

# No Home and No Acceptance: Exploring the Intersectionality of Sexual/Gender Identities (LGBTQ) and Race in the Foster Care System

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## Abstract

Black youth have been overrepresented in the U.S. foster care system for decades. This, coupled with disparities in treatment and outcomes, has forced all child welfare agencies to take note and influenced policy change, at the federal level. Recently, literature has begun to bring to light the existence of a substantial LGBTQ (lesbian, gay, bisexual, transgender, and queer) foster youth population which is overrepresented and underserved. This article offers a comprehensive look at the LGBTQ foster youth population, its vulnerabilities, and its distinct needs. It further contributes to the existing body of literature by exploring the intersectionality of foster youth who identify as Black and LGBTQ.

## Keywords

Black LGBTQ, sexual minority, gender minority, child welfare system, foster care youth

## Introduction

Given the growing awareness of the distinct challenges LGBTQ (lesbian, gay, bisexual, transgender, and queer) youth encounter, there has been regional interest in the role sexuality plays in the foster care system. Although the current body of literature is sparse, it is growing. In the last several years, there have been studies that sought to

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better identify the LGBTQ foster youth population. The preponderance of studies has concluded that LGBTQ foster youth are overrepresented (Baams et al., 2019; Dettlaff et al., 2018; Fish et al., 2019; Human Rights Campaign, 2015; Rubin et al., 2007; U.S. Children's Bureau, 2018a; Wilson et al., 2014). Reasonable estimates of the LGBTQ foster youth population range from 10% to 30% nationwide, whereas roughly 4.5% of the U.S. adult population identify as LGBT (lesbian, gay, bisexual, and transgender; The Williams Institute, 2019).<sup>1</sup>

Population-based data on LGBTQ foster youth throughout the United States are not available, nor does it appear to be a priority in the near future (U.S. Department of Health and Human Services [U.S. HHS], 2019). It is paramount to think of this not only as an LGBTQ foster youth issue but as one with particular implications on the Black LGBTQ community, as Black foster youth are one of two<sup>2</sup> frequently overrepresented racial/ethnic identities in the foster care system (Wilson et al., 2014). The lack of consistent estimates hinders researchers' ability to discern the vulnerabilities materialized at the intersection of gender/sexual and racial/ethnic identities among youth in the foster care system.

Although the primary function of the foster care system is to ensure the immediate safety and well-being of youth, how they are cared for and the resources at their disposal greatly impact their future. In a study performed by the Williams Institute at the University of California, Los Angeles in 2014, it was discovered that LGBTQ foster youth in Los Angeles were more likely to be placed in group homes, to have more foster care placements, and twice as likely to report being treated poorly while in the child welfare system, all experiences associated with detrimental outcomes. Disparities in the treatment of Black foster youth have also been well established. On average, Black children throughout the United States are 2.3 times more likely to be investigated for maltreatment by child welfare. In a 2007 study of the Wisconsin child welfare system, Black children were nearly five times more likely to be investigated (Bowman et al., 2009).

The ramifications of inadequately addressing neglect and abuse in childhood manifest itself in adulthood and become detrimental not only for the individual but society as a whole. Foster youth have higher high school dropout rates, higher levels of unemployment, and more likely to become a parent at a young age compared with young adults in the general population (U.S. Children's Bureau, 2017). According to the Bureau of Justice in 2004, a survey of current state prison inmates revealed that 1.2 million or 14.6% of inmates spent time in the foster care system during their childhood (U.S. Bureau of Justice, 2010).

Only a few studies have sought to identify the scope of the LGBTQ foster youth population. This article will offer insight into the distinct needs of LGBTQ children in the welfare system and begin to explore what it means for foster youth to identify as Black and LGBTQ specifically. For simplicity, I partition research on foster care youth into two broad categories: studies on permanency, safety, and well-being and studies on human capital formation. The first category focuses primarily on the stated goals of the foster care system, to ensure that children are allowed to grow up in a safe, nurturing, and stable home. This includes studies on multiple placements, marginal placements, types of placement, reunification, kinship care, adoption, and treatment during their placements. It also

investigates the factors which have contributed to disparities in care in the system and aim to better understand why Black and LGBTQ youth are overrepresented in the system. The second arm of the literature focuses on the transition out of foster care and outcomes into adulthood. More specifically, how returns to investments in human capital differ from foster youth relative to youth in the general population and understanding the mitigating factors. It includes studies on educational, financial, housing, and criminal outcomes. Understanding the experiences of Black LGBTQ foster youth in the system and their outcomes as they transition into adulthood is duly important but a vast topic. To offer an in-depth analysis, this article will focus mainly on the permanency, stability, and well-being aspects while youth are in the system.

