

Rights of Youth and Young Adults in Residential Programs



Pursuant to Chapter 415, Laws of 2019 (Section 129 (31))

January 2020

REPORT TO THE LEGISLATURE

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Acknowledgments

Thank you to the young people who shared their expertise and helped shape these recommendations. Specifically, thank you to **The Mockingbird Society, Tacoma Chapter** and the **Youth for Youth (Y4Y) board** for participating in co-design sessions for this project.

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Table of Contents

Executive Summary	2
Introduction	3
What Young People Have to Say	5
State, National and International Practices	8
Recommendations	16

Executive Summary

Overview

The 2019-2021 operating budget (Section 129(31)) includes proviso language directing the Department of Commerce's Office of Homeless Youth (OHY) as follows:

"Within amounts appropriated in this section, the office of homeless youth prevention and protection must make recommendations to the appropriate committees of the legislature by October 31, 2019, regarding rights that all unaccompanied homeless youth and young adults should have for appropriate care and treatment in licensed and unlicensed residential runaway and homeless youth programs."

Key Highlights

- Youth of color and those who identify as LGBTQ+ are at higher risk of experiencing homelessness and are at greater risk of harm.
- The OHY currently also requires all grantees to have a "Participant Rights and Responsibilities" policy that outlines the rights of young people in care.
- State, national, and international research provide guidance on the treatment of youth and young adults. This guidance includes the rights of youth participants, as well as a broader set of protocols or standards on how best to serve young people.
- Young people describe examples of poor treatment and negative experiences they have had when receiving services and offer up recommendations on rights that could ensure appropriate treatment.

Recommendations

The unique needs and vulnerabilities of young people experiencing homelessness calls for more extensive guidance on their treatment when being served in residential programs. The OHY engaged young people with lived expertise and researched state, national, and international approaches to inform its recommendations. The OHY recommends the following:

1. **Include a standard set of rights in OHY contracts** with all programs serving unaccompanied youth and young adults experiencing homelessness (see page 16 for the recommended rights).
2. In addition to the standard, or baseline set of expectations, OHY contracts should require that **agencies co-develop additional rights and expectations with youth participants**. This approach ensures that the unique needs of young people in each community are represented while also promoting collaboration and a shared understanding of needs among program participants and professionals within agencies.
3. **Conduct outreach and develop educational tools** to improve communication and increase compliance with standards. With additional capacity, the OHY could foster continued discussion with service providers and young people to ensure that standards are brought to life in practice and that tools are in place for OHY to measure compliance.

Introduction

Approach

The OHY used multiple approaches to gather information to inform a recommended set of rights:

- Hosted two co-design sessions with young people to engage them in the development of recommended rights
- Reviewed “Participant Rights and Responsibilities” documents from service providers to get a broad understanding of the kind of rights typical for young people accessing programs
- Researched state, national, and international guidance on standards of care and treatment of youth and young adults

The OHY embraced the guiding principle that residential programs ***should support a safe, affirming, comfortable, and supportive environment for young people, with a particular focus on the experiences of young people of color and those who identify as lesbian, gay, bisexual, transgender, queer/questioning, nonbinary, intersex, and others (LGBTQ+)***, as these youth are over-represented in the homeless youth population.

Why Do Rights Matter?

A right is something guaranteed to a person and applies to everyone equally. Rights exist to protect people from being treated poorly or unfairly. While everyone in Washington enjoys protection under federal, state and local laws that ensure freedom from discrimination and fair treatment in public accommodations such as schools and government offices, there is a need for more extensive guidance on the treatment of young people experiencing homelessness when being served in residential programs.

The quality of treatment that young people receive has a profound long-term impact on their wellbeing. Adolescence (ages 12 through 24) is a key developmental window where significant changes are happening physically, emotionally, psychologically and socially. It is a period that includes the development of incredible strengths, such as resilience, creativity and resourcefulness. It is also a time of heightened sensitivity where the brain is more vulnerable to damage from physical harms, like drugs or environmental toxins, or psychological ones, like trauma and stress.¹ Equally, it is more responsive to positive influences, making interventions that occur during this time significantly influential on a young person’s success and stability into adulthood.

