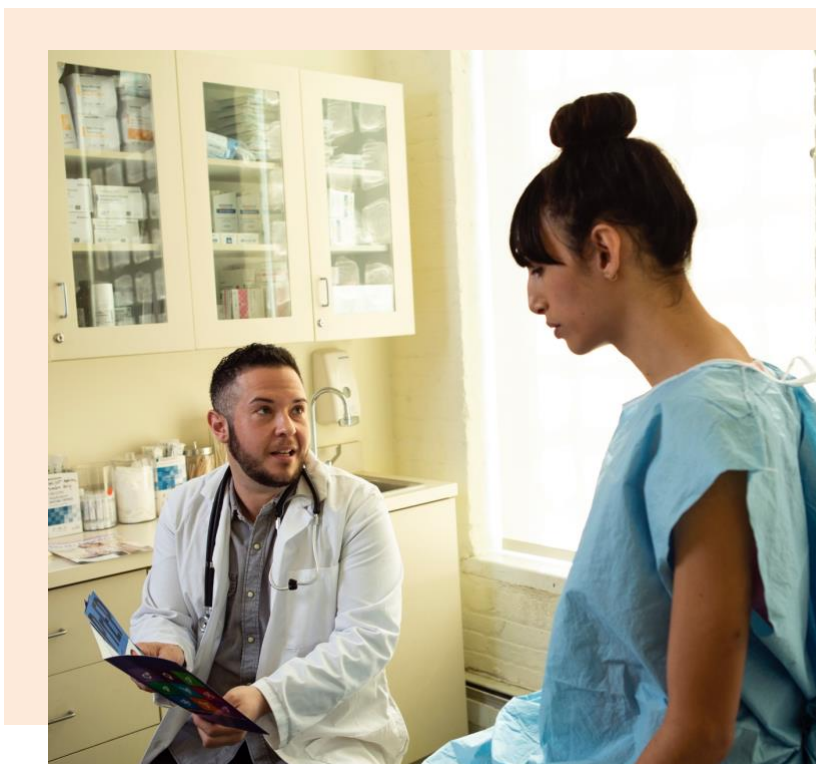
The PREA standards require facilities to implement policies and procedures that enable youth to shower, perform bodily functions and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. Because TGNCI youth are at increased risk of victimization while showering, performing bodily functions, or changing clothing, facilities must provide the necessary accommodations to ensure their privacy. For example, the PREA standards require facilities to offer transgender and intersex youth with the opportunity to shower separately from other youth. Facilities that include individual shower rooms or shower stalls may meet this requirement by affording all youth the opportunity to shower individually.

Commentary:

Besides the laws and standards governing searches of youth in general, the PREA standards limit the circumstances under which personnel are permitted to conduct cross-gender searches of youth. Personnel may not conduct cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners. Personnel may not conduct cross-gender pat down searches, except in exigent circumstances. Personnel must document and justify any cross-gender searches. The preferred way to meet this standard for TGNCI youth is by asking the youth to identify the gender of the personnel with whom they would feel most comfortable conducting the search and accommodating the youth's request.

11. Searches

- a. Personnel shall conduct all searches of youth in a professional and respectful manner. Personnel shall not physically search TGNCI youth in a manner that is humiliating or degrading, nor to determine the youth's physical anatomy or genital status.
- b. Personnel shall give TGNCI youth the opportunity to identify the gender of the staff member they prefer to conduct searches of them. Personnel shall document and accommodate the youth's request, barring exigent circumstances.
- c. Personnel shall document any search that deviates from the youth's request, including the specific exigent circumstances that prevented the facility from accommodating the youth's request. **[Insert instructions for maintaining documentation.]** All documentation shall be reviewed by the facility's superintendent or designee.
- d. **[Insert responsible position or department]** shall ensure that all personnel who conduct searches receive training in conducting professional and respectful searches of all youth, including TGNCI youth, in the least intrusive manner possible, consistent with security needs.



12. Gender-Affirming Medical Care

- a. All youth shall receive a medical screening upon admission, a full medical assessment within a week of admission, and timely treatment of any medical needs or conditions identified in the screening or assessment, including medical needs related to a youth's identification as TGNCI.

