LESSON 3

Enhancing Communication and Building Trust with LGBT Youth

INTRODUCTION

PURPOSE
The purpose of this lesson is for participants to identify potential barriers to effective communication with lesbian, gay, bisexual, and transgender (LGBT) youth and identify strategies to overcoming those barriers.

OBJECTIVES
Participants will:

• Become familiar with concepts of adolescent development and the impact that varying stages of development have on communicating with youth in a delinquency case

• Learn how to incorporate developmentally appropriate language into their interactions with youth

• Review environmental and other non-developmental factors that may impact communication with youth

• Review ways to establish a trusting relationship with youth

• Examine considerations and best practices for information-sharing among juvenile justice professionals regarding a youth’s sexual orientation, gender identity, and gender expression (SOGIE), and how such sharing may negatively impact communication with individual youth

SUGGESTED AUDIENCE
All juvenile justice providers, advocates, and personnel (e.g., anyone working in the juvenile delinquency system, such as judges, referees, magistrates, prosecutors, probation officers, defenders, detention and secure facility staff, court staff or personnel, facility caseworkers, social workers, mental health professionals, corrections personnel, forensic evaluators, policy advocates, etc.)

ESTIMATED LENGTH OF TIME NEEDED
3 hours 15 minutes

TRAINING MATERIALS:
• White board or flipchart and markers
• Video and Internet capability
• Video: The O.C. video clip, defender/youth interview, available on The Equity Project YouTube Channel, accessible via: www.equityproject.org
• Index cards
• PowerPoint slides with key data points
• Script for skit
• Script with heteronormative language identified

ADDITIONAL RESOURCES:
I. Introduction (10 minutes)

A. Background and Objectives Review
   • The trainer will introduce himself or herself to participants, review the lesson objectives, and set the ground rules for the training.
   • The trainer will provide a brief review of the statistics about LGBT youth in the juvenile justice system.

B. Terminology Review
   • The trainer will provide a brief review of key terms related to SOGIE.

II. Interviews vs. Everyday Conversations (15 minutes)
The trainer will facilitate a discussion about the different contexts in which participants may speak with youth.

A. Goal-Oriented (or Task-Oriented) Communications
   • Participants will discuss types of communication interactions, such as intake interviews, teaching, rule-setting, investigations, decision-making, report-writing, etc.

B. Everyday Communications
   • Participants will discuss everyday communications, such as casual conversations that may not have a particular work-related goal, but are part of everyday, human interaction.

III. Developmental Considerations When Communicating with All Youth (1 hour)
   • Because communication with youth, regardless of their SOGIE, is often a challenge for many adults, it is important for all juvenile justice professionals to have some basic understanding of general adolescent development issues that impact communication. This is important both to demonstrate to stakeholders that LGBT youth are not entirely different from other youth, and because it is vital to understand these general developmental issues before one can move on to discuss the additional challenges of communicating specifically about SOGIE.

   • The trainer will guide participants through a general discussion of youth’s identity and social development, cognitive development, and techniques for addressing developmental considerations. The trainer will use a video clip and a quick-write to make the lesson interactive and personal. The trainer will then engage participants in a discussion using training notes on the following topics.
   • **Activity: Video, The O.C., Defender Interview.** This is a short video clip of a juvenile defender interviewing his client for the first time, taken from the television show, The O.C. Participants will identify what the defender did well and what he did not, and the trainer will lead a discussion on these issues.
• **Activity: Quick Write.** Participants will briefly reflect on what makes interactions with youth different than interactions with adults.

**A. General Identity and Social Development**

• The trainer will share concepts related to adolescent development, including the fact that most adolescents are self-regarding and need to belong and be accepted. The trainer will also discuss the fact that adolescents have different relationships with authority figures, which may include trust issues, as well as issues of coercion and compliance, and will share information about cognitive development—particularly information that is related to information processing and language and other processing impairments.

**B. Techniques for Addressing Developmental Considerations When Communicating with Youth**

• Participants will discuss ways to better communicate with all youth using various tools, such as: visual aids, using the funnel questioning method, asking youth to explain in their own words, using developmentally appropriate language, recognizing that good communication takes time and learning not to rush, and listening skills.

**IV. Strategies for Conveying Acceptance and Building Trust with LGBT Youth (1 hour 30 minutes)**

The trainer will help participants examine how being LGBT or perceived as LGBT can impact identity; how heteronormative language and environments might stifle communication; the importance of using appropriate language; how the “outness” of a youth impacts the discussion; and feelings of safety and the effects of those feelings on communication.

**A. Heteronormative Language/Environment**

• **Activity: Skit, Identifying Heteronormative Language.** Trainers will act out a skit between a youth and an adult, and then ask participants to identify problematic language used during the conversation. The trainer will then provide information on the definition of the term “heteronormative” and pass out the script. Participants will work in pairs to identify and rephrase heteronormative language, and then report out to the group.

• **Activity: “Off-Limits,” Practicing Non-Heteronormative Language.** Participants will work in pairs to have a short conversation about their own, or someone else’s, relationships without using heteronormative language.

**B. Effects of Heteronormative Language**

• Participants will discuss how using heteronormative language may impact LGBT youth.

**V. Putting It Into Practice—Using Appropriate Communication About SOGIE (45 minutes)**

The trainer will share information with participants about the Prison Rape Elimination Act (PREA) Juvenile Facility Standards requirements pertaining to affirmatively asking about youth’s SOGIE, and will ask participants to brainstorm using what they have learned throughout the training about how to communicate appropriately about SOGIE. The trainer will share examples of practice tips about specific language to use, non-verbal communication, body language, professional environments, and different cultural norms. The trainer will also engage participants in a discussion regarding how to create safe spaces for youth to increase and improve communication.

**A. Practice Tips**

• Participants will brainstorm and discuss a range of practice tips related to verbal and non-verbal communication with LGBT youth.
• **Activity: Preferred Gender Pronoun.** Participants will practice introducing themselves and stating their preferred gender pronouns.

**B. Creating Feelings of Psychological Safety that May Improve Communication**

• Participants will discuss ways in which to make LGBT youth feel safe and comfortable during their communication and interactions with juvenile justice professionals.

**VI. Asking Youth about SOGIE (15 minutes)**
The trainer will share information about an evolving practice issue: the requirement that juvenile justice professionals directly ask youth about their SOGIE. The trainer will share why asking these questions is important and the importance of training on appropriately asking questions about SOGIE, as well as offer some practice tips. Participants will also have an opportunity to discuss any local data collection requirements pertaining to a youth's SOGIE.

**VII. Communicating with Others about Youth (10 minutes)**
The trainer will provide participants with best practices and important considerations when sharing information learned from a youth about the youth's SOGIE.

**A. Confidentiality**

• The trainer will share the importance of keeping youth's SOGIE confidential, or being up front with youth regarding with whom information will be shared.

**B. Communicating with Colleagues**

• Participants will explore the importance of having processes in place for when, why, and how information about a youth's SOGIE is disclosed, and ensuring it is only for necessary purposes.

**VIII. Wrap-Up (10 minutes)**
The trainer will end with time for questions and an activity.

• **Activity: Head Heart Step.** Participants will have the opportunity to share one fact they learned, one value or guiding principle that is important, and one manageable and concrete action step they will take from the training.
I. Introduction (10 minutes)

A. Background and Objectives Review

- Ask participants to raise their hands if they have ever worked in a professional capacity with a youth they knew or thought to be LGBT. Ask them to think silently about how they learned that the youth was LGBT—from the youth? Or was it simply an idea based on assumptions?

- Ask the people who raise their hands to estimate the percentage of youth with whom they work that are LGBT.

- Reveal that studies show that up to 20% of youth in the juvenile justice system are LGBT or gender non-conforming.\(^1\) Even if youth do not disclose their sexual orientation or gender identity, how these issues are discussed (or avoided) affects interactions with LGBT youth. For example, if a youth identifies as a lesbian but is not “out,” and she is asked if she has a boyfriend, she may take that as a signal that it is not safe to share her identity. She may also decline to share other important information.

Provide a brief review of the objectives that the lesson hopes to accomplish.

