

Entitled to Treatment

Medical Care for Transgender Adolescents





Southern Poverty Law Center

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The Southern Poverty Law Center, based in Montgomery, Ala.,

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Medical Care for Transgender Adolescents in the Juvenile Justice System

Overview

Transgender individuals are those hose gender identit , their personal sense of being male or female, does not match the se the ere assigned at birth. Some transgender people describe this as feeling as if the have been born into the rong bod

Changing one s gender identit is not possible Unfortunatel man transgender children go ithout appropriate care and endure such distress and an iet over the mismatch of their ph sical bodies ith their identities that the su er from a condition kno n as gender d sphoria

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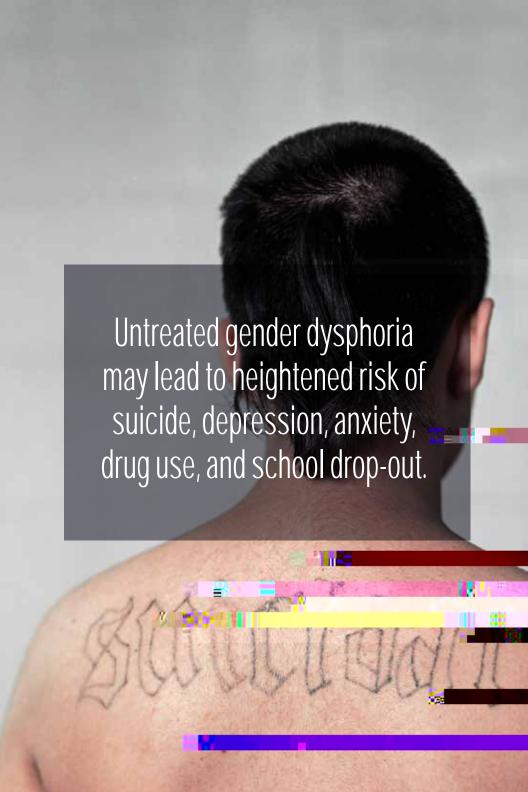
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Legal Perspective

From a legal perspective transgender adolescents in juvenile detention have a right to treatment for gender d sphoria

Courts have held prisons liable for violating the Eighth Amendment s ban on cruel and unusual punishment hen the have been deliberatel indi erent to objectivel serious medical needs A juvenile detention facilit that is on notice of a outh s gender d sphoria and denies treatment has created deliberate indi erence Courts have uniforml held that gender d sphoria is an objectivel serious medical need for hich treatment is medicall necessar

Free e frame policies that simpl maintain the level of treatment present at intake are not su cient to ithstand legal challenges



Medical Perspective

From a medical perspective it is important for juvenile justice agencies to facilitate appropriate interventions for transgender adolescents because the ma have a relativel narro time to curtail the development of secondar se characteristics

In addition refusing timel medical interventions for adolescents might prolong gender d sphoria and contribute to an appearance that could provoke abuse and stigmati ation contributing to ps chiatric distress

Recommendations

Avoiding Legal Liability and Promoting the Health of Adolescents in the Juvenile Justice System

- Properl assess and treat gender d sphoria among transgender adolescents
- Evaluate healthcare policies and practices to ensure that transgender outh are receiving appropriate care
- Identif regional gender identit clinics or ph sicians ith e perience treating gender d sphoria in adolescents If none are available juvenile detention facilities should facilitate consultations ith a provider e perienced in treating gender d sphoria in adolescents
- Permit transgender outh to continue to receive all transition related treatment the started prior to involvement ith the child elfare or juvenile justice agencies Permit transgender outh to initiate or advance transition related healthcare



Model Policy for Caring for Transgender Adolescents

Juvenile detention facilities should consider adopting and implementing the folloting model polic. This polic has been adapted from the Massachusetts Department of Youth Services. Guidelines for LGBTQQI and GNC Youth as ell as the Philadelphia Youth Stud. Center's polic on Non Discriminator. Treatment of LGBT Youth.