Experiencing homelessness during adolescence can have a deep and enduring impact on a person’s life. Research demonstrates that youth homelessness is characterized by high levels of vulnerability, with young people of color and those who identify as LGBTQ+ at greater risk of harm:

¹ Steinberg, Lawrence, “Age of Opportunity, Lessons from the New Science of Adolescence,” (2015), <https://psycnet.apa.org/record/2014-35308-000>

- Black or African American youth have an 83% higher risk of experiencing homelessness.
- LGBTQ+ youth have a 120% higher risk of experiencing homelessness.²
- Youth who identify as both LGBTQ+ and black or multiracial experience some of the highest rates of homelessness.³
- 53% of homeless LGBTQ+ youth have attempted suicide.⁴
- Despite non-discrimination policy advances for LGBTQ+ communities, many LGBTQ+ survivors of intimate partner and sexual violence continue to experience discrimination and further violence when attempting to access care. The National Coalition of Anti-Violence Programs (NCAVP) found that 44% of LGBTQ+ survivors who attempted to access emergency shelter were denied mostly due to a lack of gender-inclusive programs.⁵
- Youth experiencing homelessness have a higher risk of being in a gang, using heroin, feeling depressed, attempting suicide or experiencing trauma and violence than their housed counterparts do.⁶

Given the heightened vulnerability of young people experiencing homelessness, coupled with the unique and enduring development that occurs during adolescence, it is imperative to set and follow high standards in programs that provide housing and services to young people.

² Morton, M.H., Dworsky, A., & Samuels, G.M., "Missed Opportunities: Youth Homelessness in America - National Estimates," IL: Chapin Hall at the University of Chicago, (2017), <https://voicesofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin-Hall-2017.pdf>

³ Morton, M. H., Samuels, G. M., Dworsky, A., & Patel, S., "Missed Opportunities: LGBTQ Youth Homelessness in America," (2018), Chapin Hall at the University of Chicago, <https://www.chapinhall.org/wp-content/uploads/VoYC-LGBTQ-Brief-FINAL.pdf>

⁴ Michelle Page, Forgotten Youth: Homeless LGBT Youth of Color and the Runaway and Homeless Youth Act, 12 Nw. J. L. & Soc. Pol'y. 17 (2017). <http://scholarlycommons.law.northwestern.edu/njlsp/vol12/iss2/2>

⁵ National Coalition of Anti-Violence Programs (NCAVP). (2016). Lesbian, Gay, Bisexual, Transgender, Queer, and HIV-Affected Intimate Partner Violence in 2015. New York, NY: Emily Waters. https://avp.org/wp-content/uploads/2017/04/2015_ncavp_lgbtqipvreport.pdf

⁶ Centers for Disease Control and Prevention's (CDC) Youth Risk Behavior Surveillance System (YRBSS): <https://www.cdc.gov/healthyyouth/data/yrbs/index.htm>

What Young People Have to Say

Tacoma Chapter of The Mockingbird Society

The Mockingbird Society Tacoma Chapter consists of young people who have been in foster care, experienced homelessness or both. During the 2019 Youth Leadership Summit, they described harmful experiences they and their peers have had in young adult shelters and requested that staff receive training and that the effectiveness of trainings be evaluated.

In September 2019, as a follow-up to the Summit, OHY held an interactive session with 12 young people from the Tacoma Chapter to invite their input on a set of rights that might improve their experiences in shelter.

Here are examples of harmful experiences in shelters that young people described:

- Needs not being understood or met, especially for youth who have a disability
- Youth of color and those who identify as LGBTQ+ being most impacted by negative interactions
- Young people of color feel out of place because of structural racism, adultism, and inequity
- Staff do not listen or express concern for their struggles
- Being denied services
- Not being able to hold onto possessions
- Losing connection to education
- Being physically hurt
- Experiencing unsafe living conditions
- Not having an address

The Tacoma Chapter believes that shelter programs should provide a safe and trusting environment, treat all clients with dignity, and ultimately support them in achieving stability.