Participants may have been exposed to Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression, or other introductory training prior to attending this session. Even so, it is still useful to conduct a brief review of SOGIE terminology, in particular distinguishing between “sex” and “gender,” and between “gender identity,” “sexual orientation,” and “gender expression.” The trainer should do more review or first facilitate Toward Equity: Lesson One – Understanding Sexual Orientation, Gender Identity, and Gender Expression if it appears that a greater level of review is necessary. This is something the trainer should work with the hosting organization to understand in advance of the session.

B. Terminology Review

**Sex:** Assigned at birth, a biological construct based primarily on physical attributes such as chromosomes, external and internal genital and reproductive anatomy, and hormones.

**Gender:** A social construct used to classify a person as a man, woman, or some other identity. Fundamentally different from the sex assigned at birth, it is often closely related to the role that a person plays or is expected to play in society.

**Gender Expression:** Describes how individuals communicate their gender to others. People express and interpret gender through hairstyles, clothing, physical expression and mannerisms, physical alterations of their body, or by choosing a name that reflects their own idea of gender identity.

**Gender Identity:** A person’s internal identification or self-image as male, female, something in between, or outside of the male/female binary. Everyone has a gender identity. One’s gender identity may or may not be consistent with one’s sex assigned at birth.

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**Sexual Orientation:** An attraction to others that is shaped at an early age (usually by about the age of ten). Sexual orientation falls on a spectrum 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.

II. Interviews vs. Everyday Conversations (15 minutes)

Facilitate a discussion about the different contexts in which participants may speak with youth. Ask the participants for specific circumstances in which they recently talked with a child or adolescent. This will likely generate anything from very specific examples of needs or services to general interpersonal situations. Examples may include:

- Talking to their own children
- Conducting an intake
- Interviewing a child
- Having a casual conversation over lunch
- Breaking the tension while waiting outside the courtroom
- Having social conversation with youth on their unit in the detention center

It may be helpful to write the responses on a white board or flipchart paper. Once the participants have had a few moments to make a list of reasons they might talk to children, the trainer should point out that these reasons fall into two broad categories: goal-oriented communications and everyday communications. Use the lesson notes that follow to guide a brief discussion on how these differ.

The point of this exercise is for participants to recognize that it is not just when they are conducting “work-related” tasks such as intakes or interviews, but in every interaction they have with youth as a juvenile justice professional that they need to be conscious of how they communicate.

A. Goal-Oriented (or Task-Oriented) Communications: interactions such as intake interviews, teaching, rule-setting, investigations, decision-making, report-writing, etc.

- The trainer should draw on some of the examples the participants listed for examples of goal-oriented communications.

- This type of communication has a specific purpose, such as:
  - Obtaining information from youth, such as social histories, medical histories, etc.
  - Obtaining opinions or impressions from a youth about how he or she interacts with others, such as school officials, peers, parents, therapists, etc.
  - Providing information to youth
  - Providing information to your supervisor about youth's adjustment, behavior, rule violations, attitude, etc.
  - Helping youth to make decisions or reflect on information

- Goal-oriented communications often have a professional purpose, but not always.

B. Everyday Communications: conversations that may not have a particular work-related goal, but are part of everyday, human interaction.

- Pull examples from those listed by the participants. These will obviously differ depending on the contexts in which the training group members interact with youth. For example, defenders may have different answers than judges, detention staff, or probation officers.
• What do you hope to gain from these kinds of everyday communications? Why engage in them? Possible answers might include:
  ◦ Interacting socially and building relationships
  ◦ Building rapport/trust
  ◦ Showing support and understanding
  ◦ Demonstrating ways of identifying with youth’s circumstances
  ◦ Easing tension
  ◦ Creating a comfortable environment

• Why is it important to be conscious of how you communicate in everyday communication?
  ◦ In everyday communication, people are less likely to be conscious of the subtle messages they may unintentionally convey. Because there is not a programmatic goal of the interaction, they may give less thought to what they say and how they say it.
  ◦ This is where many youth—especially LGBT youth—will see red flags (such as assumptions that they are heterosexual or indications of what they perceive to be homophobia) and adapt the way they communicate based on their level of trust and feelings of safety. This will often affect all other contexts in which they communicate. This is true of all aspects of cultural and linguistic competency, not just SOGIE.

III. Developmental Considerations when Communicating with All Youth² (1 hour)

ACTIVITY: VIDEO

The O.C., Defender Interview video clip is available on The Equity Project YouTube channel, accessible via www.equityproject.org.
  • Play the video clip in which a juvenile meets his defender for the first time. The clip is from the 2003 television series The O.C.
  • Facilitate a discussion with the participants reflecting on what they saw. Ask the following questions:
    ◦ What did you think of that interview? Did it go well?
    ◦ What were some of the things the lawyer did that got a reaction from the youth, either positive or negative? Describe the reaction and what you think about that reaction.

ACTIVITY: QUICK-WRITE

• Ask the participants to take out one of their index cards and take one minute to list some things that make the way they interact with youth—any youth—different from the way they interact with adults. Encourage participants to list things they like about communicating with youth, things they find effective in communicating with youth, and things that are challenging.

• After participants have had a minute to do their quick-write and develop some ideas, ask for volunteers to share some of their ideas. As the participants identify their likes, successful strategies, and challenges, have a volunteer note-taker write some examples on a white board or flipchart paper, so there will be reference points to return to as the discussion evolves. The list should include relevant points from the earlier discussion of the video clip, if applicable.

² The substantive information from this section was adapted from Module 5: Communicating with Youth: Interviews and Colloquies of Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum, created by the National Juvenile Defender Center and Juvenile Law Center in 2009, with the support of the John D. and Catherine T. MacArthur Foundation’s Models for Change Initiative.
ACTIVITY: QUICK-WRITE (CONT.)

• When the reporting out is complete, ask participants to do another quick-write, this time from the perspective of youth. Ask participants to consider what makes youth willing to communicate with adults. What inhibits them? How do youth feel generally about interacting with adults? Do they have many positive interactions with adults?

• After the quick-write, ask for volunteers to share some of their ideas and write them down for everyone to see.

Through both of these activities (the reflection on the video and the quick-writes), participants will identify various challenges, many of which are related to developmental considerations, whether or not they can identify them as such yet.

Because many juvenile justice professionals do not receive adequate training on general adolescent development concepts or youth-specific interviewing skills, it is important for the trainer to provide an overview of these concepts and how they apply to all youth before highlighting the ways in which they may be compounded for LGBT youth (which is addressed later in the lesson). If trainers are working with an audience or a jurisdiction that has received other training in these areas or if there are time constraints, the trainer may choose to cut or shorten this section as they see fit.

A. General Identity and Social Development

After the participants have developed a list from the previous exercise, share some of the developmental considerations in the facilitation notes that follow, being sure to note those identified by the participants and bring them into the discussion at the appropriate time. This lesson is not intended to be a full or detailed examination of the breadth of adolescent development research. It is intended to provide some basic concepts for the participants to better understand common youth perspectives and how they may affect communication with adults. The idea is to identify the developmental considerations that affect all children but also significantly impact discussion of SOGIE.

Those wishing for more detailed adolescent development training should visit the National Juvenile Defender Center website at http://www.njdc.info to request training on developmental issues or a free copy of the MacArthur Foundation’s Toward Developmentally Appropriate Practice: A Juvenile Court Training Curriculum.

• The adolescent brain changes rapidly and does not develop fully until early adulthood.3

• Behaviors that are common throughout adolescence can result in poor decision-making by youth,4 exhibited by:
  ⊗ Heightened emotional outbursts

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4 Id.
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The following notes cover some developmental considerations for communicating with youth.

1. **Self-regarding**
   - Adolescents tend to be self-conscious and feel judged. They often doubt that others, especially adults, can relate to their unique experiences as teens.

   - When adolescents are involved in the juvenile justice system, this feeling of being judged is particularly enhanced—because, in reality, they are being judged.

   - To counter problems of adolescents feeling judged, professionals should avoid using judgment-laden or accusatory questions or statements, such as:
     - Why didn't you...?
     - What did you expect?
     - How could you...?
     - Didn't you think about...?
     - You should have...
     - If you hadn't...
   
   - Instead, use more open-ended questions that allow youth to explain what happened or why they think it happened without putting them on the defensive.

   - For example: instead of asking, “Why do you keep cutting class?” say, “Your teacher tells me you've been missing some classes. Tell me what's going on at school.”