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- b. If a TGNCI youth was receiving transition-related health care prior to confinement, the facility's medical personnel shall consult with the youth's existing medical providers and continue to provide the youth with transition-related therapies and treatments that are medically necessary according to the youth's existing provider and accepted professional standards.
- c. If youth were receiving hormone therapy with or without a prescription before confinement, medical personnel shall continue that therapy without interruption pending evaluation by a specialist, absent urgent medical reasons to the contrary.
- d. Facilities shall develop procedures that permit youth to submit confidential requests for consultation or treatment from health care professionals related to gender dysphoria, gender transition and/or intersex traits. Custodial personnel shall not prevent youth from accessing transition-related care and shall facilitate such access upon the youth's request.
- e. Health care providers who assess or treat transgender youth shall be familiar and comply with prevailing medical standards governing transgender health care promulgated by the World Professional Association for Transgender Health (WPATH), the Endocrine Society, or medical clinics specializing in the treatment of transgender individuals. Health care professionals shall be competent to diagnose and treat gender dysphoria.
- f. If the facility medical personnel are not trained in transgender health care, they shall work with the **[agency/facility]** to ensure that TGNCI youth have timely access to other medical providers with the requisite expertise to determine appropriate treatment plans.
- g. Treatment plans for TGNCI youth shall be individualized and determined after consultation with the youth, qualified health care professionals, and parents or other caregivers with the legal authority to make health care decisions with and for the youth.
- h. There shall be no blanket policies that restrict specific transition-related medical treatments for transgender youth.
- i. Medical personnel shall not administer any medical procedure or treatment related to an intersex trait or condition unless:
 - o the procedure or treatment is urgent and medically necessary for the youth's physical health and cannot be safely delayed, considering the attendant risks, or
 - o the intersex youth desires the procedure and a mental health professional determines that the youth is capable of consenting to the procedure or treatment, understands the nature and risks of, and any available alternatives to, the procedure or treatment, including refusing or delaying the procedure treatment, and consents to the procedure or treatment.
- j. Prior to providing any medical procedure or treatment related to an intersex trait or gender transition, medical personnel shall obtain informed consent from the youth and the youth's parents, guardians or persons with legal authority to consent.
- k. If the parents, legal guardians, or person legally authorized to consent are unable or unwilling to consent to treatment recommended by the medical personnel and requested by the youth, the **[insert responsible position or department]** shall seek a court order on the youth's behalf to proceed with the recommended treatment.



Commentary:

Facilities should apply the same general rules and procedures to transition-related care as other specialized medical care. Nonmedical personnel should not act as gatekeepers and should facilitate access to qualified health care providers upon request by the youth, their parents, or their previous providers. Clinical decisions should be made for clinical purposes and without interference from other personnel. Facilities should not adopt policies that restrict or prohibit specific affirming treatments but should rely on youth and their qualified health care providers to identify medically necessary care consistent with established standards of care. Medical providers should not recommend medically unnecessary treatments to intersex youth related to their sex characteristics unless requested by the youth. Medical providers should communicate with facility personnel about medical issues that may impact classification or housing assignments. When the youth's length of stay is too short to provide medically necessary care while the youth is confined, the medical personnel should provide the youth and the youth's family with referrals to gender affirming providers in the community.

13. Mental Health Care

- a. Every youth shall receive a standardized mental health screening upon admission to identify youth who require further mental health evaluation or services, including youth who are exploring their gender or youth who exhibit psychological distress related to their gender identity or identification as TGNCI.
- b. The mental health screening shall be administered by personnel who are trained to conduct interviews with youth about gender identity and reviewed by staff who can assess the need for additional mental health services.
- c. Facilities shall develop procedures that permit youth to submit confidential requests for consultation or counseling related to gender identity, gender expression, intersex status, or gender transition from mental health personnel. Custodial personnel shall not prevent youth from accessing mental health services and shall facilitate access upon the youth's request.
- d. Mental health personnel shall be qualified to provide gender affirming mental health services consistent with the guidelines and standards promulgated by the American

Psychological Association and the World Professional Association of Transgender Health.

- e. If facility mental health personnel are not trained to provide gender affirming care, they shall work with the **[agency/facility]** to ensure that TGNCI youth have timely access to other mental health providers with the requisite expertise to determine appropriate treatment plans.
- f. Mental health personnel shall work collaboratively with medical personnel and custodial staff to develop and implement treatment plans for TGNCI youth.
- g. Mental health providers shall not engage in "reparative" or "conversion" therapy, or otherwise attempt to suppress or change a youth's gender identity or gender expression.

Commentary:

Youth who are exploring their gender identity or are experiencing distress related to their gender identity must have access to gender-affirming mental health services. Treatment plans may include exploration and integration of identity, reduction of distress, adaptive coping, and strategies to increase family acceptance. Mental health providers should also collaborate with medical personnel to provide the necessary documentation to access medically necessary transition-related care. Under no circumstances should mental health providers engage in any attempts to suppress or change a youth's gender identity or gender expression.



