



NOTES from the FRONT LINE

Puerto Rico's Child Welfare System — Ready to Transform

BY FLOR BERMUDEZ, STAFF ATTORNEY, YOUTH IN OUT-OF-HOME CARE PROJECT

As I entered the large yellow building in the center of Rio Piedras, a poster on the wall caught my attention. It pictured a red heart and a sad young girl, alone at the top of a hill with her arms open, as if waiting for someone to embrace her. The caption read *Un niño espera en la puertas de tu corazón* (A child awaits by the doors of your heart). It was the new recruitment campaign material for Puerto Rico's Office of Children and Family Services (ADFAN). Looking at that same image on my way out, all I could see were thousands of lesbian, gay, bisexual, transgender or questioning (LGBTQ) youth who were waiting in despair. They had found no open doors.

Take the story of Alya*, which led Evelyza Crespo, ADFAN's Auxiliary Assistant, to request guidance and resources from Lambda Legal's Youth in Out-of-Home Care Project, hoping to improve the quality of care for Puerto Rico's LGBTQ youth. Alya is 15 years old and has been in the child welfare system for two and a half years. Crespo says, "Alya acts and dresses like a boy. We do not know what to do with her any more." Alya has had as many as 90 placements over two years. "She ends up being rejected everywhere she goes. So she runs away and then she comes back to us with the hope that her next placement may be more accepting. Alya is humiliated and hurt constantly — both verbally and physically — and she reacts with a lot of anger."

Alya's story is not unique. Across the United States, many LGBTQ teenagers are living out of home because their families have been hostile to their sexual orientation or gender identity. Some were forced to escape abusive families who wanted to punish or "cure" them from homosexuality. Others were sexually molested. As a result, LGBTQ youth are overrepresented among child welfare, juvenile justice and homeless systems of care, and they live with an increased

risk of depression, physical or emotional abuse, rape, unethical "conversion therapies," prostitution, substance abuse and suicide.

It is also not uncommon for LGBTQ youth to be harassed, rejected and abused by youth, staff and caretakers in the child welfare system itself. Alya is only one out of thousands of LGBTQ youth in Puerto Rico's foster child population (7,572 children — with only 3,005 placed with caretakers) who face these challenges without supportive adults who can help them feel more comfortable with questioning, identifying and accepting their sexual orientation.

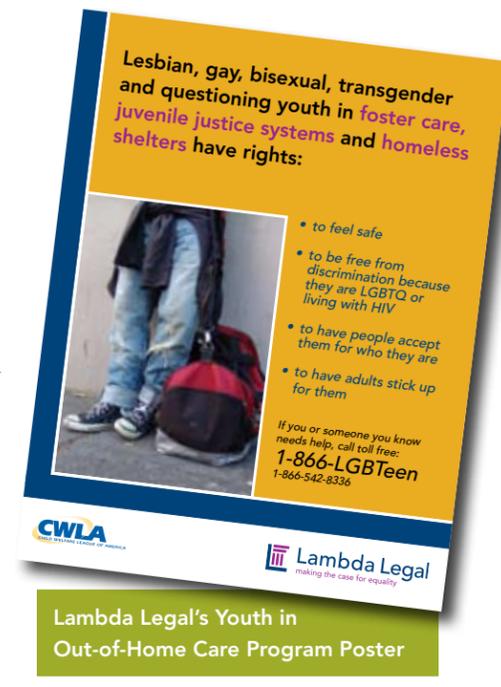
Alya also faces a myriad of class, cultural and religious barriers to acceptance in her community. Most foster children come from poor families who experience higher rates of unemployment, substandard housing, poor health, inadequate medical insurance and early death. Cultural biases and prejudices can take time and effort to unlearn: those struggling through poverty are less likely to prioritize that education.

Models of Compassion

Antigay religious views can also factor into the lack of acceptance and support for LGBTQ individuals within Latino culture. Puerto Ricans on the island are increasingly turning to religions where teachings "blame and shame" gays and lesbians. But it would be a mistake to accuse all religious people — even clergy members — of intolerance. As I talked with Crespo, three nuns came into the room looking for promotional T-shirts for the recruitment campaign. The nuns are motivated by their religious commitment to provide food and other developmental services to the foster youth in the custody of ADFAN. The nuns showed genuine interest when I began talking about Lambda Legal's efforts to protect and reach youth in out-of-home care. They listened attentively and expressed their commitment to welcome and affirm LGBTQ youth who access their services. When I told them about Alya, they identi-

fied similar cases and detailed their experience as advocates for their care.