2. **Need to belong and feel accepted**
   - The process of identity development is gradual. Youth tend to try different things in an attempt to fit in with friends or establish a sense of who they are in a particular peer group. It may take some time to develop one's particular personal identity.

   - During this time, youth are extremely sensitive to what they perceive to be criticism of who they are, their appearance, their friends, or their opinions. This is related to being hypersensitive to judgment.

   - Adolescents also tend to be fiercely loyal to friends and family (even those who may not treat them well or who may even have rejected them) as part of this need to belong to a group.

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• In addition to typical behavioral issues any youth may experience throughout his or her development, LGBT youth must cope with the additional burden of social stigma due to their SOGIE.6

• The need for acceptance may also contribute to the influence peers have on a youth's actions. Social science research shows that peer influences profoundly affect adolescent behavior and contribute to youth taking greater risks.7

• Risk-taking among youth can also be affected by their general poor perception of consequences, both immediate and long-term, which can be augmented when influenced by their peers.8

• Adults working with youth can help to minimize feelings of rejection by recognizing the importance peers and family have in a youth's life (even when they exert a negative influence). Discussing with youth the impact others may be having on a situation—rather than dismissing them outright as “bad influences”—can help youth work through their relationships more appropriately.

3. Youth and their relationship with authority figures
  • Trust issues
    ◦ It is not uncommon for youth to mistrust adults and expect adults to be judgmental, even if the adults appear friendly. The level of mistrust may be affected by racial, cultural, or gender differences between the youth and the adult. Mistrust may be particularly common for youth who have already lost trust in the people closest to them, like their parents.
    ◦ Building rapport with youth (i.e., being friendly, demonstrating interest and dependability, getting to know them on a personal level, and building a sense of security) is key to breaking through trust issues.
    ◦ Jumping in right away with demands might achieve short-term results, but it risks impeding the trust and rapport that is necessary for lasting cooperation.
    ◦ It is essential that adults are honest with youth, especially about the extent to which the matters they discuss are confidential.
  • Coercion/compliance

  This may be a good time to remind participants of the typical power imbalance between youth and adults in the juvenile justice system, often due not just to age, but also race and socioeconomic status.

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6 See Module 1, supra note 3, at 49.
○ For a variety of reasons, youth can be more susceptible to suggestion or coercion than adults.  

○ Youth understand power dynamics; they understand adults generally have power, authority, and control, while they generally do not. Youth may understand that adults have the power to give or withhold valuable privileges.

○ Some youth are eager to please adults, because they seek their approval, and some simply want to be loved and accepted.

○ In either scenario, the result can be the same. The youth may:
  • leave out details they think the adult will not like.
  • adopt facts the adult introduces to the conversations, whether or not they are true.
  • tell the adult what the youth thinks the adult wants to hear.

○ Interviewers should be aware that some youth are highly suggestible.

4. Cognitive Development

• Information processing
  ○ In general, youth continue to develop their ability to process and respond to information into late adolescence (until about age 16).

○ Even youth who use adult language may not completely comprehend this language.

○ Additionally, interviewers should be conscious of youth parroting back the language the interviewer uses, rather than narrating concepts or events in the youth’s own words. This can be a signal that there is a lack of inherent understanding. Mimicking language does not signify understanding of that language.

• Language and other processing impairments
  ○ Youth with language impairments may have difficulty sequencing ideas, describing events, following directions, understanding the speech of others, and socializing.

  ○ Within language impairments, there is a concept of “pragmatics.” This covers not only processing of information, but how a youth expresses himself or herself outwardly.

  ○ Pragmatics involve cultural and contextual rules that dictate verbal aspects of communication, such as word and syntax choice, as well as non-verbal or behavioral aspects, like turn-taking and body language. It involves the inability to distinguish between appropriate and inappropriate language and expression in a given situation. Examples include:
    • saying “yeah,” instead of “yes,” in response to a judge’s questions
    • using profanity in court


10 This is adapted from Anne Graffam Walker’s Handbook on Questioning Children: A Linguistic Perspective (2d ed. 1999). (This section only covers the basics of adolescent development issues relative to what interviewers should know about the way youth process information).

• slouching, failing to make eye contact, or smiling inappropriately in serious situations
• interrupting others
• going off topic or switching to inappropriate topics
• inability to “hold up” their end of a conversation
• difficulty giving a narrative or a complete and coherent explanation of past events

○ Studies suggest that between 58%-84% of youth who are placed in secure juvenile facilities as a result of their involvement in the juvenile justice system have a language impairment that can be categorized as “severe.”¹²

B. Techniques for Addressing Developmental Considerations when Communicating with Youth

Tell participants now that they have addressed the challenges that one might face in communicating with youth and in youth communicating with them, the lesson will address some ways to overcome these obstacles. Ask participants if they have any suggestions of things they have done to help bridge some of these gaps in communication or understanding, and use the following points to facilitate a discussion on such techniques.

• Use visual aids.
  ○ About 75% of all people are visual learners.
  ○ For youth, who are still developing cognitively, the use of visual aids can help in their ability to understand concepts—especially abstract concepts.

  ○ Examples of visual aids include:
    • flash cards
    • maps of the courtroom
    • copies of forms that they will be asked to fill out when they go to meet someone
    • diagrams of a crime scene
    • a flow chart illustrating the variety of things that could happen next in their case

  ○ What youth may not understand from our words may become clearer with a visual aid.

• Use the Funnel Question Method.
  ○ If the interview starts with open-ended or broad questions, this will enable the youth to provide an answer or explain a situation on his or her own terms or in a way that makes sense to him or her.
  • For example, “Tell me about your interests” is open-ended and does not make assumptions.

  ○ The interviewer can then ask follow-up questions that clarify the broader narrative and drill down to key points the interviewer is looking to obtain.

  ○ This approach may take more time, but it has the added benefits of:
    • building rapport by not creating or unnecessarily reinforcing a power dynamic in the conversation

¹²Id. at 44 n.12.
• not leading the youth into agreeing with answers supplied by the interviewer or providing answers the youth thinks the interviewer wants to hear
• helping the interviewer see how the youth organizes thoughts and giving some insight into whether he or she has cognitive or language impairments that may need to be explored further
• not imposing judgments, accusations, or assumptions on the youth

• Ask youth to tell stories or repeat things back in their own words. There are a few reasons for this:
  ° When we ask youth to repeat what they understood, any misunderstandings or missed points become immediately clear.
  ° When we ask youth to explain something in their own language, we can learn the kinds of words and phrases that are developmentally appropriate for that youth and are able to build a working vocabulary relevant to that child and other children.
  ° If you do not understand words or slang that youth use, do not fake it. Ask them to explain so that everyone is operating on the same level.
  ° This may provide you with insight about the youth's SOGIE if you note how the youth talks about friends and significant others, and the pronouns they use.
• If this does come up, and you are unsure and it is relevant to the conversation, ask.

• Use developmentally appropriate language.
  ° Many people work in systems that have their own vocabulary, shorthand, and acronyms. All adults who work with youth need to be conscious of not relying on their own “work” language and instead using language appropriate for youth.
  ° e.g., A probation officer should avoid saying, “Johnny, you are in the pre-contemplative state of change,” and instead should say, “Johnny, it seems like you don't think there is a problem.”
  ° Even youth in advanced classes may not have the vocabulary of most adults. Adults need to remember this and use language at a level that is accessible to the youth with whom they are talking. Many youth will not admit they do not understand, even if asked directly, because of fear or low self-esteem.

• It takes time; don't rush it.
  ° We cannot expect youth to understand at the same speed and level of cognitive functioning as the majority of adults; however, the investment of time to ensure that the youth understands the intended message is necessary to achieve a positive outcome.

  ° While it is true that being conscious of developmental barriers to communication with youth may take more time, it will save time by preventing problems caused by misunderstanding, miscommunication, and false expectations. Getting it right early benefits everyone involved.

• Listen.
  ° All too often, adults who have a specific agenda with a youth engage in a one-sided conversation. They either give the information they want to impart or elicit information they
need to learn. Either way, it is often limited to their agenda and constrained by time and other obligations. Adults who can also listen to youth and hear their interests or concerns have a better chance at building rapport and trust with youth.