Sexual and/or gender identity is not an observable characteristic at the individual or aggregate level in any of the three main reporting systems of the U.S. Department of Health Human Services' Children's Bureau: the Adoption and Foster Care Analysis and Reporting System (AFCARS), the National Child Abuse and Neglect Data System, and the National Youth in Transition Database. As such, existing research on LGBTQ foster youth is slim. In the last several years, there has been a push to force LGBTQ foster youth issues out of the shadows and enlist the federal government to require the Children's Bureau to collect data on foster youth who identify as LGBTQ (publicly or privately) via AFCARS, but citing safety and well-being, the current administration sided against these efforts (U.S. HHS, 2019).

If, as a nation, we fail to properly invest in LGBTQ foster youth, it will perpetuate inequality imposed by LGBTQ stigma, thus resulting in further disparities and economic disadvantages. Prior to understanding the Black LGBTQ foster youth's experiences, researchers need to clearly understand the LGBTQ foster youth population as a whole. This article intends to offer a glimpse into this urgent matter and explore its importance on the Black LGBTQ foster youth community.

## **Background**

Annually, 7.5 million children are referred to child protective services, slightly more than 10% of the U.S. child population, of which more than half will be deemed unsubstantiated, 38% will receive an alternative response, and 9% will be referred to out-of-home care, foster care. Sadly, foster youth are at a greater risk of suicide, homelessness, mental illness, substance use disorder, sexual assault, and discrimination. They also report lower educational attainment and greater financial insecurity into adulthood relative to youth in the general population (Fowler et al., 2017; Joseph & Doyle, 2007; McGuire et al., 2018; Shpiegel & Simmel, 2016; Zielinski, 2009). Prior to exploring the intersectionality of gender/sexual and racial/ethnic identities among foster youth, I will present the scope of their vulnerabilities independently.

### *Foster Care Youth*

Children are vulnerable members of society, and when put in harm's way the federal government requires that states step in and ensure their safety and well-being. Each

state has a Department of Child Protective Services (CPS) and/or Child and Family Services Agency (CFSA) or an equivalent which is monitored by the U.S. HHS. The goal as it relates to foster youth is to provide safety and permanency, and protect their well-being when their family has exhibited an inability to do so. In 2017, HHS reported 1,720 child fatalities due to maltreatment, and 4 million reports of maltreatment were investigated. One in every 200 children nationwide is currently in the foster care system (U.S. Children's Bureau, 2019). In 2017, there were 690,548 youth in the foster care system at some point during the year and more than 442,995 on any given day.

The number of youth in the foster system has decreased over time but experienced a slight increase over the last several years in part due to the current opioid epidemic.<sup>3</sup> According to the most recent counts, Black youth account for 23% of the foster youth nationwide, Hispanics 21%, and White 44%. Asian, Pacific Islander, Native American, unknown, or two or more races account for 12% of the youth who spent time in out-of-home care in 2017 (U.S. Children's Bureau, 2018b). Over the last decade, there has been a national emphasis placed on policies and practices which induce better outcomes for foster youth as well as addressing the glaring racial/ethnic disparities in the system. There have been measurable improvements: In 2012, the average child spent 22.4 months in the system before reunification, permanent placement, or aging out of the system, compared with 31.3 months in 2002.<sup>4</sup> Nonetheless, better does not equate to good. Black youth remain overrepresented and, while narrowing, disparities in care are still present. The average stay for Black youth in the foster care system fell by 11.6 months from 2002 to 2012. Still, on average, Black youth stayed 6.6 months longer (29 vs. 22.4 months) than the average youth and 10.7 months longer (29 vs. 18 months) than White foster youth (Administration on Children, Youth and Families [ACYF], 2013).

