## SAFETY FIRST!

A Survival Guide for Lesbian, Gay, Bisexual, Transgender, and Questioning Youth Under 18



1254 Market Street, 3<sup>rd</sup> Floor San Francisco, CA 94102 415/863-3762

### ABOUT THIS GUIDE AND OUR SERVICES

Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) Youth often face severe isolation, harassment, and discrimination. For many youth, discrimination, stigmatization, and oppression continue to silence us – creating barriers to our growth and development, and putting us at high risk of suicide, substance abuse, and involvement in the juvenile justice system.

Because social pressures and stigmatization surrounding sexual orientation and gender identity pose special issues for LGBTQ Youth, **Legal Services for Children** (LSC) has produced this survival guide to answer some of the most commonly asked questions and offer youth a usable road map of the various services currently available to meet our needs. LSC provides direct legal services for youth under 18 years old, and is experienced in handling the particular concerns of LGBTQ Youth. Although the referral information contained in this guide is specific to San Francisco, we have provided space for you to add information appropriate to your area.

LSC is free, sensitive, and completely confidential for all youth under 18 years of age who access our services. It is our job to review all of your options with you and respect the decisions you make for yourself by advocating for what you want at home, in school, or elsewhere you may need us.

All readers are advised that this is only a basic guide for LGBTQ Youth in San Francisco, and that each person's situation can be very different. Laws may vary from state to state. Please call LSC or consult with an attorney in your area if you need further advice on your particular situation.

For help trying to find an attorney in your area, try the following resources:

Legal Services for Children www.lsc-sf.org	415/863-3762
National Center for Lesbian Rights www.nclrights.org	415/392-6255 800/528-NCLR
Lambda Legal Defense & Education Fund www.lambdalegal.org	212/809-8585
American Civil Liberties Union www.aclunc.org	415/621-2493

LSC also conducts free "know-your-rights" training for youth in middle school and high school classes, shelters, social service agencies, and community centers. These trainings explore your rights and legal options at home, in school, and on your own. Call **LSC** at 415/863-3762 to schedule a training for your group.

### **APPENDIX**

Job Training
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Queer Youth Training Collaborative (LYRIC)	415/703-6150
www.lyric.org	
Love & Justice Project	415/777-5500
(CUAV)	
www.cuav.org	

#### **Communities of Color**

AQU25A (Asian Pacific Islander Wellness Center) www.aquanet.org	415/292-3400
Proyecto Contra SIDA Por Vida	415/864-7278

#### Leadership/Activism

LYRIC's Leadership Project <a href="https://www.lyric.org">www.lyric.org</a>	415/703-6150
Bay Area GSA Network www.gsanetwork.org	415/552-4229
Q Action www.stopaids.org	415/575-0164
Center for Young Women's Development www.cywd.org	415/703-8800

### **Community Center**

SF Lesbian, Gay, Bisexual, Transgender Community Center www.sfcenter.org 415/865-5555

### **APPENDIX**

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#### **SENSITIVE REFERRALS**

### Dealing with Isolation - support groups, counseling, recreation, mentoring

Eureka Valley Recreation Center	415/554-9528
Lavender Youth Recreation & Information www.lyric.org	Center (LYRIC) 415/703-6150 or 800/246-PRIDE
Metropolitan Community Church www.mccsf.org	415/863-4434
New Leaf (counseling services) <a href="https://www.newleafservices.org">www.newleafservices.org</a>	415/626-7000
Suicide Prevention Crisis Line www.sfsuicide.org	415/781-0500
CA Youth Crisis Line (Runaway Hotline) www.youthcrisislne.org	800/843-5200

#### **Health Care/Health Education**

Bay Area Young Positives www.baypositives.org	415/487-1616
Cole Street Youth Clinic www.huckleberryyouth.org	415/751-8181
Dimensions Clinic	415/487-7589 or 415/487-7500
Health Initiatives For Youth www.hify.com	415/274-1970
Q Action www.stopaids.org	415/575-0164

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Legal Services for Children (LSC) was founded in 1975 as the first comprehensive nonprofit law firm for children and youth in the country. LSC has provided free direct legal and related social services to over 40,000 children and youth in the San Francisco Bay Area since that time. Our mission is to assist all children and youth who need to use the legal system to stabilize and improve their lives. Through the use of multidisciplinary attorney/social worker teams, we work to ensure that our vulnerable child clients have a voice in crucial decisions regarding their lives. Direct, comprehensive advocacy in the following areas is our service focus: dependencies, delinquencies, status offenses, quardianships, emancipations, restraining orders, hearings arising out of school discipline, mental health, public benefits, immigration, special education, and other cases not easily categorized.