- Adults who actively listen not only to what a youth says, but also to how he or she says it may also be able to spot red flags or learn of other issues that were not necessarily on the adult’s radar, but could be very important to the work with that child.

IV. Strategies for Conveying Acceptance and Building Trust with LGBT Youth (1 hour 30 minutes)

Being LGBT or perceived as LGBT can impact a youth’s identity within peer groups and in a variety of other environments. Because of the reactions many LGBT youth have experienced from many adults relating to their SOGIE, LGBT youth may approach adults with even more skepticism and mistrust than other youth. It is the responsibility of juvenile justice professionals to demonstrate their trustworthiness to youth, and there are a number of effective strategies for doing so.

This may be a good time to reiterate to participants that even though this lesson is about strategies to build trust and enhance communication with LGBT youth, certain strategies may not have the same results with every LGBT child. All youth, including LGBT youth, have unique, individualized needs and experiences. And, like their straight and cisgender counterparts, the majority of LGBT youth in the juvenile justice system are low-income youth of color. Thus, in addition to confronting bias related to SOGIE, these youth must also bear the burdens of racism and poverty. LGBT youth may also have disabilities, lack legal immigration status, or have other identities or characteristics that subject them to external oppression. It is important that juvenile justice professionals resist the tendency to view SOGIE in a vacuum. The trainer should remind participants that many, if not most, LGBT youth in the system manage multiple marginalized identities that influence their experiences and the ways in which others respond to them. These will all be relevant to any communication strategies with LGBT youth. For more information about intersectionality theory see Toward Equity: Lesson Two – Dismantling Bias and Fostering Equity.

Use the following points to engage participants in a greater discussion about the experiences of LGBT youth around the country, in order to provide context for how to build trust and communicate effectively with LGBT youth. Either project the following data points on a PowerPoint slide or provide them as handouts to participants. The following data points are available on PowerPoint slides in the Training Materials for this lesson.

- A 2013 study by the Human Rights Campaign (HRC) that surveyed both LGBT and non-LGBT youth (ages 13-17) from around the country found some stark differences in the challenges they face.
• When asked to describe **one thing in their lives they would like to change** right now:
  - Non-LGBT youth's top three responses were:
    - money/debt/finances
    - appearance/weight
    - improved mental health
  - LGBT youth's top three responses were:
    - understanding/tolerance/hate
    - my parents/family situation
    - where I live/who I live with\(^\text{13}\)

• When asked to describe the **most important problem they face** right now:
  - Non-LGBT youth's top three responses were:
    - classes/exams/grades
    - college/career
    - financial pressures
  - LGBT youth's top three responses were:
    - non-accepting families
    - school problems/bullying
    - fear of being out or open\(^\text{14}\)

• The HRC report found that non-LGBT youth were nearly twice as likely to say they were happy than LGBT youth.
  - 67% of non-LGBT youth reported being happy.
  - 37% of LGBT youth reported being happy\(^\text{15}\)

• Nearly one-third of LGBT youth (29%) reported they did not have any adult in their lives they could talk to about personal problems (only 17% of non-LGBT youth reported the same finding).\(^\text{16}\)

• Remember that this data is for LGBT youth nationwide. One can guess that for LGBT youth in the juvenile justice system—especially those with less stable support systems—this percentage may be significantly higher, though there are no research studies to date examining this specific issue.

• Schools are notoriously hostile environments for LGBT youth. A 2013 survey administered by the Gay, Lesbian, and Straight Education Network (GLSEN)\(^\text{17}\) found that:

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\(^\text{14}\) Id.

\(^\text{15}\) Id.

\(^\text{16}\) Id.

° 64.5% of LGBT youth heard homophobic remarks (e.g., “dyke” or “faggot”) frequently or often.

° 55% of LGBT youth felt unsafe because of their sexual orientation, and 37.8% felt unsafe because of their gender expression.

° 74.1% of LGBT youth were verbally harassed (e.g., called names or threatened) in the past year because of their sexual orientation, and 55.2% were verbally harassed because of their gender expression.

° 30.3% of LGBT students missed at least one entire day of school in the past month because they felt unsafe or uncomfortable.

° 56.7% of LGBT students who were harassed or assaulted in school did not report the incident to school staff, most often believing little-to-no action would be taken or the situation could become worse if reported.

The trainer should conclude this section by helping the participants to connect the dots overtly, using the following points:

• These data dramatically demonstrate the types of stigma regularly directed at LGBT youth, as well as the negative effects on their health and well-being.

• Understanding the impact of negative language or actions that many LGBT youth experience on a regular basis can help practitioners understand issues that might be obstacles to communication, such as mistrust and fear of judgment.

• The onus is on the adults who work with LGBT youth (whether identified or not) to take the extra step to demonstrate that they can be trusted.
• Establishing trust will go a long way in facilitating honest and effective communication.

A. Heteronormative Language/Environment
How we speak with youth can impact whether they see us as an ally or as a person who cannot be trusted. The following activities help the participants identify heteronormative language.

Trainers who have time constraints may choose to do one activity over the other.

ACTIVITY: IDENTIFYING HETERONORMATIVE LANGUAGE, SKIT

This activity challenges participants to identify communications problems in a skit. It will become clear through the process of debriefing the activity, if not before, that much of the miscommunication is the result of heteronormative language used by the adult. After a brief discussion of heteronormativity, participants will be asked to rework the language to be more open-ended and inclusive.

Some trainers may find the tone of this skit offensive and misogynistic. It is intentionally so. This skit reflects the reality of what is overheard every day in conversations between adults and youth; however, trainers should feel free to alter the skit as they see fit.

Trainers should act out the following skit, introducing the topic by telling participants that the purpose of the skit is to note inappropriate language. As the trainer, the key is to introduce the skit as one that is about appropriate communication, not specifically heteronormative language. This way, once the topic of avoiding heteronormative language arises, those who did not already identify heteronormative language as a problem are more likely to recognize (at least to themselves) that this is not something they immediately picked up on, and may need to be more attuned to in the future.

The following skit is the first meeting between a youth and the youth’s court-appointed mentor. The skit may be altered to accurately reflect the audience needs (e.g., changing the adult to a defense attorney for a group of juvenile defenders, or a probation officer for probation department training). If there is not more than one trainer leading this lesson, the trainer may want to identify a participant ahead of time to help with this skit.
Depending on the participants in the audience, some of this skit (even the parts not related to heteronormative language) may seem unrealistic. For example, a judge would likely not have a conversation like this one. Other examples may be exaggerated to make a point. Still, the exercise can be used for the purpose intended to illustrate examples of heteronormative language.

**Mentor**: So, tell me a bit about yourself, Thomas. What's your story?
**T**: No one calls me Thomas. It's T.
**Mentor**: Cool. T it is. What do you do for fun, T?
**T**: I don't know. Typical stuff, I guess. I hang out with my friends and my family.
**Mentor**: Well, tell me about your family.
**T**: I live with my mom and my two sisters.
**Mentor**: Do you have a relationship with your father?
**T**: Nah, I ain't seen him since I was a kid.
**Mentor**: Your mom have a boyfriend?
**T**: Nah.
**Mentor**: Any adult men around the house?
**T**: None that are worth anything.
**Mentor**: Your sisters? They older or younger?
**T**: Older.
**Mentor**: They both live at home?
**T**: Kelly lives with us. Maria lives on her own.
**Mentor**: She have any kids? Is she married?
**T**: She ain't married, but she lives with Terry. They got a baby—little Joey.
**Mentor**: You get along with Terry? What's he like?
**T**: We get along okay.
**Mentor**: He a good guy to be around? You two do anything fun together?
**T**: We ain't tight like that.
**Mentor**: Okay, no worries. You and your friends. What do you like to do? You guys play any sports?
**T**: Not really.
**Mentor**: You got a girlfriend?
**T**: No.
**Mentor**: Handsome guy like you? Come on. The ladies must be all over you.
**T**: No, no girlfriend.
**Mentor**: What about the prom? That's coming up this year, right? Who you gonna take?
**T**: I don't think I'll go. It's not really my kinda thing.
**Mentor**: Come on. I'm sure we can find you a nice little lady to take. We just got to build your confidence enough to ask her out.
**T**: My confidence is fine.
**Mentor**: Okay, no sports…no prom…what is it you like to do?
**T**: I don't know. Video games…I'm in the school play.
**Mentor**: That's the problem, right there! How you gonna meet a girl in theater class?
**T**: There are plenty of girls in theater class. It's mostly girls.
**Mentor**: Alright little man! So, you do have some game. Let's get a plan to get you connected with one of these ladies….
ACTIVITY: IDENTIFYING HETERO-NORMATIVE LANGUAGE, SKIT (CONT.)