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14. Reporting

- a. Youth shall have multiple means to confidentially report harassment, discrimination, abuse, retaliation, mistreatment, and other violations of this policy by other youth or personnel within the facility, including:
 - o Following the facility's grievance procedures.
 - o Telling any staff member.
 - o Telling the youth's attorney of record.
 - o Telling medical or mental health personnel.
 - o Asking a third party to make a report the youth's behalf.
 - o **[Insert any other internal reporting mechanisms.]**
- b. Youth shall have at least one means of reporting to a public or private entity or office that is not part of the agency that operates the facility. **[Insert information on the facility's external reporting mechanism(s), including description of how youth access the reporting mechanism.]**

This entity shall be able to receive and immediately forward youth reports to facility officials, allowing the youth to remain anonymous upon request.

- c. The facility shall permit third parties, including family members, attorneys and outside advocates, to make reports on behalf of youth.
- d. Personnel shall report harassment, discrimination, abuse, retaliation, mistreatment, and other violations of this policy by youth or personnel within the facility by **[insert appropriate reporting avenue(s) for personnel]**.
- e. **[Insert responsible position or department]** shall investigate all reports of harassment, discrimination, abuse, retaliation, mistreatment, and other violations of this policy.
- f. **[Insert responsible position or department]** shall respond in writing to any reported violation of this policy in a document that is legible and that fully addresses the reported violation.
- g. **[Insert responsible position or department]** shall take immediate action to ensure the safety of any youth who submits a report. However, the facility shall not place youth in room confinement as a means of keeping them safe.
- h. **[Insert responsible position or department]** shall take prompt and appropriate remedial and disciplinary action following the investigation of such reports.
- i. Youth shall have the right to appeal any decision. **[Insert responsible position or department]** shall promptly respond in writing to appeals.
- j. Facility personnel shall keep reports made under this policy confidential, only sharing information with other personnel who need to know information to investigate and resolve the report.

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Commentary:

Harassment and abuse thrives and worsens when its victims have no meaningful recourse to report or challenge it. To be effective, policies designed to protect the safety of youth must be enforceable and provide a means of holding accountable youth or personnel who violate the policies. Staff, volunteers, and contractors must also know when and how to report harassment, abuse, and violations of policy.

15. Protection from Retaliation

- a. Facility staff shall protect all youth and staff who report violations of this policy or participate in investigations of alleged violations of this policy from retaliation by youth or staff. Protection measures may include:
 - o Housing changes or transfers for youth victims;
 - o Separation of alleged violators from contact with youth who have reported violations; and/or
 - o Provision of emotional support services.
- b. **[Insert responsible position or department]** shall be responsible for coordinating efforts to protect youth and staff from retaliation.
- c. For at least 90 days following a report of a violation of this policy, the individuals listed in section (b) shall monitor the conduct and treatment of youth to identify if there are changes that suggest possible retaliation by youth or staff, continuing such monitoring beyond 90 days if the initial monitoring indicates an ongoing need. Monitoring shall include:
 - o Periodic in-person status checks with youth and/or staff;
 - o Review of disciplinary incidents involving youth;
 - o Review of housing or program changes; and
 - o Review of negative performance reviews or reassignments of detention staff.
- d. Any indication or appearance of retaliation against a youth or facility staff shall result in the monitoring period being continued for an additional 90 days.

Commentary:

Neither staff nor youth will report violations of this policy if they are subjected to overt or subtle retaliation for doing so. Abuse and harassment thrive in environments that support a "code of silence" or turn a blind eye to retaliation. For this reason, the PREA standards require facilities to develop a policy to protect all youth and personnel from retaliation for reporting abuse or harassment or participating in an investigation of a report. Strict enforcement of the non-retaliation policy is key to creating an environment in which all youth, including TGNCI youth, are free from harassment, abuse, bullying or mistreatment.

16. Training

- a. **[Insert responsible position or department]** shall ensure that all facility personnel, including education, medical, and mental health professionals, receive initial and annual refresher training on:
 - o The facility's nondiscrimination policy, as well as the requirements and procedures outlined in this policy.
 - o Basic terms and concepts related to gender identity, gender expression, and intersex traits, including information about adolescent development and myths and misconceptions about TGNCI individuals.
 - o Strategies for working with TGNCI youth in a positive and respectful manner consistent with current best practices.
 - o Gender-specific issues in youth confinement settings, including specific needs of TGNCI youth.
 - o Behavior that constitutes discrimination and harassment, as well as the ways adults are expected to model desired behavior and demonstrate respect for all personnel and youth.
- b. **[Include who will be responsible for providing training and maintaining records, and where training records will be maintained.]**
- c. Agencies shall ensure that all contractors and volunteers who have contact with youth receive information on the facility's nondiscrimination policy and the requirements and procedures outlined in this policy. All contractors and volunteers shall acknowledge receipt and understanding of these requirements. **[Describe how information will be provided and by whom, and where records of receipt will be maintained.]**

