

**Idaho Department of
Juvenile Corrections
Institutional
Policy/Procedure**

NUMBER
672

REVISED
07/01/24

REVIEWED
06/17/24

EFFECTIVE
06/07/13

PAGES
7

**SUBJECT: NON-DISCRIMINATION OF LESBIAN, GAY, BI-SEXUAL,
TRANSGENDER, INTERSEX, AND QUESTIONING JUVENILES**

**CATEGORY: JUVENILE RIGHTS AND
RESPONSIBILITIES**

Policy

Juveniles are committed to Idaho Department of Juvenile Corrections (IDJC) custody to receive treatment for their criminogenic behaviors, and this remains the primary focus of the juvenile's treatment while at the IDJC. The lesbian, gay, bisexual, transgender, intersex, or questioning (LGBTIQ+) status of a committed juvenile should not interfere with or overshadow the IDJC's responsibility to address the criminogenic treatment needs of the juvenile; however, the IDJC recognizes that LGBTIQ+ juveniles may be at greater risk for sexual abuse and harassment, and may require special considerations during commitment.

The purpose of this policy is to ensure that juveniles identified as LGBTIQ+ who are placed in the custody of the IDJC receive fair, equal, and non-discriminatory treatment and medical care, and that staff provide the highest quality of services to all juveniles regardless of sexual orientation, gender identity, or gender expression.

It is therefore the policy of the IDJC that a safe environment and adequate medical care is maintained and provided to all juveniles in IDJC custody, including LGBTIQ+ juveniles. It is also IDJC policy that discrimination against or harassment of juveniles by staff or other juveniles on the basis of actual or perceived sexual orientation, gender identity or gender expression is not tolerated. Staff who are identified as engaging in this behavior may be subject to disciplinary action up to and including dismissal. Juveniles identified as engaging in this behavior are subject to appropriate discipline based on the nature and circumstances of the abuse or harassment committed.

All juveniles placed in IDJC custody have a right to be safe from emotional, physical, and sexual abuse and harassment by other juveniles and staff. All juveniles and staff are expected to use respectful language and terminology and refrain from using derogatory language or language that furthers stereotypes about LGBTIQ+ juveniles. Staff will also refrain from making statements that imply or directly state LGBTIQ+ juveniles are abnormal, deviant, or sinful, or that they can or should change their sexual orientation or gender identity. Staff who are identified as engaging in this behavior may be subject to disciplinary action up to and including dismissal.

Operating Procedures

I. Juvenile Disclosure

A. During Screening

1. Within 72 business hours of intake, a juvenile is screened using the Risk of Sexual Victimization or Perpetration Screener (DJC-269) form. During this screening the IDJC shall attempt to ascertain a juvenile's sexual orientation and gender identity through conversations with the juvenile during the intake process and medical and mental health screenings; during classification assessments; and by reviewing court records, case files, facility behavioral records, and other relevant documentation from the juvenile's files.
2. If the juvenile discloses that they are transgender or intersex, clinical staff completes the Referral for Transgender Accommodations and Services (DJC-151) form.
3. If the juvenile is a minor, the Clinician reviews the Parental Release of Information and Consent (DJC-183) form to determine if the parent has consented to use of preferred pronouns or name.
4. If applicable, notification of the juvenile's disclosed sexual orientation or gender identity/expression status is made to the juvenile's parent(s) or legal guardian with the assistance of the Clinician. If not already given, consent for use of preferred pronouns or name is obtained using the Parent Notification and Consent or Revocation of Consent Concerning Use of Preferred Pronouns or Name (DJC-184) form.

B. Post Screening Disclosure of Sexual Orientation or Gender Identity

1. Upon disclosure by a juvenile to a staff member that they identify as LGBTIQ+, staff speaks with the juvenile in an open and understanding manner. Staff explains to the juvenile the IDJC's commitment to non-discrimination and anti-harassment, as it relates to the juvenile's safety. Staff notifies the juvenile's facility case manager of the disclosure. At the time of the disclosure, a referral is made to the designated medical and mental health staff for appropriate medical and mental health care follow-up.
2. Within 72 business hours of a disclosure to staff that a juvenile identifies as LGBTIQ+, clinical staff must meet with the juvenile. Any safety plan needs should be addressed at that time.
3. If the juvenile discloses that they are transgender or intersex, the clinician completes the DJC-151 form.