Skit Activity Instructions (continued): After acting out the skit, ask people what was wrong with the questions this mentor asked. The trainer will likely get a variety of responses and should let people brainstorm a bit, but the ones the trainer will want to focus on are the heteronormative assumptions. The trainer will then facilitate a discussion about what heteronormative language is, using the following facilitation notes.

- Ask if anybody knows what “heteronormative” means and provide a working definition:
  - Heteronormative: The assumption, in individuals or in institutions, that everyone is heterosexual, and that heterosexuality is superior to homosexuality and bisexuality.  
  - Heteronormativity often manifests itself in language, images, and symbols that reinforce the notion that everyone is or should be heterosexual.
  - Every day, we are all bombarded with images of heterosexuality and gender conformity in the media and in public discourse.
  - While American culture is changing in some areas, in general, it remains culturally “typical,” for example, to assume a young girl will grow up, marry a man, and have children. Our society has well-defined perceptions and assumptions about gender roles and sexuality.
  - Because society is heteronormative, straight people have the luxury of being honest about their relationships in a way that LGBT people often do not. Many people assume others are straight. Simple questions about who one is dating or to whom one is married do not raise eyebrows or challenge expectations when the heteronormative response is given. If a person responds in a way that is not heteronormative, the reactions can be anything from mild surprise to outright hostility.

Although this activity has primarily focused on heteronormative language and heterosexism, it is also important to note that cisgenderism (the assumption, in individuals or institutions, that everyone is cisgender—in other words, that everyone has a gender identity that matches the sex they were assigned at birth, or is not transgender) also exists in our society. Tell participants that although these activities primarily focus on heteronormativity, it is also important to consider cisgenderism and ways to avoid it, such as using gender-neutral language.

Skit Activity Instructions (continued): Language Exercise, Rephrasing Heteronormative Language

- Hand out the script of the skit that the trainers acted out earlier to each participant. Participants should read through the interview and circle any language they find that the mentor uses which might be considered heteronormative.

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18 A related concept is cisgender-normative, which assumes that every person does or should conform to gender “norms.” For the purposes of this activity, the focus is primarily on sexual orientation and heteronormativity in communications, given the way sexual orientation is sometimes more “invisible” than gender identity. This does not mean that gender-normative language and actions are not a real problem. Given the time constraints of this lesson, however, we chose to limit the discussion to heteronormativity. If trainers want more information on gender issues, refer to Toward Equity: Lesson Six – Respecting and Supporting Transgender Youth. Trainers may acknowledge to participants that gender issues are also at play, but explain why it is not being addressed at length in this section.
Participants should then pair up and share with a partner the heteronormative language they have identified.

The pair should then come up with a way of rephrasing the identified language so that it is no longer heteronormative.

The entire group will then reconvene, and the trainer will ask for different pairs to share one phrase they identified and how they would reword it. The trainer may ask other groups who identified the same phrase if they have other ways to rephrase the same language. The trainer needs to be careful to engage the group in a discussion about the rephrasing that is offered. If it does not accomplish the goal of correcting the heteronormative framing, the trainer cannot leave it as though it does, or the learning objective is not met.

After a variety of good examples are shared, the trainer should ask for another phrase that was identified and potential rephrasing.

What follows are some suggestions for the trainer on language within the script that may be addressed and potential ways to address it. The underlined words are the potential heteronormative words. The [bracketed italicized] language after each is a sample of how that might be appropriately rephrased or addressed.

**Skit with Re-Phrased Heteronormative Language**

**Mentor:** So tell me a bit about yourself, Thomas. What's your story?
**T:** No one calls me Thomas. It's T.

**Mentor:** Cool. T it is. What do you do for fun, T?
**T:** I don't know. Typical stuff I guess. I hang out with my friends and my family.

**Mentor:** Tell me about your family.
**T:** I live with my mom and my two sisters.

**Mentor:** Do you have a relationship with your father?
**T:** Nah, I ain't seen him since I was a kid.

**Mentor:** Your mom have a boyfriend? [Is your mom dating anyone?]
**T:** Nah.

**Mentor:** Any adult men around the house? [Any other adults in the house?]
**T:** None that are worth anything.

**Mentor:** Your sisters? They older or younger?
**T:** Older.

**Mentor:** They both live at home?
**T:** Kelly lives with us. Maria lives on her own.

**Mentor:** She have any kids? Is she married? [To some, this may signal an assumption that marriage is the “normal” or proper thing to do. One way to rephrase this so that it hits the broadest spectrum might be to supplement it with other options: “Is she married? Does she have a partner? Live with anyone?” This can keep the language more neutral or inviting and will signal to a youth who is attuned to heteronormative language that the person asking the question is aware, and likely less judgmental, of different types of relationships. ]

**T:** She ain't married, but she lives with Terry. They got a baby—little Joey.
**Mentor:** You get along with Terry? What's he like? [T isn't giving any clues for the mentor to pick up on regarding what gender Terry is, and the mentor assumes Terry is a man and that the relationship is heterosexual. To avoid this, the mentor could say, “What’s Terry like?” or maybe even, “What’s he—or she—like?” Parroting T’s non-pronoun usage is likely safer and less awkward. For some interviewers, asking directly whether Terry is a man or woman, if it is done in a non-awkward way, will clearly signal to any youth that you are okay talking with all kinds of relationship structures. Others can just continue to call Terry by name, rather than use a pronoun.]

**T:** We get along okay.

**Mentor:** He a good guy to be around? You two do anything fun together. [Is Terry a good person to be around?—see also previous discussion.]

**T:** We ain't tight like that.

**Mentor:** Okay, no worries. You and your friends. What do you like to do? You guys play any sports? [Like the question about marriage, to some this may imply that boys should be into sports because it’s a “typical” boy thing. It often won’t be. This example may not be a real problem given the large numbers of youth of all genders that play sports; however, it might be safer to leave it just as: “What do you like to do?” or to provide other alternatives like, music, art, dance, etc.]

**T:** Not really.

**Mentor:** You got a girlfriend? [Are you dating anyone? This communicates that the mentor is open to having to talk about relationships with people of various genders.]

**T:** No.

**Mentor:** Handsome guy like you, come on, the ladies must be all over you. [While this mentor may be trying to be charming or friendly, for any young person, this question could destroy rapport.]

**T:** No, no girlfriend.

**Mentor:** What about the prom? That's coming up this year, right? Who you gonna take?

**T:** I don't think I’ll go. It’s not really my kinda thing.

**Mentor:** Come on, I’m sure we can find you a nice little lady to take. We just got to build your confidence enough to ask her out. [In a professional environment, this type of conversation is never appropriate; however, rephrasing to something like: “I’m sure we can find someone for you to take… to ask someone out…” would be a more inclusive and less heteronormative way to state it.]

**T:** My confidence is fine.

**Mentor:** Okay, no sports…no prom… what is it you like to do?

**T:** I don't know. Video games….I’m in the school play.

**Mentor:** That’s the problem, right there. How you gonna meet a girl in theater class? [This whole question is inappropriate because it assumes (1) that T wants to meet girls and (2) that theater activities are not conducive to heterosexual relationships; both assumptions are inappropriate. Change or avoid the question entirely.]

**T:** There are plenty of girls in theater class. It’s mostly girls.

**Mentor:** Alright little man! So you do have some game. Let’s get a plan to get you connected with one of these ladies…. [Calling T “little man” assumes that T identifies as a male, which we don’t yet know. In this context, it also assumes that the reason “he” joined theater class was based on a heterosexual ulterior motive that the mentor is just now discovering. Both of these could be offensive or off-putting to an LGBT youth.]
ACTIVITY: PRACTICING NON-HETERONORMATIVE LANGUAGE, “OFF LIMITS”

- The following activity is another way to demonstrate heteronormativity. Ask participants to break into pairs.