Although the primary responsibility of the foster care system is to aid youth who need out-of-home care, there is a substantial emphasis placed on children who lie on the periphery. Existing research on child development and the foster care system contend that when possible and appropriate a child staying in a home with their birth family on average produces better outcomes when services are provided compared with children removed, which is found to be especially true for older children.<sup>5</sup> While there is no debate on the negative ramifications of neglect and abuse, the literature investigates the possibility that there exist more substantial long-term effects of the traumatic experience of being removed from one's family, home, and established life. In one of the first analyses of its kind on foster youth, Joseph and Doyle (2007) established children on the margin of being placed in out-of-home care fared better when they remained in their home. This and similar studies further influenced federal and local agencies to focus more resources on the support and perseverance of families when the child is on the margin. Due to the lack of data, there is insufficient evidence to implement a similar framework or even suggest that a similar framework would be suitable for LGBTQ foster youth. With that being said, only a handful of jurisdictions include services that aid families in coping with their child's sexual/gender identity to help prevent out-of-home care when possible. In a recent study, Fish et al. (2019) found that sexual

minority (LGB [lesbian, gay, and bisexual] and same-sex attracted) youth were 2.5 times more likely to experience out-of-home placements compared with heterosexual youth.

Length of time in the foster care system leads to instability. Nearly two-thirds of all youth who are in care for at least 12 months experience two or more placements, not including respite care or emergency shelter/home. Child development researchers assert the importance of a youth's attachment to a caring adult and the important role it plays in promoting permanency, safety, and well-being. It has been well documented that multiple placements are associated with poor educational outcomes and increases in behavioral and mental health incidents (Connell et al., 2006; Zorc et al., 2013). In a study aimed at disentangling behaviors prior to placement to estimate the true effect of multiple placements, Rubin et al. (2007) assert a 63% increase in behavioral issues directly associated with placement instability among low-risk children. McGuire et al. (2018) affirm that placement instability and maltreatment individually are both associated with mental and behavioral health issues.

### *LGBTQ Youth*

In 2017, it was estimated that 4.5% of American adults identified as LGBT, whereas 8.2% of those born between 1980 and 1999 identified as LGBT (The Williams Institute, 2019). As states and the United States as a whole take a more proactive role in protecting the rights of the LGBTQ community, and as individuals who identify as LGBTQ report a growing sense of social acceptance, it is projected that the reported numbers of the LGBTQ population will increase (Pew Research Center, 2013).

Historically, the LGBTQ community has been met with oppression and discrimination, which has proven especially challenging for LGBTQ youth. Navigating how their sexual and/or gender identity interacts with their everyday life presents a unique set of challenges to their safety and well-being. LGBTQ youth living in their identity are often faced with the choice of their identity or acceptance and support of their family. Various studies have estimated that about 20% to 40% of homeless youth in the United States are LGBTQ (The Community Partnership, 2017; Dettlaff et al., 2017; Feinstein et al., 2001; Freeman and Hamilton, 2008; Lambda Legal Defense and Education Fund, 2009; Morton et al., 2018). In 2017, the District of Columbia's Department of Human Services used a "point-in-time" technique to estimate 37% of homeless youth identified as LGBTQ. This is disproportionate to the District's average of 9.8% LGBTQ population or the national average of 4.5%. Homelessness among LGBTQ youth is not unique to D.C.; on average, LGBTQ youth experience more than double the risk of homelessness than their heterosexual nontransgender counterparts (Morton et al., 2018). Unfortunately, homelessness is a common outcome for youth in the foster care system as well. Nearly half of all youth in the system will experience at least one episode of homelessness by the age of 26, and 36% of foster youth who age out of the system face homelessness each year (Annie E. Casey Foundation, 2016). Homelessness poses a threat to placement

stability, one of the core goals of the foster care system, and asserts it is more common for both LGBTQ and foster youth. In addition, it places their education, child welfare, safety, and health in jeopardy while increasing their risk of sexual exploitation and exposure to the criminal justice system.

Homelessness and some of its deleterious effects are substantial and unfortunate risks associated with identifying as an LGBTQ youth, but far from the only. Health disparities among the LGBTQ youth have been well documented (Annie E. Casey Foundation, 2016). LGBTQ youth are faced with stigma, minority stressors, and other factors that play a role in higher rates of suicide, suicide ideation, substance use, and poor sexual health relative to the general population. Discrimination and inadequate treatment in the health care system also stem from stigma and cultural incompetence (Johns et al., 2019). In a national school-based Youth Risk Behavior Survey conducted by the Centers for Disease Control (CDC), 14,765 high school students were surveyed at 144 schools across the nation. When compared with all students, LGBTQ students reported higher percentages of students who experience feelings of sadness or hopelessness (63% vs. 32%), seriously considering suicide (48% vs. 17%), making a suicide plan (38% vs. 24%), attempting suicide (23% vs. 7%), and injured in a suicide attempt (8% vs. 2%) (CDC, 2017).