II. Confidentiality

- A. It is the policy of the IDJC to respect and maintain the privacy of all juveniles and to protect their information when practicable and consistent with state law and regulation. This includes information about sexual orientation and gender identity/expression.
- B. Information regarding a juvenile's sexual orientation or gender identity/expression is shared with other staff involved in the juvenile's treatment, as determined necessary by the Clinical Supervisor, Unit/Program Manager, and facility case manager, to ensure safety of the juvenile and when determined to be therapeutically necessary.
- C. Upon staff becoming aware that a juvenile identifies as transgender, notification of a juvenile's disclosed sexual orientation or gender identity/expression status is made to the juvenile's parent(s) or legal guardian with the assistance of a Clinician.

III. Juvenile Rights and Responsibilities

- A. LGBTIQ+ juveniles have the same rights as other juveniles in IDJC custody.
- B. LGBTIQ+ juveniles are subject to the same rules as other juveniles in IDJC custody and can expect staff to enforce rules and offer rewards consistently regardless of a juvenile's LGBTIQ+ status.
- C. LGBTIQ+ juveniles are not isolated or otherwise separated from other juveniles solely due to identifying as LGBTIQ+.

IV. Special Considerations

A. Placement

- 1. LGBTIQ+ juveniles are not placed in a particular housing unit, bed or other placement based solely on the juvenile's LGBTIQ+ status, or perceived status.
- 2. The IDJC shall not consider a juvenile's LGBTIQ+ status, or perceived status, as an indicator or likelihood of being sexually abusive.
- 3. Transgender and Intersex Juveniles
 - a. Placement and programming assignments for transgender or intersex juveniles are reassessed at least every six months to review any threats to safety experienced by the juvenile.
 - b. When making a placement decision, placement staff consider whether a transgender or intersex juvenile would prefer to be placed with males or females and the reason for that preference, with the final decision for placement being made by the Clinical Supervisor and/or Program Manager.

B. Preferred Name and Pronoun

1. A transgender juvenile may choose to be addressed by a preferred name and pronoun that corresponds to their gender identity, unless the preferred name is affiliated with gang activity or any other inappropriate entity, per IDJC standard.
2. A transgender juvenile under 18 years of age needs written parental permission to use their preferred name and pronoun.
 - a. Staff reviews the DJC-183 form to determine if parents gave their consent at the time of commitment.
 - b. Parents can give consent or revoke consent at any time after commitment by completing the DJC-184 form.
3. The juvenile's legal name with reference to their preferred name is used in all documentation and IJOS.
4. Staff and other juveniles are encouraged to use the preferred name and pronoun when referring to the transgender juvenile; however, they are not compelled to do so but will treat juveniles with respect at all times.
5. A respectful option for staff and other juveniles who object to using the preferred name and pronoun when referring to the transgender juvenile is to instead use the juvenile's last name with no title.

C. Clothing and Personal Grooming

1. All juveniles are expected to wear clothing issued by the IDJC, unless the juvenile has reached a level giving the juvenile a privilege to wear their personal clothing, as applicable.
2. A transgender or intersex juvenile is allowed to wear clothing, including undergarments, consistent with the juvenile's gender identity.
3. A transgender or intersex juvenile is allowed to groom in a manner consistent with the juvenile's gender identity and is provided with the appropriate grooming instruments.
4. Any restrictions imposed upon a transgender or intersex juvenile's clothing and personal grooming is based upon a legitimate safety and security concern, and is approved by the juvenile's Clinician and treatment team.

D. Bathroom/Shower

1. Transgender or intersex juveniles are given the opportunity to shower and use the bathroom separately from other juveniles.

2. If individual showers are not available, the transgender juvenile is given the option to shower first or last so they can shower separately.
3. Any accommodations are provided in a respectful/nonjudgmental manner that does not present a safety risk.