Informed by their experiences, participants recommended several areas for consideration in a set of rights:

- **Right to Racial Equality:** The group suggested that there be space created for staff and clients to reflect on their actions, words, approaches, and ways in which their micro-aggressions might affect others. Participants noted that racial issues are often considered to be stemming from a few “bad

“They treat me slightly different due to my mental disability or because I am a person of color.”

— Youth in Tacoma

actors” rather than recognized as systemic. They emphasized the need to acknowledge the impact of white supremacy on all our biases and thoughts.

- **Language Interpretation:** Young people recommended having the right to an interpreter, both for language and communication style. If people do not have access to someone who understands them, then they cannot assess their basic needs.
- **Right to a Fair Chance:** The group cited intellectual or physical disabilities or illness as factors that can limit opportunities for young people.
- **Relatable Staff:** Having staff who can relate to program participants is important in creating a supportive and welcoming environment. Staff should reflect the population they serve in race, gender identity and lived experience.
- **Life Skills Support:** Coaching and support are necessary to help young people learn life skills, such as good hygiene, laundry, etc.

Youth for Youth Board

The Youth for Youth Board (Y4Y) is an advisory group to the rural Balance of State Continuum of Care Youth Homelessness Demonstration Program. Young people who serve on this advisory board reside in the 23 most rural counties in the state. The OHY held a session with this group in August 2019 to invite their input on this project.

Y4Y board members shared both positive and negative experiences they have had in programs, offering insight into the types of interactions, expectations, and environments that provide a safe, affirming, comfortable, and supportive environment.

Y4Y members described **negative experiences** they have had in seeking help for their situations:

- Inadequate support
- Lack of transparency
- Disrespectful care
- Being denied access to medical care due to religious differences/preferences of adult providers
- Being a minor and not being informed of legal rights; getting questioned multiple times without protection of a lawyer
- Being a minor and not being able to be independent and self-advocate; needing help due to laws regarding age, yet not having the services available due to age
- Lack of trauma-informed care

“I was talked down to by a staff person who abruptly asked me ‘can you read?’”
- Member of the Y4Y board

- Being treated like a criminal
- Being talked down to
- Adults taking control of situations and information
- Staff not being able to identify preferred religion because of their views of what religion should be
- Being denied a certain part of race because personal appearance doesn't match

Y4Y members also shared times that they **felt safe and supported**, and what key elements contributed to those experiences:

- Acceptance
- Ability to celebrate one's culture and identity
- Friendliness
- Affirmation and respect
- Knowing someone has your back
- Love—from others and self
- Having dietary restrictions validated and respected
- Planning for the future and feeling hopeful
- Giving youth power—being involved in meetings regarding services and care
- Ability to hold each other accountable— youth and providers both growing and learning together
- Access to information
- Peer support
- Choice
- Trust
- Opportunity to learn how to live a happy life
- Building core values for healthy long-lasting relationships
- Validation — being heard and believed

State, National and International Practices

Office of Homeless Youth Grant Agreements

The Office of Homeless Youth partners with community-based organizations and local governments to provide services and housing to youth and young adults throughout the state. Through grant agreements, OHY provides funding and guidance on the operations and expectations of programs. Existing grant agreements include the following requirements related to the treatment of youth participants.

Confidentiality

Grantees must have policies and procedures in place that cover at a minimum the confidentiality of both written and electronic files and describe when and how participants' information can be shared. Grantees must adhere to applicable state and federal laws concerning the sharing of personal information.