- This activity challenges the participants to talk about their lives without using references or hints regarding sexual orientation or gender identity. Those who use banned words (e.g., husband, wife, boyfriend, girlfriend, or identifying pronouns) will get buzzed. This exercise is intended to give participants a view of what it is like to always be on guard and hidden in a heteronormative world, and how difficult or draining it is to keep up pretenses.

- Each person in the pair will take turns explaining to the other person what they did during a memorable moment in their life that was shared with a spouse or romantic partner. It can be anything from a recent date to a family holiday. The speaker should share where they went, who they were with, what they did, etc.

CAUTION Some participants may not want to share something personal. You may give them the option to use an example of someone else they know a story about, like their parents, or even something they read in a book or saw on television.

- Each speaker must tell the story without giving any clues as to his or her sexual orientation. Words like wife, husband, boyfriend, or girlfriend are prohibited. “Man” or “woman” may also be inappropriate if they describe a romantic partner, as these words would allude to one's sexual orientation. For example, saying; “Last weekend I went on a date but he arrived 30 minutes late” would clearly allude to the speaker's sexual orientation.

- Any time the speaker uses a term that would identify or allude to his or her sexual orientation, the listener should indicate that a rule violation has been made (trainers may consider providing noisemakers such as game buzzers or bells, or simply ask people to say a word, such as “objection” or “ding”).

- After the speaker has told the story (not to exceed three minutes), the partners should switch roles so that the original listener tells a story with the same rules.

- After everyone has had a chance to be a speaker and listener, the trainer should regroup the participants and lead a discussion on how that activity went, using the following questions as a guide:
  - How many people failed to tell their story without getting buzzed/objected to/etc.? Was it easy or difficult? What tripped people up? In other words, what was hardest?
  - What does this exercise tell you about sexual orientation and everyday interactions? For straight people? For LGBT people?
  - How difficult or easy is it to hide your sexual orientation in a conversation like this?
  - Remember, you were asked not to share your sexual orientation. If you failed to hide it, were you “flaunting your sexual orientation”?

- The trainer should highlight any of the following points that the participants do not raise themselves in the discussion.
  - Feeling like one must hide his or her sexual orientation at all costs and the fear that drives the need to feel this way can be very isolating for many adults, let alone for adolescents.
ACTIVITY: “OFF LIMITS” (CONT.)

- Because sexual orientation is not outwardly visible, it can be hidden or masked to fit what other people expect as “normal.” In fact, there is often a lot of pressure on LGBT people to mask or hide their sexuality. The trainer was acting as society telling the participants what to do. Did any participant actively ignore that “societal” instruction and say: to heck with the rules— I’m going to be me and ignore the rules of this exercise? If there are no real consequences to going against “the rules” others are imposing on you, as with this exercise, and you failed to do what you wanted anyway, imagine what the pressures to conform must be like when the stakes are as high as societal or family rejection.

- When LGBT people do not choose to lie or hide who they are in everyday conversation, they can sometimes be accused of forcing their sexual orientation in other’s faces.

- They simply answered a question honestly, but the answer was not what that listener expected.

- It is important to note that LGBT people are not immune from using heteronormative language. LGBT people grow up in the same heteronormative culture as everyone else and can often make heteronormative assumptions also. This is an issue of societal conditioning.

B. Effects of Heteronormative Language

- The idea of learning to identify heteronormative language is not to demonstrate “political correctness,” but rather, the point is to use language that facilitates effective communication with LGBT youth.

- Youth, in general, are particularly sensitive to criticism. They read subtle cues from their peers and adults about how others perceive their SOGIE.

- Therefore, using heteronormative language will necessarily impact the way one communicates with LGBT youth. Some youth may simply note the heterosexism without any overt reaction, but will immediately consider that person as someone not worth talking to or as someone who will never understand what they are going through. Others may actively put up walls or become overtly challenging. While the reactions will be as varied as the youth with whom we work, the words and images we use will be noticed and will have an impact on all youth.

- Ways to overcome heteronormativity:
  - Seemingly innocuous questions from a lawyer or probation officer like “Do you have a boyfriend?” signal to a female that the lawyer or probation officer assumes a worldview in which heterosexuality is the norm and that this norm is assumed or expected of that youth.
  - Questions like “Are you dating anyone?” do not immediately raise a red flag. They also provide a signal to youth who are comfortable to broach the subject that it is safe to clarify one way or another, should they choose to do so.
  - Neutral language (such as “Do you have a partner or a significant other?”) signals immediate recognition that not everyone is heterosexual without any assumption. For LGBT youth, this approach is likely to be more welcoming and encouraging, and for all youth, using this type of language models affirmation and acceptance.
V. Putting It Into Practice—Using Appropriate Communication about SOGIE (45 minutes)

Remember, everyone has a sexual orientation, a gender identity, and a gender expression, not just LGBT people. The key is learning to communicate in a way that is inclusive of all people, not just straight or gender-conforming populations. Facilitate a discussion with the participants about other things to keep in mind when working with youth to help ensure that communication about SOGIE is appropriate. For this discussion, it is important to keep in mind that communication with youth and the reactions we have to them are important both in the one-on-one context, as well as group contexts. If a youth perceives that the adult’s level of comfort around LGBT youth is somehow different than it is with other youth, it can also have a profound effect on the relationship. Explain to participants that now that they have an understanding of various communication challenges and techniques, and the impact of heteronormative language, the group is going to brainstorm some practice tips specifically about how to use language that builds trust by conveying acceptance and respect. Ask participants for examples and then provide the following tips, using the facilitation notes if necessary.

The following practice tips should also be useful for all participants in how they communicate with youth about SOGIE.

A. Practice Tips

- **Make no assumptions.** This sends signals to youth that we are not making judgments about who they are. While some adolescents may scoff when someone does not outright assume that they are straight, explaining why it is not appropriate to make such an assumption about anyone can communicate, quite powerfully, the value of treating each person as an individual.
  - Assuming nothing requires everyone to consciously choose their words. We either must ask questions that provide more than one option (“Do you have a girlfriend or boyfriend?”) or use gender-neutral language (“Are you dating anyone?”). Participants should use the approach that makes them most comfortable.

- **Use chosen name/pronouns.** Addressing youth respectfully, with the name and pronoun of their choice is critical to maintaining good communication, particularly when communicating with or about transgender youth.
ACTIVITY: PREFERRED GENDER PRONOUNS

• Ask participants to go around the room, stating their name and their preferred gender pronouns. The trainer should demonstrate first by stating: “My name is ______. My preferred gender pronouns are [he/him/his], [she/her/hers], [ze, zir, zey], [they].”

• Note that participants may feel slightly uncomfortable if they have never done this activity, but encourage them to stretch beyond their comfort zones.

• After everyone has stated their name and preferred gender pronouns, tell participants that doing something like this with a group of youth in a setting that requires introductions can help create a safe space for transgender and gender non-conforming youth. While some people may find it awkward at first, doing it regularly when the opportunity presents itself can make it part of agency practice. After the activity, use the following notes to discuss chosen names and pronouns in more detail.

  ° If a transgender or gender non-conforming young person prefers a name that is different than that in their official record, it is often because the chosen name better reflects their identity. Insisting on using the “official” name can be offensive and signals disapproval and disrespect.
  ° For transgender youth and some gender non-conforming youth, pronouns are very important but not always intuitive for interviewers.
  ° Addressing a transgender boy as “she” may be considered dismissive, judgmental, or hostile. Alternatively, for a girl who is simply gender non-conforming (i.e., identifies as female but has a more masculine gender expression), using a male pronoun may be equally insulting.
  ° Participants are not expected to become experts or mind-readers, but can pay attention to the pronouns youth use to refer to themselves and mirror those accordingly.
    • When a youth is not clear or has not yet given the interviewer enough information to go on, remember to make no assumptions. As stated earlier, you can always ask what pronoun the youth prefers.
    • Gender pronouns are more common when we refer to youth, rather than when we speak directly to them. But, it is still important to keep pronoun usage in mind at all times, since youth will sometimes see written reports or be present when we talk about them or their cases with others.
    • Chosen names and preferred gender pronouns are important to use in all verbal AND written communications and documentation.