In the aforementioned survey, 14% of all high school students reported ever using an illicit drug compared with 23% of students who identify as sexual minorities (LGB; CDC, 2017). These estimates are consistent with estimates of drug use of LGBTQ and non-LGBTQ adults. Data from the National Survey on Drug Use and Health estimate that LGB adults are twice as likely to report illicit drug use in the past year. According to the National Alliance on Mental Illness, as high as 30% of individuals who identify as LGBT abuse substances, relative to 9% of abuse found in the general population (National Alliance on Mental Illness, 2016). In Morton et al. (2018), it is estimated that LGBTQ youth and young adults are more likely to report exchanging sex for basic needs (27% vs. 9%) and having been forced to have sex (38% vs. 15%). According to the CDC (2017), LGB students reported a greater risk of experiencing violence and the threat of violence at school. They are also at greater risk of dating violence and being forced to have sex (22% vs. 7%). LGBTQ youth encounter multiple stressors which contribute to disparities in a multitude of outcomes when compared with youth in the general population. Some of these factors are further compounded for LGBTQ youth in the foster care system. In addition, they are accompanied by new vulnerabilities.

## **LGBTQ Foster Youth Outcomes**

The previous sections offered a glimpse into the foster care system and some of the disparities LGBTQ youth face. Foster youth and LGBTQ youth independently have more stark outcomes relative to the general youth population, and this section will explore existing findings and implications of what it means to be LGBTQ in the foster care system. Next, I explore the intersectionality of race and sexual/gender identity in the system.

## *Understanding the Population*

In a systematic review of various regional studies, Dettlaff and Washburn (2018) estimate that between 15% and 30% of former foster care youth identify as LGBTQ. Their findings are substantially larger than the 5% to 10% estimate offered by the federal government via the U.S. Children's Bureau (2018a). Although these estimates are a starting point, they should be taken as such and not a truly national representation. The Williams Institute estimates that 19% of foster youth in Los Angeles County identify as LGBTQ (Wilson et al., 2014). The estimates of Los Angeles County have been widely accepted and reaffirmed using smaller quantitative and qualitative studies. Los Angeles is often viewed as a liberal city and is home to the second largest LGBTQ population in the United States. With that said, the LGBTQ population is only 5.6% of Los Angeles, which is not far from the national average of 4.5%. Another study using the California Healthy Kids Survey from 2013 to 2015 found that 30.4% of students between the ages of 10 and 18 who were in the foster care system identified as LGBTQ, compared with 12.7% of all students regardless of their care setting (Baams et al., 2019).

The Second National Survey of Child and Adolescent Well Being (NSCAW-II) is a nationally representative survey of 5,872 youth who had an official CPS investigation resulting from maltreatment in 2008 and 2009. Of the respondents, 15.5% identified as LGB. Although many studies cite the 15.5% estimates, it should be taken as a conservative estimate. In the survey, 24% of female respondents identified as LGB compared with just 4% of male respondents. In contrast, a national survey of more than 340,000 adults estimates the LGBT population to be 42% male and 58% female (The Williams Institute, 2019). The 15.5% estimate also excludes youth who identify as transgender.

One might postulate that states which have a poor reputation as it relates to protecting and acknowledging LGBTQ rights may have higher rates of LGBTQ children in the foster care system due to rejections by their families and communities. It may also be the case that such a repressive environment may encourage less youth to live in their sexual/gender identity out of fear of maltreatment, violence, or rejection. There is some existing research on the impact of regional and national climate on an adult's propensity to openly identify as LGBTQ. Conversely, there is little to no research on the regional and national climate, institutional bias, and the nonaffirming nature of foster care systems' impact on a foster youth's likelihood to identify as LGBTQ. Although children may choose to leave or be forced to leave their biological homes as a direct response to their gender/sexual identity, there is no guarantee that they are not confronted with comparable discrimination at the hands of child welfare employees. California, New York, Massachusetts, and Pennsylvania are among the states which have begun the comprehensive process of identifying and protecting LGBTQ youth by amassing data on LGBTQ status and implementing LGBTQ nondiscrimination policies (Human Rights Campaign, 2015).