Grievances

Grievance policies and procedures, which include a participant's right to review decisions and present concerns to program staff not involved in the grievance, must:

- Clearly describe how participants can request a review or report concerns
- Be accessible to all participants seeking or receiving services
- Communicates process for submitting grievances that do not require the participant to submit the grievance to staff or volunteers for whom the grievance is against
- Identify the process for keeping written records of complaints and their resolution

Participant-Centered Services

- Services are individualized and responsive to the needs of each participant
- Services are voluntary and build on the strengths and resources of participants, respecting their autonomy
- Grantees must periodically administer a participant satisfaction survey to program participants to collect feedback on program service and delivery

Positive Youth Development

Grantees must demonstrate competency in Positive Youth Development theory and practice, including:

- Understanding child and adolescent brain development
- Fundamentals of fostering resilience
- Emphasizing positive and supportive relationships

- Mentoring and rapport building
- Building on young people's strengths and abilities
- Connecting youth to leadership opportunities
- Partnering with young people to develop programming
- Cultivating internal and external protective factors
- Creating meaningful opportunities for engagement
- Meeting youth where they are

Trauma-Informed Care

Grantees must demonstrate competency in trauma-informed care, including:

- Emphasizing physical, psychological and emotional safety
- Understanding the neurobiology of trauma
- Understanding of acute versus complex trauma
- Recognizing the symptoms of trauma and post-traumatic stress disorder (PTSD)
- Responding to the impact of trauma
- Understanding of power and control cycles
- Rebuilding a sense of control or empowerment
- Integrating knowledge of trauma into organizational policies, practices and procedures
- Resisting re-traumatization

Harm Reduction

Grantees must demonstrate competency in harm reduction principles and practices, including:

- Emphasizing health and quality of life
- Knowledge of practical, developmentally appropriate strategies for reducing negative consequences associated with high-risk behavior, including drug use
- Providing accurate and comprehensive reproductive health, sexually transmitted infection/disease (STI/STD) information and resources
- Facilitating access to health screenings, medical care and treatment
- Meeting young people where they are with regards to stages of change

- Addressing motivations for high-risk behavior along with the behavior itself
- Fostering an environment where young people feel safe discussing their experiences without fear of judgment or reprisal
- Being non-coercive in the provision of services
- Resisting the stigmatization of youth engaged in high-risk behavior or those with mental health or substance use issues
- Not ignoring real and tragic harms associated with high-risk behavior or drug use

Culturally Responsive

Grantees must demonstrate a commitment to being culturally responsive by:

- Being informed by and responsive to the cultural experiences, beliefs, values, and norms of all youth
- Affirming the identities of LGBTQ+ youth and youth of color
- Providing opportunities for youth to maintain cultural, social, and spiritual relationships with their community
- Providing intentional opportunities for youth to discuss their experiences of racism, sexism, homophobia, transphobia, and other "isms" that contribute to oppression
- Ensuring services and resources are equitable and linguistically accessible
- Playing an active role in examining and addressing organizational policies, practices, which may be negatively impacting youth of color and LGBTQ+ youth
- Supporting a youth's right to self-determination
- Believing that youth are experts about their own lives
- Disaggregating data by race, ethnicity, sexual orientation, and gender identity to identify and address disproportionality in outcomes
- Employing a workforce that reflects and is responsive to communities served
- Actively working to end all forms of oppression
- Implementing and using "Protocols for Safe and Affirming Care of LGBTQ" youth as developed by the Center for Children and Youth Justice (CCYJ).

Participant Rights and Responsibilities Policies

Agencies that contract with the Office of Homeless Youth are required to have rights and responsibilities in writing, readily available to participants, and explained to participants at intake or when reasonably possible. These policies serve as an agreement between the youth participant and the organization regarding expectations from the young person while in the program, and in turn, what the young person can expect from the organization. The rights granted to program participants through this mechanism serve as a type of informal contractual agreement, not upheld by the law.

In reviewing the Participant Rights and Responsibilities documents of multiple youth-serving organizations, OHY identified a core set of rights that were fairly consistent across programs. They include:

- **Respectful Treatment:** This relates to ensuring that participants receive services without regard to race, color, ancestry, national origin, gender, sexual orientation, marital status, religion, disability, and gender identity. It also includes offering reasonable accommodations for people with disabilities.
- **Religion:** This right provides the participant an opportunity to practice the religion of their choice and have the right to refuse participation in any religious practice.
- **Grievance:** This gives participants the right to use the organization's grievance procedures to raise any concerns.
- **Privacy:** This right protects participants from the invasion of privacy and treats their clinical and personal information confidentially. In some cases, it allows participants the right to review their client records and clarify information within their case file.