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19 If “they” comes up, the trainer may want to acknowledge that the materials in the Equity Curriculum use the pronouns “he” and “she,” but that The Equity Project recognizes this does not acknowledge the breadth of potential identities. The English language does not provide for a gender-neutral option other than “they,” which is only grammatically correct in the plural. That forces organizations like The Equity Project to make a choice between being grammatically incorrect in order to illustrate acknowledgement of something more complex than a gender binary or following the English grammar rules that do not provide for a gender-neutral option, but can be intended as more inclusive in their use than the words may technically permit. For publishing reasons, not advocacy ones, The Equity Project chose to be grammatically correct in its printed materials. Because grammar rules with the spoken word are more forgiving than with the written word, trainers should feel comfortable using “they” when they speak.
• **Non-verbal communication.** Even without opening our mouths, we can communicate assumptions to others. Consider:
  ◦ **Body language.** Posture and facial expressions can signal comfort or discomfort.
    • If a youth perceives a change in body language (e.g., stiffening up, becoming jittery, avoiding eye contact, crossing arms across chest) after the youth comes out to a juvenile justice professional, it can have an instant chilling effect on the relationship.
  • Similarly, if a youth can feel a person's discomfort in discussing SOGIE, that too can be an obstacle to open communication.
  • Sometimes body language is harder to control than words.
  • If you notice a body reflex as a reaction to something a youth says, acknowledge that to the youth.
    • For example, say something like, “I’m sorry I reacted that way. I was not expecting you to say that, but I want you to know that it is ok, and I am comfortable discussing it with you.”
  ◦ **Physical contact.** For some people, it is not unusual to make physical contact with youth, whether it is a handshake, a hand on the shoulder, or even a hug. People who are accustomed to this must be conscious of whether they treat LGBT youth differently than other youth, and be aware of the message that may convey.
    Some agencies may have strict rules regarding physical contact between staff and youth. The Equity Project is not commenting on whether certain kinds of physical contact are appropriate, but rather simply recognizing that touch is one way that some people communicate.

• **Environmental signals**
  ◦ Displaying stickers or posters in the spaces youth will be that clearly designate them as “safe spaces” (e.g., images of a rainbow flag or the equality sign) signal to youth that staff will affirm their SOGIE.
  ◦ Being conscious of magazines or posters that are in a waiting room or a common area and being sure that they are inclusive of LGBT people can also help LGBT youth feel welcome and comfortable.

• **Culture-specific language**
  ◦ There are variations in the ways youth communicate due to racial/ethnic, geographic or socio-economic differences. This is as true for LGBT youth as it is for straight and gender-conforming youth.
    • Different communities of LGBT youth use different words to describe themselves and their experiences. For example, some LGBT African-American youth may be more likely to use the word “stud” to talk about a masculine woman, while some LGBT white youth may be more likely to use the word “butch.”
    • Language one group finds offensive may be empowering to another. For example, there are those for whom the word “queer” is offensive, given its historical use as a pejorative term. Others have reclaimed the word and use it to make a political statement.
  ◦ There are also differences across generations. An LGBT person who is much older may use different language with respect to SOGIE than a young person, even if they come from similar racial, ethnic, or socio-economic backgrounds.
    • The key, when dealing with unfamiliar or unclear terms, is to not make assumptions or guesses. If youth use a term that is unfamiliar to you, ask them what it means.
B. Creating Feelings of Psychological Safety that May Improve Communication
Facilitate a discussion about how feelings of psychological safety can affect communication. The “coming out” process can be laden with psychological risk-taking for youth. Every time a youth decides to come out, he or she is putting himself or herself at risk emotionally. Ask what participants think about this. Ask how it can impact the way youth communicate with them. The trainer can use the discussion points that follow to help guide the conversation.

- If a youth comes out as LGBT, it is important to remember that the decision to do so took great courage on the youth’s part—even if outwardly it may not appear that way. It also took a high level of emotional integrity to be honest and truthful about who he or she is.

- By revealing that personal aspect of their lives, youth who come out risk rejection. The possibility that the people who are responsible for protecting their interests might personally reject them is frightening and a challenge to youth’s personal and mental safety.

- While young people may be open about their SOGIE in some areas of their lives, LGBT youth may not necessarily offer this information to their attorney, judge, caseworker, or other adults in the juvenile justice system. Even if a youth eventually does come out to a juvenile justice professional, that professional should not assume the youth is out to everyone else.

- Typically, it is not the professional’s role to determine the SOGIE of the youth with whom she or he works.
  ◦ Rather, she or he should approach all youth in a manner that recognizes any youth might be LGBT, thus creating an atmosphere where all youth feel affirmed and LGBT youth feel comfortable sharing this information.  

Share with the participants that the conversation will shift now from the importance of psychologically safe interviews to tips on how to conduct them.

1. Tips for asking questions in a sensitive and non-judgmental way:
- Prepare the youth by telling her or him that you will be asking personal questions that may bring up difficult feelings, and that it is okay for her or him to decline to answer any question she or he does not feel comfortable answering.

- Carefully phrase your questions. The aim is to be sensitive and reasonable. Blunt or intrusive questions that seem insensitive could upset the youth and potentially shut down the conversation.

- Ask yourself whether this is a question you would feel comfortable answering, or asking a friend who does not identify as LGBT. If not, the question should not be asked.
  ◦ For example: “Tell me about your partner” is likely not overly intrusive, but specific details about the intimate relationship likely would be. Being nosy is not the same thing as being accepting.

\[\text{\textsuperscript{20}} \text{See Practitioner's Section, 15 U.C. Davis J. Univ. L. \\ & Pol'y 401 (2011) (Symposium, Hidden Injustice: LGBT Youth and the Juvenile Justice System); LaVigne & Van Rybroek, supra note 14, at 408.} \]
• Ask whether gathering the information will further the interests of the youth, or is it just to satisfy personal curiosity. If the question has no professional purpose, it likely will not be appropriate.
  ○ However, do not discount building rapport, which is often a vital and legitimate professional purpose.

• Only ask a question to which you are prepared to hear the answer. Negative reactions to an answer can shut the conversation down and damage rapport.

• Read the cues from youth. If a youth appears uncomfortable, this may either not be the right time for the question, or you may be asking it in a way that makes the youth uncomfortable.
  ○ Recognize that this can be difficult for both the adult and the youth. Tackle it bit by bit in a series of conversations, rather than all at once, if that feels more comfortable.

2. Language to avoid with ALL youth. Remember, we do not necessarily know who is LGBT. For many LGBT youth, the following words can be riddled with judgment and signal non-acceptance:

• **Lifestyle**: Being LGBT is not a “lifestyle”—it is a core identity. Everyone has a SOGIE, and it is integral to who they are as individuals.

• **Choice**: Sexual orientation and gender identity are not choices for LGBT people, just as they are not choices for straight and gender-conforming people. Using this word with regard to LGBT identity signals a fundamental misunderstanding of SOGIE.

• **Friend** (when referring to someone’s romantic partner): This signals disapproval and/or discomfort in acknowledging that someone is in a same-sex relationship. It minimizes the relationship and does not acknowledge it as equivalent to a romantic relationship between a man and a woman.

• **Homosexual**: Many consider this to be a clinical term not related to real people. Using “gay,” “lesbian,” “bisexual,” or some other word that the youth is using to refer to a particular sexual orientation is much safer.

• Incorrect names and pronouns: use the name and pronoun (he, she, ze) that the youth prefers. If you do not know the correct pronoun to use, ask the youth. Do not assume. Additionally, do not call someone by the terms “it,” “he-she,” “him-her,” or “s/him,” as these are derogatory.

3. How the “openness” of a youth impacts the discussion

• It is important to recognize how and to what degree a youth is open about his or her LGBT identity, as this can affect discussions with youth and how one uses the information learned from youth regarding their SOGIE.

• Young people may be:
  ○ **Unaware or unsure of their SOGIE**.
    • Identity formation is a process unique to each individual, and each youth develops an understanding of her or his SOGIE at her or his own rate.

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• The youth may be beginning to reconcile his or her feelings and emotions with intellectual
contcepts of his or her identity, but may not yet have given that identity a name or label.