Sadly, the landscape for full and partially protected and enforced LGBTQ rights is vastly fragmented across the United States and within states. Twenty-one years ago,

the brutal murder of Matthew Shepard prompted Minnesota and the District of Columbia to pass the nation's first hate crime law protecting LGBTQ people. Today, 15 states still lack any language in their hate crime laws which explicitly protect LGBTQ individuals. In addition, only 13 states have laws or policies that explicitly protect foster youth from sexual and gender discrimination, whereas an additional seven states only protect against sexual discrimination. This divide in the consideration and protection of LGBTQ rights makes it nearly impossible to ensure that states and municipalities are meeting the needs of LGBTQ foster youth. It also creates a dramatic difference in the type and the extent of services LGBTQ foster youth need in these various regions.

### *Discrimination and Minority Stressors*

LGBTQ foster youth have comparable experiences in care as their non-LGBTQ counterparts, but their difficulties are compounded by the added level of trauma and stressors brought on by discrimination and the stigma associated with their sexual/gender identity. Their vulnerabilities span far beyond rejection at home. They encounter discrimination at the hand of peers, during placements, from social workers, and other professionals in the foster care system. The system and the individuals involved may explicitly discriminate, but it is also the case that they may have implicit biases. Explicit or implicit biases could prevent LGBTQ foster youth from discussing their sexual/gender identities or the maltreatment they suffer because of it. Multiple reports and qualitative studies have exposed the extent to which employees of the foster care system and foster parents alike are ill-equipped to meet the distinct needs of LGBTQ foster youth. Currently, only nine states require LGBTQ cultural competency training for foster care employees and foster parents (Human Rights Campaign, 2015).

In some occurrences, discrimination and sexual/gender minority stressors are thought to be further exacerbated by state-licensed child welfare agencies' strong ties with religious organizations. Woronoff et al. (2006) cite cultural beliefs and biases as a hindrance to candid interactions with LGBTQ foster youth and contend that such stressors have proven to be detrimental to their mental and physical health. The nonaffirming nature of foster placements are directly related to adverse outcomes, yet states continue to allow homophobic or transphobic beliefs hinder their ability to provide foster youth with suitable care (Human Rights Campaign, 2015). Ten states currently allow state-licensed child welfare agencies to discriminate against LGBTQ individuals and couples who are seeking to foster. The states sanction this discrimination if placing a child in a home with an LGBTQ foster parent conflicts with the welfare agencies' religious or moral beliefs (American Bar Association, 2019).<sup>6</sup> Eight of the 10 states passed this legislation after the Supreme Court case of *Obergefell v. Hodges* (2015)<sup>7</sup> which one might assume to be a direct response to fear that there was a threat to the "traditional" (different-sex) family structure. Conversely, eight states and the District of Columbia explicitly prohibit this level of discrimination based on sexual orientation. Also, California, New Jersey, Rhode Island, and the District of Columbia prohibit discrimination based on gender identity as well. Although some states are



actively trying to combat the LGBTQ stigma in the foster care system, some states seem to be doubling down in an effort to preserve their version of what a family looks like and thus further perpetuating the LGBTQ stigma. This brings significant variation in the policy environment for LGBTQ youth in foster care.

### *Permanency, Stability, and Well-Being*

Permanency is one of the stated goals of the foster care system, yet it appears to be less of a priority for LGBTQ foster youth who on average are placed in less permanent settings. According to Mallon et al. (2002), they have 2.5 times more placements than non-LGBTQ foster youth. Shpiegel and Simmel (2016) report that on average LGBTQ youth transitioning out of care had 5.6 placements throughout their time in care compared with 3.9 for non-LGBTQ youth. On the other hand, the Williams Institute report a similar number of placements for the two groups, 2.85 for LGBTQ and 2.43 non-LGBTQ foster youth in Los Angeles (Wilson et al., 2014). Although the number of placements is less clear, there is a consensus that LGBTQ foster youth are more likely to be placed in less ideal and less permanent environments such as group homes (Mallon et al., 2002; Morton et al., 2018; Wilson et al. 2014). Researchers in Los Angeles found a significant difference in group home placements in LGBTQ foster youth (26%) compared with non-LGBTQ foster youth (10%) (Wilson et al., 2014). Per federal law, group homes or congregate care is the least desirable placement option and deemed the most restrictive and least family like. It is thought to be appropriate for short-term placements of foster youth who require around-the-clock supervision due to safety concerns. Yet, depending on the state, anywhere from 5% to 32% of foster youth who do not require such supervision are in group home settings. One might infer that LGBTQ foster youth without safety concerns are on average more likely to be placed in group homes than non-LGBTQ foster youth without safety concerns.