In memory of Michael Dunn, with the hope that others can survive what he could not.

Funding for the publication of this survival guide is provided in part by a grant from the PG&E Lesbian and Gay Youth and Education Fund/The Horizons Foundation.

### **OUT ON YOUR OWN**

- ⇒ Identify friends to whom you can go for help.
- ⇒ Know where the nearest telephone is, in case you have to call for help.
- ⇒ Keep emergency phone numbers with you at all times.
- ⇒ Have someone you trust walk with you to and from school, work, or anywhere else.
- ⇒ Find an adult you can trust you may want this person to assist you in court.
- ⇒ Always let someone know your plans where you are going and when you plan to return.
- ⇒ Keep important documents, emergency money, and medicine ready in case you need to leave in a hurry.
- ⇒ Have a copy of the restraining order on you at all times and keep several copies in different places so you can get to one no matter where you are (school locker, home, friend, wallet, backpack).
- For a domestic violence crisis contact:

Community United Against Violence 415/333-HELP An LGBTQ Community Organization

California Youth Crisis Line 24-hour hotline

800/843-5200

### **OUT ON YOUR OWN**

### 11. Someone is hurting me, what can I do?

Abuse can be physical, sexual, verbal, emotional, and/or psychological. An abuser is anyone who uses threats and violence to control you in a relationship or anyone by whom you reasonably feel threatened or afraid. Here are some of your options if you are in an abusive situation:

- You have the right to file criminal charges against someone who is or has been violent toward you. Call the District Attorney's Family Violence Project at 415/552-7550. (See also: OUT AT HOME - 2. What will happen if I tell someone that I'm being abused at home?)
- If you are or have been involved in a relationship with someone who is abusive, you have the right to go to Family Court and ask the judge for a restraining order. The judge can order the person who has abused you to do one or more of the following: stop abusing you, stay away from you, stay away from other household members, pay you back for damages. For help with this contact:

**Legal Services for Children** 415/863-3762

Cooperative Restraining Order Clinic

415/864-4722

Be careful! -- The restraining order is only a legal document, not absolute protection from your abuser. Always be safe and keep in mind the following:

Taking action against someone you care about is not easy - violence often escalates when someone tries to end an abusive relationship. If you are involved with a violent person or are trying to end an abusive relationship, develop a Safety Plan:

### **OUT AT HOME**

### 1. How do I deal with my family?

Coming out, or being outed at home can sometimes be the most difficult challenge for you to overcome. Your family has the potential to be your best support network and resource for dealing with sexual orientation/gender identity issues in all other aspects of your life. If you are planning to come out at home, if you think your family might already suspect, or if you have already been outed, it is important to enlist the support of sensitive peers and adult allies – especially if your family is not understanding.

Even understanding family members may not be prepared to deal with your questioning or affirming your sexual orientation/gender identity. If you experience any emotional, verbal, or physical abuse, hostility, or threats that make you afraid for your safety:

- 1) Get to a safe place immediately.
- 2) Get emergency assistance if necessary.
- 3) Contact LSC at 415/863-3762.

LSC can advise you as to all of your legal rights and options. We can provide you and your family with mediation and conflict resolution if you would like to try to work things out, or we can help you secure safe and stable alternative living arrangements (see also: OUT AT HOME – 3. What are my options if my family kicks me out or I run away?).