° Completely “in the closet” or secretive about their LGBT identity.
  • The youth has not told anyone he or she is LGBT.
  • The youth may not have even admitted his or her LGBT identity to himself or herself or
    may be denying it outright.

° Partially out.
  • The youth may be open and honest about his or her LGBT identity to select people.
    • Some may be out to close friends but not to family or other peers.
    • Some may be out at school and with their peers, but not to family.
    • Some may be out to select siblings, but not to their parents, grandparents, or other relatives.
    • Some may be out to select adult professionals, such as teachers or caseworkers, but not to peers or family.

  • The degree of openness often relates to how comfortable or trusting the youth is with
    each person or group of people. It may be safe to be out in some circles and not in others.

° Completely out.
  • The youth is open about his or her LGBT identity at all times and with all people.

  • It is important that all professionals working with youth meet youth at their level of acceptance
    of their own identity.
  ◦ Attempting to force youth to come out before they are ready to acknowledge or accept their
    SOGIE can damage rapport or create conflict.
  ◦ LGBT youth should be allowed to identify their SOGIE for themselves when they
    are ready.

  ◦ Likewise, attempting to force a young person to come out to others is inappropriate.
    • Professionals should respect that the youth is not ready to reveal his or her SOGIE
      to others.

  ◦ Gauging outness may not always be easy. If the youth has already come out to you, the
    best thing you can do is ask him or her directly about who else he or she may be out to.
    This can demonstrate sensitivity by acknowledging that the youth may not feel the same
    level of comfort with others. It is important to discuss who the youth may or may not want
    to know about his or her SOGIE.

VI. Asking Youth about SOGIE (15 minutes)

The trainer should explain that this section of the training covers a critical practice
issue that has evolved significantly in recent years: the requirement that juvenile
justice professionals directly ask youth about their SOGIE.
Provide the following introduction to the subject:

- Research has increasingly documented that LGBT youth confront significant external threats to their health and well-being. LGBT youth suffer from health and mental health disparities due to the challenges of living with a stigmatized identity. On the positive side, research has also informed the use of protective strategies that provide support to young people and assist them to develop resiliency and overcome these challenges.

- In the juvenile justice context, understanding a youth’s SOGIE may be critical to protecting the youth’s safety, as well as providing appropriate services. We have discussed many strategies for creating an environment in which young people are more likely to voluntarily disclose their SOGIE; however, even when all of these strategies are employed, not all youth will independently offer this information. Consequently, the professionals who are charged with protecting the well-being of youth may be unaware of critical issues related to the youth’s SOGIE, including health and safety risks.

- This dilemma has prompted the juvenile justice field to move in the direction of collecting SOGIE information—both on an aggregate level and in individual cases. The Juvenile Facility Standards of PREA, acknowledging the vulnerability of LGBT youth in secure settings, require that confinement facilities ascertain whether residents are, or are perceived to be, LGBT or gender non-conforming as part of an intake safety screening. The PREA Resource Center recently clarified that this regulation requires staff to directly ask residents whether they identify as LGBT. The PREA Standards explain ways to fulfill these requirements in a sensitive way that respects individual youth:
  - An affirmative response does not require any specific course of action based on this one factor, but is to be considered along with any other relevant safety considerations.
  - The facility may not compel residents to answer the question, nor may residents be disciplined for declining to answer.
  - The facility may decide when, where, how, and who should conduct the screening, and may determine that medical personnel should ask SOGIE and other sensitive questions.
  - The facility must ensure that intake staff have received training about how to appropriately and respectfully talk with youth about SOGIE.
  - The agency must also implement appropriate controls on the dissemination of the information obtained in the screening, including LGBT status.

- These provisions mirror the trend across service sectors in which professionals working with youth are required to ask questions about SOGIE along with other demographic and biographical information.

- Similarly, many juvenile justice agencies have begun collecting SOGIE data through self-administered surveys of youth in detention, capturing important prevalence data, as well as information about differential detention patterns and risk factors contributing to law enforcement contact. These data will improve the system’s capacity to track outcomes and improve services. Thus, it is essential for juvenile justice agencies to provide training, coaching, and technical assistance to relevant personnel to ensure the accurate, professional, and respectful collection of SOGIE data on both individual and systemic levels.

Prior to the session, the trainer will need to identify and understand any local regulations, organizational policies, or statutes that require participants to collect data. This section will likely require a great deal of forethought and planning on the trainer’s part. As a national curriculum, these facilitation notes do not address the variety of local requirements that exist. If no other statutes or policies exist, or if the participants in the training are not the ones responsible for collecting this information, the trainer may choose to skip this section.
The data discussion will differ with each group, depending on what role the participants have in this kind of data collection and how it is performed. It will be very important for the trainer to know, in advance of the training, if or how data is collected on LGBT youth and what role the participants in the training have in that collection.

Ask participants what, if any, SOGIE data collection requirements they have in addition to PREA. Brainstorm with the participants to identify the sources of these requirements (whether it is training manuals, internal policies or intake forms, statutes, etc.) and write the sources on a white board or flipchart paper. Supplement or clarify these sources based on prior research and understanding of local regulations and policies.

Facilitate a discussion of what each of these policies or regulations requires:
- What information must be collected?
- How is it actually collected (interviews, an intake form the child fills out, anonymous surveys, etc.)?
- How do participants ask questions about SOGIE? What language is used, both verbally and in written documents?

While these are certainly not all of the necessary components of asking questions about or collecting data on SOGIE, a few key best practices include:
- Make a standardized practice of asking all youth what their preferred gender pronouns are.
- Explain to youth how the information collected will be documented, who will see those records, and how the information will be used.
- Do not disclose this information without explicit permission from youth.

VII. Communicating with Others about Youth (10 Minutes)

No one working with youth in the justice system works in a vacuum. It is often necessary to share information about youth with other juvenile justice stakeholders. Whether the purpose is to coordinate services for youth, to collect data, to report to the court, or for some other professional reason, disclosure of sensitive information always increases the risk of unauthorized or inappropriate re-disclosure. Using the discussion points that follow, the trainer should facilitate a discussion about sharing SOGIE-related information.

A. Confidentiality
- A respect for confidentiality is key for honest communication with LGBT youth. It is important to be aware of with whom the youth is comfortable knowing this information about his or her SOGIE.
• Juvenile justice professionals should respect a youth’s privacy and hold in confidence a youth’s SOGIE unless the youth has given permission to discuss it, or the professional informed the youth, before the youth made the disclosure, that the professional intended to share the information with someone else. Breaking confidentiality could compromise a youth’s safety in a detention facility, in a program, at school, or at home. Once one shares that information with someone, one has no control over how that person uses the information or with whom she or he shares it.

• Some professionals, such as defenders or therapists, must adhere to ethical standards of confidentiality and must not release information about a youth client even when they feel disclosure is in the youth’s best interests. Regardless of ethical codes of conduct, confidentiality as to SOGIE should be the default practice for all stakeholders.

CAUTION This might be a good point for the trainer to remind participants that confidentiality is important because of the personal nature of the information and not because being LGBT is shameful. Confidentiality is an issue of respect and professionalism, not shame or judgment.

B. Communicating with Colleagues
• Any disclosure of information related to a youth’s SOGIE should be limited to information necessary to achieve a specific beneficial purpose for that youth. In these circumstances, the information should only be disclosed to individuals who have a need to know.

• A youth’s SOGIE should NEVER be a topic of gossip or idle conversation. If there is not a legitimate purpose for sharing this information with a colleague (i.e., to provide or facilitate a service, protection, or benefit to the youth), a youth’s SOGIE should not be a topic of conversation.

• Agencies should develop policies and protocols regarding the disclosure and collection of information related to SOGIE. If an agency has no policy on this yet, best practice is not to disclose without the youth’s express consent.

VIII. Wrap-Up (15 minutes)

ACTIVITY: HEAD HEART STEP

On a flipchart or white board draw a large circle (head), a large heart below the circle, and two legs with feet, below the heart.
• Ask participants to think about one fact they learned. Write responses for people who wish to share their facts in the circle representing a head.

• Ask participants to think about one value or guiding principle they heard that is important with regard to LGBT youth. Write responses for people who wish to share their values/principles in the heart.

• Ask participants to share one manageable and concrete action step they will take in their jurisdiction after this training. Write responses for people who wish to share their steps in the legs.