LGBTQ foster youth are confronted with a shortage of foster homes that are accepting of their sexual/gender identities, which translates into less ideal placements. In addition to a greater probability of being placed in a group home, LGBTQ foster youth have an increased risk of homelessness. The Williams Institute found that 21% of LGBTQ foster youth reported ever being homeless compared with 13.9% of non-LGBTQ foster youth. The study further reported that 12% of foster youth in Los Angeles reported being kicked out of or running away from their placements due to rejection or maltreatment associated with their LGBTQ status (Wilson et al., 2014). According to a study of New York City homeless youth, 29% of the youth surveyed spent time in foster care (Freeman & Hamilton, 2008). The Urban Justice Center discovered that 56% of LGBTQ foster youth who were homeless at some point during the previous year reported feeling safer living on the street or in a homeless shelter than their previous foster or group home placement (Feinstein et al., 2001).

According to AFCARS, roughly 4,500 foster youth's placement type is identified as runaway.<sup>8</sup> Although the youth of all ages are at risk of running away, it is most prevalent among teenagers. For instance, 6% of all 17-year-old foster youth are identified as runaway. Black and Hispanic youth are also overrepresented

among foster youth who ran away.<sup>9</sup> Homelessness is detrimental to an adolescent's development on many fronts, but it presents the greatest risk to their safety and well-being. Homeless foster youth are at an elevated risk of being sex trafficked. In the *Los Angeles Times*, Sewell (2012) outlines the importance of Los Angeles County's task force to address sex trafficking among foster youth. She notes that 59% of all juveniles arrested on prostitution-related charges were in the foster care system. Furthermore, the California Child Welfare Council reported 59 out of 72 prostitution cases seen in the Succeeding Through Achievement and Resilience court had prior contact with the Department of Children and Family Services (Walker, 2013). Although foster youth are overrepresented in the youth homeless population, LGBTQ youth are as well. Morton et al. (2018) determined that LGBTQ youth had more than twice the rate of early death among youth experiencing homelessness. Multiple studies have ascertained homelessness as the leading factor in the engagement of survival sex. According to the Urban Institute's review of the literature, 10% to 50% of homeless youth engage in survival sex (Dank et al., 2015). In New York City, homeless LGBTQ youth were seven times more likely to report engaging in sex in exchange for housing compared with their non-LGBTQ counterparts (Freeman & Hamilton, 2008).

## **The Intersectionality: Black LGBTQ Foster Youth**

Youth of color are overrepresented in the foster care system and are considered to make up a disproportionate number of the LGBTQ foster population. In Los Angeles County, 28.5% of LGBTQ foster youth were Black, whereas the percentage of individuals who identify as Black in the county is 9% (Wilson et al., 2014). Existing literature has overwhelmingly established that Black foster youth have significantly less desirable outcomes than their non-Black and White counterparts. Although it has been established to a lesser extent, outcomes of LGBTQ foster youth are similarly less desirable than their non-LGBTQ counterparts. The first critical step in navigating the unprecedented challenges of Black LGBTQ foster youth is identifying who they are so that we can better understand what they need.

Extrapolating from previous studies and using available data, below are rough and very conservative estimates of the Black LGBTQ foster youth population in the United States. Of the youth who passed through or remained in the system in 2017, roughly 159,000 were Black. Using estimates from existing studies, anywhere from 103,582 to 207,164 were expected to identify as LGBTQ. Although the literature predicts that Black LGBTQ are overrepresented, if at the very least they present in equal proportions to the general foster youth population (23%), the LGBTQ Black foster youth population ranges from 23,823 to 47,647 annually. Although these numbers may not seem large relative to the entire foster youth population, these youth are at substantially heightened risks of more detrimental outcomes and are drastically different than the general foster youth population. Once identified, we could begin to address some of their unfortunate and unique challenges.