### **OUT AT HOME**

1. How do I deal with my family? (continued)

### OTHER SERVICES AVAILABLE IN SAN FRANCISCO:

### **Support for Parents:**

Parents Family and Friends of Lesbians & Gavs:

415/921-8850

www.pflagsf.org

### **Peer Support for Youth:**

**LYRIC**: 415/703-6150 www.lyric.org or 800/246-PRIDE

### **Counseling for Youth:**

New Leaf: 415/626-7000

www.newleafservices.org

California Youth Crisis Line: 800/843-5200

www.youthcrisisline.org

# OTHER SERVICES IN YOUR COUNTY (LEGAL SERVICE AGENCY, RUNAWAY SHELTER, OR COUNSELING CENTER):

### **OUT ON YOUR OWN**

6. To arrest you, the police need "probable cause," which is evidence that you probably did something illegal. During an arrest you can be searched, photographed, and fingerprinted. Even if you do not agree, the area close by you can be searched as well, and anything found on you or near you can be used against you. If you are arrested, you have the right to remain silent and to talk to a lawyer before you talk to the police. Tell the police nothing except your name and address. Do not talk or sign anything! Do not give explanations, excuses, or stories. Ask to see a lawyer immediately. You have the right to a free lawyer. You have the right to contact a lawyer, relative, or friend within three hours of your arrest.

If you are arrested a **Juvenile Public Defender** will be appointed to represent you. In San Francisco they can be reached at 415/753-7600.

In your county:

Report police abuse to **Bay Area Police Watch** at 415/951-4844, x 224 (www.ellabakercenter.org).

Reports can also be made to the **Office of Citizen Complaints** at 415/597-7711 or another watch-dog agency in your area.

### **OUT ON YOUR OWN**

### 10. What should I know about police contact?

- 1. It is not a crime to refuse to answer questions, although refusing to answer can make the police suspicious about you. You are not required to have identification, but it is a good idea to have it to show police if you get stopped.
- 2. The police may "pat-down" your clothing if they suspect a weapon. You have the right not to agree to any further search, but do not physically resist.
- 3. Do not "bad mouth" or "talk-back" to the police officer or run away, even if you believe what is happening is unreasonable. Always be polite!
- 4. Ask if you are under arrest. If you are, you have a right to know why (don't demand, just ask politely). Avoid raising your voice even if you think the police are violating your rights. Remain calm. Observe and take mental/written note of everything that happens, including officers' names, badge numbers, time and place you were stopped, surrounding conditions. Get names and addresses of possible witnesses (police may not stop you from doing this) and give your name and a person to contact to someone (so that someone knows you've been arrested). If you are a witness to an arrest, do not interfere with or get in the way of the police in any way. Be calm and polite.
- 5. The police may say that you are not under arrest, but that they would like to question you. Ask them if you are being charged with something. If they say you are not, ask if you are free to go. If they say you are not free to go, do not resist, but ask for a lawyer. You are not required to provide anything more than your identification if the police won't let you leave. To keep you from leaving, the officer must have "reasonable suspicion," which is a specific reason to suspect that you are involved in a specific crime.

### **OUT AT HOME**

### 2. What will happen if I tell someone that I'm being abused at home?

Parents or caregivers may become emotionally, verbally, or physically abusive when you tell them, or when they find out about your actual or perceived sexual orientation/gender identity. In California, anyone can make a report to the police or to the county agency that contains the local branch of the Child Protective Services (CPS), usually the Department of Social Services (DSS). Mandated reporters (people who have to report such abuse by law) are teachers, school administrators, health care practitioners, social workers, or anyone considered to be a "child care custodian". Reports are made for abuse, neglect, abandonment, threats to physical safety or general well-being, etc. (see also: OUT ON YOUR OWN - 10. Someone is hurting me, what can I do?).

When CPS or the police are contacted, they may investigate the report that is given to them if they believe the abuse is serious. CPS does not always take action right away. If you are afraid to remain home, you may want to consider other options. If a report is made against your parents or caregivers and you are not removed from the home, your parents or caregivers may be angry with you because a report against them was made. Call **LSC** at 415/863-3762 or another attorney to explore other options, including staying with other family members or friends, or being on your own.