Commentary:

Training is critical to developing system-wide understanding of TGNCI youth. Many people are not familiar with basic concepts related to gender, and too many subscribe to myths and misconceptions that lead to biased and harmful practices and undermine policies designed to support youth. Training is necessary, at the outset, to convey the foundational social science related to gender so that all personnel share a common vocabulary and understanding of relevant concepts. Training is also necessary to apply the facility's nondiscrimination policy to the questions that arise in daily practice and to ensure that participants understand their role in creating a safe and affirming system for all youth, irrespective of their gender identity or expression. Participants need a safe environment in which to ask questions, pose challenges, and make suggestions. Training also provides an important opportunity to convey the agency's commitment to promoting the well-being of TGNCI youth and to reinforce the values that support its policies.



17. Affirming Resources and Programming

- a. Facility personnel shall include affirming books and magazines for TGNCI youth wherever reading materials are made available. Youth shall be made aware of these materials and shall have regular access to them. Facility officials shall also include materials and visual images throughout the facility that portray positive images of TGNCI individuals. [**Insert who shall be responsible for procuring and maintaining such materials.**]
- b. As part of efforts to create a supportive and affirming culture, [**insert the responsible position or department**] shall partner with community-based organizations or individuals who can provide information to youth about gender and sexuality through group programming, volunteer activities, and educational curriculum.
- c. Facility personnel shall create a process to approve visits of youth by mentors and other supportive adults, in addition to affirming family members. Facilities should permit youth to identify individuals who are members of their families, whether or not they are related by blood or law. Subject to reasonable, consistently applied safety-related rules, facilities should add these individuals to the youth's list of approved visitors.
- d. Facility officials shall document efforts to create a supportive and inclusive culture through review of policies, procedures, and practices by providers or individuals knowledgeable about the needs of TGNCI individuals.
- e. Facility personnel shall ensure that resources and programming provided to TGNCI youth are inclusive of justice-involved youth and youth and communities of color.

Commentary:

Facilities must provide a safe and non-discriminatory environment where youth can learn and grow. This includes promoting the positive adolescent development of all youth, including youth who are exploring their gender identity or who identify as TGNCI. Actions that accomplish this goal reinforce respect for differences amongst youth, encourage the development of healthy self-esteem in youth, help youth manage the stigma associated with difference, and connect youth with supports in the community.

Facilitating visitation between youth and their families is key to promoting their adjustment and rehabilitation, their health and well-being, and their successful reintegration when they return to their communities. Some TGNCI youth are estranged from their families of origin, and family conflict may have contributed to their involvement in the justice system. Many of these youth have formed "chosen" families who provide essential connection and support. Facilities should view these individuals as important resources for TGNCI youth who may have experienced rejection in their families, schools, and communities. Whenever possible, facilities should encourage connection with supportive adults and add them to the approved list of visitors.

It is critical that TGNCI youth see themselves and their communities reflected in the images and resources made available to them. Because the majority of TGNCI youth in the justice system are youth of color, facilities should review books, magazines and other media to ensure that they include images and perspectives of TGNCI youth of color. Facilities should also ensure that any programming provided by community-based organizations is inclusive of youth and communities of color.

18. Re-Entry and Reintegration Services

a. Facility/agency officials shall identify and address the unique needs of TGNCI youth returning to the community due to the potentially complex medical, mental health, and reintegration issues they experience.



- b. Facility/agency personnel shall identify community-based organizations that provide supportive services to TGNCI youth, particularly TGNCI youth of color, who are re-entering their communities. **[Insert who is responsible for identifying organizations and who is responsible for providing information to youth and family members. Also include specifics of organizations here, if available.]**
- o Facility/agency personnel shall provide information about such organizations to youth upon release or during discharge planning.
 - o With the express consent of youth, personnel shall provide information to family members that will help family members affirm and support their child.
- c. When medical or mental health services have been arranged for TGNCI youth in custody:
- o Pharmacy and nursing personnel shall ensure that youth receive an adequate supply of all medications, including hormones, as prescribed.

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- Medical and mental health personnel shall, with the express written consent of the youth, discuss all relevant information with community-based providers to ensure continuity of treatment.
- In cases where youth will report to a probation officer, case worker, or aftercare worker upon release, facility/agency personnel shall, with youth consent, communicate with those individuals to share plans for continuity of care.