Multiple minority identities (racial, sexual, and/or gender) compound the effects of discrimination, cultural bias, and social intolerance. Foster youth enter the system for comparable reasons, maltreatment, and abuse. However, LGBTQ foster youth have an added possibility of family rejection and discrimination; in addition, Black foster youth must navigate racial bias in the child welfare system and that which prevails systemically. Although it is clear that LGBTQ and Black youth face discrimination in the child welfare system, it is unclear to what degree an individual who identifies with both minority groups may present elevated and/or new vulnerabilities and stressors.

Using data from the Texas child welfare system, Dettlaff et al. (2011) find race to be a significant predictor when including caseworker's assessment of risk in their model estimating the likelihood of having maltreatment reports substantiated. One in three children in the United States will have some interaction with the foster care system by the time they reach adulthood, whereas for Black children it is one in two (Kim et al., 2017). Research has proven that Black youth are more likely to interact with the foster care system at every level: reported, investigated, substantiated, and placed in out-of-home care (Hill, 2007). In addition to an increased likelihood of interacting with the system, they stay longer and are less likely to be reunified with their families and to receive permanent placement (Fluke et al., 2010; Hill, 2005).

Homelessness, substance use, mental and physical health, criminalization, and sexual behavior are all vulnerabilities Black LGBTQ foster youth have to navigate. In interactions with the child welfare system, Black families are less likely to receive any preservation services which are aimed at helping children stay in the home when they are on the "margin" of being removed (Joseph & Doyle, 2007; U.S. Government Accountability Office, 2007). This is compounded by the fact that not all child welfare agencies across the nation provide families with LGBTQ in-home preservation services and further place Black LGBTQ foster youth at a greater chance of experiencing the trauma of being removed from their home. Morton et al. (2018) estimate that Black youth have an 83% heightened risk of homelessness and LGBTQ youth have a 120% heightened risk. Both Page (2017) and Morton et al. (2018) further assert that Black or multiracial LGBTQ youth have the highest prevalence of homelessness. One in four LGBTQ young adults of color reported homelessness in the previous 12 months (Morton et al., 2018). In 2007, in New York City, 68% of LGBTQ homeless youth identified as people of color, 44% were Black, and 26% were Hispanic (Freeman & Hamilton, 2008).

Although AFCARS identifies 4,500 foster youth to have run away from a placement at any one time in 2017, the Department of Justice estimates that 1.7 million or 5% of teens aged 12 to 17 experience homelessness annually.<sup>10</sup> Although all may not be foster youth or ever interacted with the system, this is the population the system was designed to aid. Using estimates from the review of the literature, we can extrapolate that in 2017 there were anywhere from 136,000 to 272,000 Black LGBTQ foster youth aged 12 to 17 who were homeless in the United States.<sup>11</sup>

Recently, there has been an influx of research on the unjust policing of Black youth. Edwards et al. (2019) find police violence to be the “leading cause of death for young men in the United States.” In addition, there is a growing literature on the overpolicing of the LGBTQ community, especially transgender women. Police harassment and discrimination create distrust and can inhibit LGBTQ from seeking police help when in need (Mallory et al., 2015). This is of particular importance when discussing Black transgender women, who account for 73% of the murders of all transgender women from 2013 to 2015. Although death is the most extreme outcome of overpolicing or lack of adequate police protection, Black LGBTQ face disadvantages in everyday life as well. Page (2017) outlines a few of the unjust policing of Black LGBTQ. For example, under the Reagan and Bush administrations and the “Don’t Ask, Don’t Tell” policy of the U.S. military, more Black females were discharged for homosexuality than their counterparts. Although these examples do not directly relate to Black LGBTQ youth, they provide examples of the systematic racism and LGBTQ bias they face. This is further supported by multiple findings that LGBTQ youth of color are more likely to enter the school-to-prison pipeline (Conron & Wilson, 2019).

Cultural norms and expectations play a role in the experiences of Black LGBTQ foster youth. Youth are also at vulnerable ages where preventive physical and mental health care plays a critical role in their long-term well-being. Black men who are gay, bisexual or engage in intercourse with other men account for more than half of all new HIV cases in the United States (CDC, 2017). Given the high prevalence rate of HIV among Black gay and bisexual men<sup>12</sup> and Black transgender women and the substantial rate of survival sex among LGBTQ homeless youth, it would be integral to provide these foster youth with adequate access to sexual health services.