Remember: if you tell someone who is a mandated reporter that you are being abused, you will not have the choice of whether to make a CPS report or not. Consult with an attorney (an attorney, and everyone who works in a law office, is not a mandated reporter, and can give you complete confidentiality) who can advise you of all your options and help you select the safest one for your situation.

To report abuse call **Child Protection Services** @ 800/856-5553 or 415/558-2650.

### **OUT AT HOME**

3. What are my options if my family kicks me out or I run away?

### **Family, Friends and Relatives**

You do not need court permission to live with a friend or relative under most circumstances (when your parent/guardian gives permission, or doesn't call you in as a runaway). However, school enrollment and medical care may be a problem. The Caregiver's Authorization Affidavit (Center Insert I) allows your adult caregiver to enroll you in school and authorize school-related medical care, without your parent's signature. If your caregiver is a relative, the Caregiver's Authorization Affidavit also allows your caregiver to consent to general medical care for you.

### **Emergency Shelters**

You can go yourself. If your parent/guardian calls you in as a runaway and the police come to get you, you can request (by providing information about abuse/neglect at home) to be taken to a youth shelter even if you've been called in as a runaway. All shelters have their own rules, but you can typically stay between 5 and 20 days. For longer stays, shelters usually contact your parent/guardian. Ask for a shelter's policy ahead of time.

- Huckleberry House (11-17):
   1292 Page Street (@ Lyon); 415/621-2929
- Diamond Shelter/Larkin St. Youth Services (12–17):
   536 Central Avenue (@ Hayes); 800/887–1020
- **DreamCatcher Youth Shelter** (13–18): Alameda: 800/379–1114

**The National Runaway Switchboard** at 800/621-4000 has a directory of shelters.

### **OUT ON YOUR OWN**

- 9. What are the new responsibilities I will have if I get emancipated?
- Support yourself financially. Get your own medical insurance. Pay all of your own bills.

### What things won't change when I get emancipated?

You must go to school until you graduate or turn eighteen. You cannot work as many hours as you want - child labor laws and work permit rules must be followed. You can be tried as an adult, in certain cases, if you commit a crime. You cannot vote until you turn eighteen. You cannot buy cigarettes until you turn eighteen. You cannot drink alcohol until you turn twenty-one. You, like everyone else, cannot drive without a permit/license issued by the Department of Motor Vehicles (although a parent/guardian signature won't be required) and automobile liability insurance.

### How can I get help with emancipation?

◆ Emancipation is a major decision and requires careful thought and planning. If you would like to discuss all of your options, including emancipation, you can call **Legal Services for Children** at 415/863-3762, or another attorney in your area. For assistance with job training and job readiness contact the **Queer Youth Training Collaborative** (LYRIC) at 415/703-6150.

Other resources in	your county:
Other resources in	your county

### **OUT ON YOUR OWN**

### 8. What is emancipation?

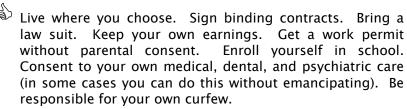
Emancipation allows a youth who is already living away from his/her parents to be freed from the parents' custody and control and to have many of the rights and responsibilities of an adult, before turning 18 years old. Being an emancipated youth means that you no longer have any adult in your life who has a legal obligation to take care of you. There are three ways a minor may become emancipated:

- 1) Get married (requires parental consent);
- 2) Join the military (requires parental consent); or
- 3) Go to court & have the judge declare you emancipated. (requires parental consent or acquiescence)

### What are the requirements for a courtordered emancipation?

- ✓ You must be at least fourteen years old.
- ✓ You must be living apart from your parents with their permission or acquiescence (without them calling you in as a runaway or otherwise trying to get you back home).
- ✓ You must be managing your own finances and be supported by a legal source of income. Bills, receipts, etc. can be used as evidence that you are supporting yourself.
- ✓ The judge must find that emancipation is in your best interests (better than other options).
- The judge also wants to see that you are in school or have a GED.