These rights set a baseline; however, they are not standard across programs.

Center for Children and Youth Justice, eQuality Project

The Center for Children and Youth Justice's eQuality Project is a Washington state effort to improve the lives of LGBTQ+ youth in Washington's child welfare and juvenile justice systems. Through extensive engagement with LGBTQ+ youth, the project developed a set of protocols to serve as a guide for professionals, volunteers, and caregivers on the critical components to ensure that LGBTQ+ youth receive equitable, affirming, and safe treatment.

While the "Protocols for Safe & Affirming Care"⁷ were developed to address the care of youth in child welfare and juvenile justice, they are suitable to adapt for all systems caring for youth, including homeless youth services. The protocols in their entirety provide an important resource for organizations that serve young people. Below is an excerpt from the protocols on policies regarding the

⁷ Oakley, Nicholas, Center for Children & Youth Justice, eQuality Project, "Protocol for Safe & Affirming Care, Improving the Lives of LGBTQ+ Youth in Washington State's Child Welfare and Juvenile Justice Systems," (January 2017), <https://ccyj.org/wp-content/uploads/2017/03/Protocol-for-Safe-Affirming-Care.pdf>

rights of youth that can be directly applied to residential programs that serve youth experiencing homelessness.

Direct excerpt from the eQuality Protocols:

"Rights of Youth Policies

The policies in this component are designed to protect youth's health, safety, and wellbeing by prohibiting discrimination, ensuring youth can live consistent with their identity, and safeguarding youth's privacy. Parents and guardians, of course, also have important rights. Actual or perceived conflicts may arise between the rights of youth and rights of parents. In these circumstances, users of the Protocol should carefully consider all factors and consult with their LGBTQ+ Leads, legal counsel, and/or CCYJ, while recognizing that the health, safety, and well-being of youth is the paramount priority.

"Identification. Professionals, volunteers, and caregivers will acknowledge, respect, and uphold the right of youth to openly identify as LGBTQ+ or any other identity and to live free from attempts to change how they identify.

"Anti-Discrimination. Professionals, volunteers, and caregivers will acknowledge, respect, and uphold the right of youth to live free from discrimination and the right of LGBTQ+ youth to equitable services, care, placement, treatment, and benefits as non-LGBTQ+ youth. Professionals, volunteers, and caregivers will not deny youth any of these because of their sexual orientation, gender identity, or gender expression.

"Dress. Professionals, volunteers, and caregivers will acknowledge, respect, and uphold the right of youth to wear clothing consistent with their gender identity. For example, when youth are required to wear gender-specific uniforms, they will be permitted to select the uniform that most closely aligns with their gender identity.

"Names. Professionals, volunteers, and caregivers will acknowledge, respect, and uphold the right of youth to designate the appropriate name for themselves and will refer to youth by the designated name in instances in which a first name is used and use of a legal name is not legally required.

"Pronouns. Professionals, volunteers, and caregivers will acknowledge, respect, and uphold the right of youth to determine the appropriate pronoun for themselves and will use that pronoun.

"Privacy. Professionals, volunteers, and caregivers will acknowledge, respect, and uphold the right of youth to not disclose their sexual orientation or gender identity.

"Safer facility access. Professionals, volunteers, and caregivers will acknowledge, respect, and uphold the right of youth to use sex-segregated facilities, such as a restrooms and locker-rooms, consistent with their gender identity.

"Ensuring Safe & Affirming Housing for LGBTQ+ Youth"To ensure professionals, volunteers, and caregivers meet the specific housing needs of LGBTQ+ youth.

"Screening of caregivers. Agencies or organizations responsible for supervising or licensing caregivers will explicitly verify and confirm that prospective caregivers and placements will uphold the basic rights of youth as outlined in "Rights of Youth" in the Protocol.

"Safer searches. When a search of a youth is necessary and legally permitted, professionals will allow transgender or intersex youth to choose the gender of the person who will search them.