Counseling, Mental Health, and Substance Abuse

- Clinicians shall o er a rming counseling and information to LGBTQI and gender non conforming GNC outh ho are e periencing distress related to their gender identit gender e pression se ual orientation or interse condition
- All adolescents e perience social and developmental challenges
 Clinicians shall educate themselves about the additional barriers
 to mental health faced b LGBTQI and GNC outh aim to reduce
 these barriers ith open non judgmental and empathetic
 communication and help outh to develop their strengths
 coping skills and resilience
- LGBTQI and GNC outh frequentl face stressors related to their gender identit gender e pression se ual orientation or interse condition that other outh do not Clinicians shall be a are that these stressors ma lead to heightened risk of suicide depression an iet drug use and school drop out and the shall be prepared to treat these issues
- When outh e press a transgender identit or request hormone therap the shall be referred to a comprehensive outh gender identit clinic a ps chiatrist ith e perience diagnosing and treating gender d sphoria in adolescents or a transgender a rming ps chiatrist ho consults ith e perienced gender identit specialists listed in order of preference All e orts shall be made to obtain an appointment ithin to eeks of the request All providers shall follo the World Professional Association for Transgender Health WPATH Standards of Care for treating gender d sphoria

_	Counseling sessions for	outh shall include individual

Resources

Endocrine Societ . Hormone Science to Health endocrine org

Human Rights Campaign hrc org . Identif ing clinics and providers

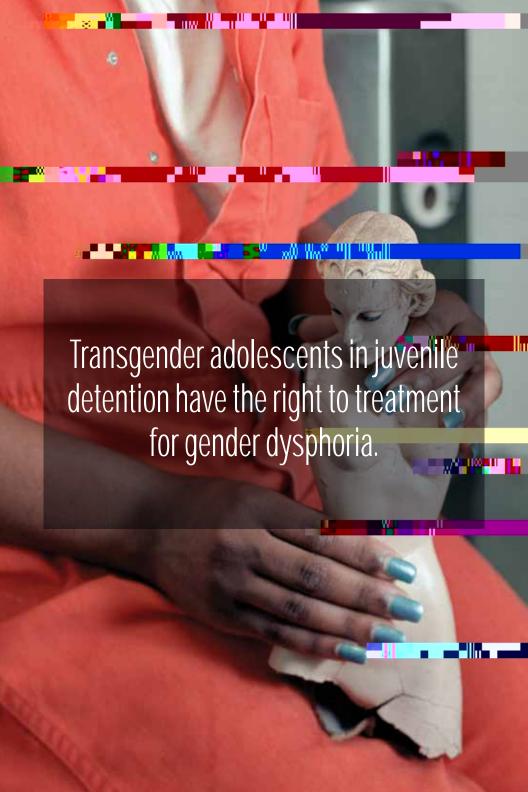
Lesbian Ga Bise ual and Transgender Youth in the Juvenile Justice S stem for the Annie E Case Foundation Nclr org

RAD Remed radremed org . Connecting to accurate safe respectful and comprehensive care

World Professional Association for Transgender Health WPATH path org . Treatment protocol for gender d sphoria included in its Standards of Care for the Health of Transse ual Transgender and Gender Non Conforming People

Endnotes

- 1 World Prof'l Ass'n for Transgender Health, Standards of Care for the Health of Transsexual, Transgen-DER, AND GENDER-NONCONFORMING PEOPLE (7th ed. 2012) [hereinafter WPATH Standards], available at http:// www.wpath.org/uploaded_files/140/files/Standards%20of%20Care,%20V7%20Full%20Book.pdf.2 Statement of Interest of the United States at 1-2, Diamond v. Owens, No. 5:15-CV-50 (MTT), 2015 WL 5341015 (M.D. Ga. Sept. 14, 2015) [hereinafter DOJ Statement of Interest], available at https://www. splcenter.org/sites/default/files/documents/doj_statement_of_interest_diamond.pdf.
- 3 WPATH Standards, supra note 5, at 21.
- 4 SHANNAN WILBER ET AL., CWLA BEST PRACTICE GUIDELINES 58 (2006), available at http://www.nclrights. org/legal-help-resources/resource/child-welfare-league-of-america-cwla-best-practice-guidelinesserving-lgbt-youth-in-out-of-home-care/.
- 5 Id.
- MASSACHUSETTS DEPARTMENT OF YOUTH SERVICES, GUIDELINES FOR LGBTOOI AND GNC YOUTH 3-4 (2014). available at http://www.equityproject.org/resource/massachusetts-department-youth-services/e.
- PHILADELPHIA YOUTH STUDY CENTER, NON-DISCRIMINATORY TREATMENT OF LGBT YOUTH 4 (2011), available at http://www.equityproject.org/wp-content/uploads/2015/01/Philadelphia-YSC-LGBT-Policy.pdf.



Glossary

Gender Dysphoria:
Gender Expression:

Gender Identity:

LGBT:

Transgender:

WPATH:

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Gender Dysphoria:



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