### What are the new rights that I get if I become emancipated?



### **OUT AT HOME**

### **Legal Guardianship**

The court can appoint a guardian when it is "necessary or convenient." A guardianship is a temporary custodial relationship which places your parents' rights and responsibilities on hold until you turn 18 or otherwise emancipate (see also: OUT ON YOUR OWN – 8. What is emancipation?). To appoint a guardian, the court must find (1) that it would be in the "best-interests" of the minor to live with the proposed guardian and (2) if a parent doesn't agree, that custody with parent(s) would be detrimental to the minor. Abuse is taken into consideration. Guardianship in San Francisco is set for periodic review, and can be terminated by the court. Guardians can receive public benefits for your care.

### Foster Care and Group Home Placements

You can be placed in a foster home with another family, or in a group home if a judge decides that this is best for you. There are still relatively few sensitive foster care placements available, and adolescents, in general, are the most difficult to place. Many queer youth thus try to explore other options explained here before a court order places them in foster care or a group home.

Contact **LSC** at 415/863-3762 or another attorney to explore these options further.

### **OUT AT SCHOOL**

### 4. What protections exist against assault/ harassment at school?

Harassment may be words, gestures, and actions which tend to annoy or insult another person. LGBTQ students are often subjected to name-calling, and other forms of harassment by our peers, and sometimes by our teachers. It is not unusual for LGBTQ students to be refused protection when we ask for help in stopping threats and assaults at school. If your school is not protecting you from harassment, this may constitute discrimination. Discrimination on the basis of sexual orientation/gender identity is prohibited by federal, state, and local laws.

- A Federal law called "Title IX of the Education Amendments of 1972" says that harassment which creates a sexually hostile environment is illegal at all public schools and private schools that receive federal assistance (e.g., a group of students targeting a LGBTQ student for physical sexual advances may constitute a sexually hostile environment).
- The California State Constitution requires that all public schools provide students with a safe, secure, and peaceful environment.
- The San Francisco Board of Education has passed an anti-slur policy (5162) under which homophobic and transphobic slurs are to be treated with the same discipline as racist or sexist ones.

Like your home, school has the potential for being a very supportive, nurturing environment that can prepare you to deal with almost every other aspect of your life. Enlisting support from sensitive peers and adult allies can help a great deal in overcoming conflicts that might arise if your school teachers and/or administrative staff is not responsive to threats, assault, or harassment based on sexual orientation/gender identity. Because unequal power relationships exist between students and school staff, it is often difficult for a student to handle conflict alone.

### **OUT AT SCHOOL**

#### Search

♦ School officials can search your locker, your belongings, or your person if they have "reasonable suspicion" of you breaking a specific rule. Do not resist the search. Legally, the search cannot be "excessively intrusive." Officials cannot search anywhere other than where they could reasonably find what they are looking for. Strip searches by school officials are illegal. Random searches of your clothes, your locker, or your belongings are unconstitutional. Officials must have "individualized suspicion" meaning that you (yourself, not a group you are with) must be personally suspected of breaking a rule. Still, even if the search is illegal, if something is found on you by a school official, it might be used against you. Note: there are many different types of searches and the law in this area is changing. Always consult with an attorney for your specific situation.

Call Legal Services for Children at 415/863-3762, the ACLU at 415/621-2493, or another attorney, if you believe your school is treating you unfairly. Make sure to keep copies and records of everything, and have witnesses whenever possible.

### **OUT AT SCHOOL**

### 7. What are my rights if I get in trouble at school?

### Suspension

- Suspension is when you are denied the right to attend a class or school for a designated period of time.
- By law, suspension is not to be used for a first time offense unless you have brought alcohol, drugs, or a weapon to school, caused injury, committed a robbery, or pose a threat.
- Suspensions cannot be for more than five days, unless you are being recommended for expulsion.
- ♦ "Informal Suspensions" are illegal. All suspensions must be made in writing. A note to your parent/guardian must be sent home.
- The school cannot keep you out of school because your parent/guardian is unable to attend a meeting.