I was inspired to see that these women were motivated by their religious faith to serve LGBTQ youth. The nuns appeared to be role models and mentors for agencies and individual caregivers struggling to bridge the gap between religious



Lambda Legal's Youth in Out-of-Home Care Program Poster

beliefs and professional standards of care. Crespo said, "I wish many of our staff were as open-minded and accepting as these nuns. The system would be very different." ADFAN officials worry that well-intentioned caseworkers try to change young people's sexual orientation instead of acknowledging it. We suggested that the agency's policy be clear: negative behaviors and attitudes towards LGBTQ people are not tolerated. We also recommended the implementation of staff-wide training so that all workers could learn to identify warning signs that a young person may be experiencing mistreatment or antigay abuse, so they can learn to effectively intervene on behalf of victims.

* Name changed to maintain confidentiality.

The dialogue with ADFAN has brought Lambda Legal's Youth in Out-Of-Home Care Project closer to its core mission: to increase the will and capacity of youth-serving organizations that prepare and support LGBTQ youth as they transition from adolescence to independence. We also work with social workers, case managers, administrators and other child welfare advocates to ensure safe and affirming child welfare services for LGBTQ youth in out-of-home care, the majority of whom are people of color. Next steps in our effort to assist Puerto Rico's child welfare system will be identifying appropriate training resources for staff, distributing our new bilingual poster that spells out the legal rights of youth in foster care, juvenile detention and homeless shelters, and continuing to provide technical assistance when needed.

Hopefully, one day young Alya and others like her can lead stable, happy lives in their local communities and even join Puerto Rico's thriving population of LGBT activists.

The Youth in Out-of-Home Care Project also brings targeted impact litigation to protect the rights of LGBTQ youth in out-of-home care and to set legal precedents nationwide. In 2006 Lambda

Legal and the Silvia Rivera Law Project sued the New York Office of Children & Family Services (OCFS) on behalf of a transgender young person who was not receiving adequate medical treatment while in OCFS custody. The parties eventually reached a favorable settlement that included monetary damages and a commitment by OCFS to evaluate its policies with an eye toward improving its ability to support and protect transgender young people in its care.

A Movement Grows

Although Puerto Rico's child welfare system has just begun to transform, the last few years have seen some major progress for LGBT civil rights in Puerto Rico. Puerto Rico decriminalized homosexuality in 2005. There are now hate crime laws that include protections for both sexual orientation and gender identity. Around 2005, the University of Puerto Rico became the first governmental institution to prohibit discrimination based on sexual orientation; it also extended health benefits to partners of gay and lesbian employees.

On my last day in Puerto Rico, I joined a demonstration organized by the Human Rights Foundation. We protested a Senate proposal to amend the constitution to ban marriage between same-sex partners. Francisco Dueñas, Lambda Legal's *Proyecto Igualdad* Coordinator, was by my side. He had joined this event to establish new contacts and reinforce existing ones with LGBTQ organizations on the island. On this sunny afternoon, supporters of marriage for same-sex couples gathered on the sidewalk in front of San Juan's Capitol. It was moving to see that young people played a vital part in the demonstration by leading protesters, holding a colorful array of signs and spearheading the upbeat chanting. These chants made use of Spanish rap songs and popular Latin songs, where the

lyrics had been changed to say *Igualdad para Todos* (Equality for All). The demonstration ended with a mass kiss for equality. On the other side of the street, one could see the coastline surrounding the island — soft sand and crystal blue water. I felt honored to be present for this moment and was highly inspired by all these very enthusiastic, hardworking activists who dedicate their lives to fight every day for LGBT civil rights.

Lambda Legal's Youth in Out-of-Home Care Project will continue our work with Puerto Rico's child welfare system, so that one day young Alya and others like her can lead stable, happy lives in their local communities and even, perhaps, feel empowered to join Puerto Rico's thriving population of LGBT activists. Their voices — strong and supported by a secure and loving foundation — will further aid the growing LGBT civil rights movement in Puerto Rico. **L**



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