Commentary:

Facilities and agencies should establish relationships with community-based organizations with expertise working with TGNCI youth, and particularly TGNCI youth of color. These organizations may provide a range of services, including recreation, shelter, medical testing, counseling, peer support, legal services, workforce preparation, life skills education, and basic necessities. These organizations must provide unconditional affirmation and support of every youth across the full spectrum of gender and sexuality – a safety net too often missing from the lives of TGNCI youth. Connecting youth to these community-based resources may provide ongoing supports and relationships and an opportunity to prevent future system involvement.

Facilities and agencies must also ensure that these organizations are inclusive of youth of color. TGNCI youth of color need support in settings that support all parts of their identity and are gender affirming as well as authentically accessible to youth and families of color. Facilities should not rely on verbal representations or written nondiscrimination policies from such organizations. Recommended strategies include:

- *Reaching out to community partners that already serve justice-involved youth and their families to ask whether they also provide gender-affirming programming, and if not, what support they might need to effectively serve TGNCI youth in the community.*
- *Identifying TGNCI adults of color who can serve as ambassadors or mentors for TGNCI youth of color who are exiting the justice system and re-entering their communities.*



SOGIE Questionnaire

Effective January 1, 2019

cerespolicyresearch

SEXUAL ORIENTATION, GENDER IDENTITY AND EXPRESSION (SOGIE) QUESTIONNAIRE

Juvenile's Legal Name (Please Print)

Client ID

Preferred Name: _____ Gender Pronoun: _____
(i.e., he/she/ze/zir/they)

Date of Birth: _____ Race: _____ Ethnicity: _____

Location: (Select one) _____ Detention Facility _____ Probation Office

"The following are a set of questions about identity that we ask everyone to better understand and support youth. Any response you provide is acceptable, normal and healthy. You have the right to answer or refuse the questions below. Only probation and detention staff will have access to your responses, which will be used to ensure you have access to supportive services if you need or want them. We will not disclose any of these answers to your family unless you give us permission."

- 1) What was your sex assigned at birth?
 Male
 Female
 Intersex (if you were born with a mix or variation of male and female anatomy)
 Decline to answer

SOGIE Questionnaire

2) What is your gender?

(Check all that apply.)

Girl/woman

Boy/man

Transgender (*if your gender is different now than it was when you were born*)

Genderqueer/Non-Binary (*if you don't identify with being just one gender*)

Two-spirit (*indigenous term used by some Indigenous/First Nation communities that describes individuals with both male and female energy*)

Write in your own response _____

I don't know

Decline to answer

3) What is your gender expression?

(*Gender expression describes how you dress, behave and carry yourself*)

(Check all that apply.)

Masculine

Feminine

Non-Binary (*elements of both masculine and feminine expressions*)

Two-spirit (*indigenous term used by some Indigenous/First Nation communities that describes individuals with both male and female energy*)

Write in your own response _____

I don't know

Decline to answer

4) *For staff. In your opinion, does the youth's gender expression match the societal expectations for sex they were assigned at birth? (Check one.)*

Yes

No

SOGIE Questionnaire

5) What is your sexual orientation?

*(Sexual orientation means who you are romantically and physically attracted to. This is how you **identify yourself**)*

(Select the term that best describes you.)

Heterosexual/straight

Lesbian

Gay

Bisexual *(if you are attracted to both boys/men and girls/women)*

Questioning *(if you aren't quite sure if you are attracted to boys/men, girls/women, both, neither, or another gender)*

Queer *(an umbrella term used by some members of the LGBT community)*

Asexual *(if you are not attracted to any sex or gender)*

Two-spirit *(Indigenous/First Nation term that describes individuals who are members of the LGBT community)*

Pansexual *(if you are attracted to many genders or do not consider gender when dating someone)*

Write in your own response _____

I don't know

Decline to answer

6) Who are you attracted to?

(Check all that apply.)

Girls/women

Boys/men

Transgender People/Two-spirit People

Write in your own response _____

I don't know

Decline to answer

SOGIE Questionnaire

8) Which of the following best fits your current situation (check all that apply):

- My immediate family knows about my orientation/gender identity
- My immediate family does NOT know about my orientation/gender identity
- You are free to use my chosen name and pronoun when speaking with my family members
- You are NOT free to use my chosen name and pronoun when speaking with my family members (use my birth name and sex)
- I want my sexual orientation and/or gender identity to remain confidential (only authorized staff can be told)
- Decline to answer

Comments:

Completed by: _____ Date/Time: _____

(Please Print)