### **Transfer & Expulsion**

- You cannot be transferred out of your schools unless there is a meeting at Pupil Services (SFUSD). You may appeal the results of that meeting to the Director of Pupil Services if you do not agree with the decision. You must continue going to the original school until the transfer issue is resolved.
- Expulsion is when you are denied the right to attend any school in the district for a designated period of time.
- If you are recommended for expulsion, there must be an expulsion hearing. You are entitled to notice of this hearing and you should bring an advocate (teacher, friend, counselor, attorney, etc.), preferably an attorney, to that hearing. CALL LSC AS SOON AS YOU LEARN THAT YOU ARE UP FOR EXPULSION. DO NOT WAIT!!!

### **OUT AT SCHOOL**

If your teacher/counselor/administrator at school is not doing what is necessary to help you feel safe:

- 1. Call LSC at 415/863-3762 or an attorney in your area.
- 2. Recruit the assistance of a sensitive adult.
- 3. Document everything.

Sensitive Parent or Educator groups in your area.

San Francisco Unified School District's **Support Services for Sexual Minority Youth** at 415/242-2615 has names of sensitive adults at each school site within the district.

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### **OUT AT SCHOOL**

### 5. Can I talk about sexual orientation/gender identity at school?

Freedom of speech, guaranteed by the First Amendment of U.S. Constitution, protects what one says, what one writes, and one's right to meet freely with other people in clubs, organizations, rallies, and demonstrations. In California, there are two special laws which specifically protect students' rights to freedom of speech and press at school. These laws, to some extent, protect against censorship of newspapers, yearbooks, handing out leaflets, wearing buttons, and posting notices on school bulletin boards.

Courts have interpreted these laws to allow school officials to limit student expression so long as their actions are reasonably related to legitimate educational concerns. It is important to remember that speech or expression which is disruptive, provokes raucous behavior or embarrassment, or is vulgar/offensive is not protected and may be punished by your school.

Sexual orientation/gender identity can be discussed in the classroom as a civil rights issue and falls within the context of safety and freedom from harassment. As a civil rights issue, speech on sexual orientation/gender identity issues may not be limited by your school any more than similar speech on race or religion issues. If your school allows discussion of slavery as a form of racism, for instance, it must also allow discussion of gay-bashing as a form of homophobia.

To discuss your legal rights call:

**Legal Services for Children American Civil Liberties Union**415/863-3762
415/621-2493

To enlist educators as allies call:

Gay Lesbian Straight Education Network (<u>www.glsen.org</u>)

San Francisco 415/551-9788 East Bay (Concord) 925/685-5480

### **OUT AT SCHOOL**

### 6. Can I start a support group or GSA at school?

Gay/Straight Alliances (GSAs) are groups that promote education, awareness, support, and acceptance of LGBTQ students. GSAs can also examine how issues of sexual orientation/gender identity impact the school and other environments. GSAs foster an inclusive environment so that any student can participate and be supported in our schools. These groups have the potential of benefiting all students as they can help to increase students' self-esteem, leadership abilities, and conflict resolution skills.

The ability of students to form Gay/Straight Alliances and other gay-related student groups is an important part of providing a safe educational environment for all students. Under the Federal Equal Access Act (EAA), public high-schools have to recognize gay-related groups where the schools receive federal assistance and provide access to any "noncurriculum related student group to meet on school premises during noninstructional time." If the EAA applies, a school has to provide a gay-related student group with school access equal to that provided to other student groups.

The United States Supreme Court says that the term "noncurriculum related student group" is best interpreted broadly to mean any student group that does not *directly* relate to the body of courses offered by the school. Examples of noncurriculum-related clubs are: Subsurfers Club, Chess Club, Peer Advocates, Key Club, Pep Club, Girl's Club, Ski Club, Bowling Club, International Club, Varsity Club, Minority Student Union, Dance Squad, and Future Business Leaders of America. So if your school receives federal money and has one of these clubs, it has to allow GSAs to meet, with the same access and privileges as other clubs have.

Remember to follow your school's guidelines and policies for forming a club, posting flyers, making announcements, and passing out information. If possible, get support from administrators and teachers at your school.

See answers to previous school-related questions for appropriate referrals. For advice on dealing with school administrators, call **LSC** at 415/863-3762 or another attorney. For help with organizing a club at your school, call the **Bay Area GSA Network** at 415/552-4229.