Although the estimates presented in this section are conservative, it is clear that the LGBTQ foster youth and Black foster youth are similarly overrepresented relative to the general U.S. youth population and vulnerable to less desirable treatment in the system. Unfortunately, there persists a substantial gap in the current literature that explores the intersectionality of race/ethnicity and sexual/gender identities among foster youth. Narrowing this gap is essential to protect Black LGBTQ foster youth and promote better outcomes.

## Conclusion

In September 2016, the Children’s Bureau issued the *Racial Disproportionality and Disparity in Child Welfare* brief. The opening paragraph reads,

The child welfare community has moved from acknowledging the problem of racial and ethnic disproportionality and disparity in the child welfare system to formulating and implementing possible solutions. As jurisdictions and agencies evaluate their systems to identify where and how disproportionality and disparity are occurring, they are seeking changes that show promise for their own populations. (U.S. Children’s Bureau, 2018a)

As the child welfare system continues to struggle to patch one hole, another one is growing at an alarming rate. In the Children Bureau's most recently published *Executive Summary of Child Welfare Outcomes Report to Congress* (U.S. Children's Bureau, 2016), there was no mention of LGBTQ foster youth. The lack of recognition coupled with the federal government's decision to not collect data on sexual/gender identity permits states that have a poor record of recognizing LGBTQ rights to turn a blind eye to the safety and well-being of LGBTQ foster youth. An unwillingness to acknowledge the LGBTQ foster population makes it impossible for jurisdictions to even comprehend the compounded vulnerabilities that are presented among youth who lie at the intersection of race and sexual/gender identities. To understand what is needed of the foster care system, it is imperative to know who is in the system, what risks they face, and how to ensure that the goals of the system are met for every child.

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### Notes

1. Although LGBTQ will be the most commonly used acronym to identify sexual/gender identities, cited research may not always include all sexual/gender identities and expressions in their study. Other acronyms that will be used include LGBT (lesbian, gay, bisexual, and transgender) and LGB (lesbian, gay, and bisexual). Some studies which survey adults may not include queer or questioning as an option as that sexual/gender identity is vague and can be troublesome to categorize. It is also the case that older studies may have neglected to acknowledge the importance of the transgender population when studying sexual identities and assumed that it was a small and inconsequential population and did not include it.
2. Native Americans have also been overrepresented. They represent less than 1% of the child U.S. population and more than 2% of the foster youth population (U.S. Children's Bureau, 2018a).
3. In 1999, there were roughly 567,000 children in foster care on any given day. In 2012, there were about 397,000.
4. The length of stay declined to 20 months in 2017, but comparison by racial group was not available.
5. This seems to be widely accepted, but I should note that there is a significant selection bias concern when comparing outcomes of foster youth in kinship care to those in non-kinship care. Family members get to select if they will foster their kin, and thus it is not

inconceivable that family would opt not to foster children they deem as more “problematic.” Given the selection concern, it is not clear that youth in kinship care and nonkinship care have the same baseline. Wu et al. (2015) use propensity score matching to control for differences at baseline among 1,000 youth in kinship and nonkinship care and find no significant effect of kinship care on behavioral problems, which is often cited as the biggest effect of kinship care.

6. North Dakota (2003), Virginia (2012), Michigan (2015), Mississippi (2016), South Dakota (2017), Alabama (2017), Texas (2017), Oklahoma (2018), Kansas (2018), and South Carolina (2018).
7. This landmark ruling granted same-sex couples equal rights as different-sex couples.
8. This is a conservative estimate as it does not account for foster youth who ran away at any point during the year.
9. Black 31% of runaway and 23% of foster youth, Hispanic 30% of runaway and 21% of foster youth.
10. Morton et al. (2018) found that fewer school-age children are homeless, with roughly 700,000 between the ages of 13 and 17. In addition, they found that 3.5 million young adults between the ages of 18 and 24 experience homelessness during a given year. Using these numbers, we could postulate that about 336,000 to 672,000 Black LGBTQ youth and young adults are homeless annually.
11. Roughly 20% to 40% (340,000 to 680,000) of homeless youth between the ages 12 and 17 identify as LGBTQ. In addition, 40% of individuals who are homeless in the United States identify as Black.
12. The CDC estimates that Black gay and bisexual men account for 19% of all HIV cases in the United States.

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