E. Transport

The transport of LGBTIQ+ juveniles is performed in accordance with the Transport of Juveniles (641) policy/procedure.

F. Searches—Pat-Down

1. The facility shall not search or physically examine any juvenile for the sole purpose of determining the juvenile's genital status.
2. The search of LGBTIQ+ juveniles is performed in accordance with Contraband Detection and Disposition/Searches (620) policy/procedure.
3. A transgender juvenile is informed that they may request that male or female staff conduct the search and the request is accommodated whenever possible, considering staffing and safety needs.
4. Prior to their intake shower, staff informs the transgender juvenile that they may request a staff of their preferred gender to observe the juvenile while the juvenile showers. Their request is accommodated whenever possible, considering staffing and safety needs.

V. Medical and Mental Health Care

The IDJC recognizes the nationally-accepted standards of care for transgender people. Consistent with IDJC policy and responsibility to provide medical care to juveniles in custody, LGBTIQ+ juveniles receive medical and mental health care, as ordered by a qualified medical or mental health provider.

A. Medical Care/Hormone Therapy

Juveniles receiving hormone therapy at the time of commitment.

1. Consistent with Idaho Code §18-1506(C), the IDJC prohibits the use of puberty-blockers and/or cross-sex hormones for the purposes of altering the appearance of or affirming the juvenile's perception of the juvenile's sex if the perception is inconsistent with the juvenile's biological sex. The IDJC will ensure any juvenile who was prescribed such medications prior to commitment is closely monitored by licensed medical and mental health staff and treatment staff to address any symptoms that may arise, as a result of discontinuing the medication.

2. Within 72 hours of intake a mental health professional will explain to the juvenile that:
 - a. Gender-affirming medications cannot be prescribed or dispensed while the juvenile is committed to the custody of the IDJC.
 - b. Gender-affirming support is provided by the department to include counseling and issuance of clothing and other gender-specific items offered by the facility, as outlined elsewhere in this policy.

B. Mental Health Care

1. Medical and mental health care staff work with LGBTIQ+ juveniles and program staff to ensure that program strategies are sensitive to the unique needs of LGBTIQ+ individuals, as well as to assist transgender and intersex individuals with their medical and mental health needs.
2. Any counseling as a result of a juvenile's diagnosis with a DSM related to gender dysphoria is provided by a qualified, mental health practitioner.
3. Appropriate staff facilitate individual and group sessions with juveniles or staff to discuss gender identity questions or feelings that may arise as a result of having a juvenile in the unit who may be perceived as "different."
4. At no time should any IDJC staff, volunteer, intern, or contract provider attempt to alter or influence the juvenile to change their declared sexual orientation or gender identity.

VI. Staff Training

All staff receive training specific to LGBTIQ+ issues during the annual PREA training.

- Reference:* [Glossary of Terms and Acronyms](https://wpath.org/soc8)
<https://wpath.org/soc8>
[The Diagnostic and Statistical Manual of Mental Health Disorders -5](https://www.apa.org/practice/guidelines/transgender.pdf)
<https://www.apa.org/practice/guidelines/transgender.pdf>
- Related Policies:* [Harassment and Discrimination \(307\)](#)
[Contraband Detection and Disposition/Searches \(620\)](#)
[Transport of Juveniles \(641\)](#)
[Prison Rape Elimination Act \(PREA\) Compliance \(613\)](#)
[Abuse, Neglect, and Exploitation of Juveniles \(606\)](#)
[Behavioral Management \(602\)](#)
[Access to Medical Care \(801\)](#)
[Coordination of Health Care \(802\)](#)
[Medical Policies, Procedures, Guidelines, and Quality Assurance \(805\)](#)
- Related Forms:* [Risk of Sexual Victimization/Perpetration DJC-269](#)

Referral for Transgender Accommodations and Services (DJC-151)
Parental Release of Information and Consent (DJC-183)
Parent Notification and Consent or Revocation of Consent Concerning Use of
Preferred Pronouns or Name (DJC-184)