"Isolation as a last resort. Professionals, volunteers, and caregivers will not use isolation or segregation as a default means to protect LGBTQ+ youth from violence or harassment. In consultation with youth impacted, professionals, volunteers, and caregivers will work to identify alternative means of protection. Isolation will be a last resort and minimized.

"Safer facilities. Professionals, volunteers, and caregivers will ensure youth are able to use gender-segregated facilities, such as restrooms and locker rooms, consistent with their gender identity. Transgender, intersex, and youth with privacy concerns will be permitted to shower separately from other youth."

"At the Intersections: A Collaborative Resource on LGBTQ Youth Homelessness,"⁸

True Colors United provides guidance on promoting the inclusion of LGBTQ+ youth in any program. Much of the guidance mirrors that of the Center for Children and Youth Justice's eQuality protocols, such as using appropriate pronouns, respecting confidentiality, and providing safe spaces. In addition, they recommend the following:

- In interacting with youth, professionals should have respect for youth expertise and create space for youth to make choices that staff might disagree with.
- At an administrative level, all organizational forms should reflect a difference between assigned sex, gender identity, and sexuality.
- Physical space should be designed to communicate safety and care of LGBTQ+ youth, for example, creating non-gendered spaces, such as restrooms, when possible. Organizations should hire LGBTQ+ staff, particularly LGBTQ+ youth of color who have experienced homelessness.

⁸ Price, C., Chanchan, D., Wheeler, C., Seip, N., & Rush, J, (Eds.), "At the Intersections: A Collaborative Resource on LGBTQ Youth Homelessness (2nd Edition)," True Colors United and the National LGBTQ Task Force, (2019), <https://truecolorsunited.org/wp-content/uploads/2019/04/2019-At-the-Intersections-True-Colors-United.pdf>

World Health Organization, Global Standards for Quality Health-Care Services for Adolescents

The World Health Organization recommends the implementation of national quality standards to transform how health systems respond to the unique health needs of adolescents.⁹ In the standards, a set of health-related rights for adolescents should include, at a minimum, the following set of rights, excerpted from the WHO standards:

"Care that is considerate, respectful and non-judgemental of the adolescent's unique values and beliefs. Some values and beliefs are commonly held by all adolescents or community members and are frequently cultural and religious in origin. Others are held by the adolescent client alone. Strongly held values and beliefs can shape the care process and how adolescents respond to care. Thus, each health-care provider must seek to provide care and services that respect the differing values and beliefs of adolescents. Also, health-care providers should be non-judgemental regarding adolescents' personal characteristics, life style choices or life circumstances.

"Care that is respectful of the adolescent's need for privacy during consultations, examinations and treatments. Adolescent privacy is important, especially during clinical examinations and procedures. Adolescents may desire privacy from other staff, other patients, and even family members. Staff members must learn their adolescent clients' privacy needs and respect those needs.

"Protection from physical and verbal assault. This responsibility is particularly relevant to very young adolescents and vulnerable adolescents, the mentally ill, and others unable to protect themselves or signal for help.

"Information that is confidential and protected from loss or misuse. The facility respects information as confidential and has implemented policies and procedures that protect information from loss or misuse. Staff respect adolescent confidentiality by not disclosing the information to a third party unless legally required, by not posting confidential information or holding client-related discussions in public places.

"Non-discrimination, which is the right of every adolescent to the highest attainable standard of health and quality health care, without discrimination of any kind, irrespective of the adolescent's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

"Adolescent participation in care processes. Unless the decision-making capacity is delegated by law to a third party, or the adolescent lacks decision-making capacity as assessed by the relevant authority, the adolescent decides about all aspects of care, including refusing care. The adolescent also decides which family member and friends, if any, participate with him or her in the care process. Adolescents' involvement in care is respected irrespective of whether or not the adolescent has a legal capacity for decision-making. An adult's judgement of an adolescent's best interests cannot override the obligation to respect all rights of adolescents as stipulated in the Convention of the Rights of the Child. This includes

⁹ World Health Organization, "Global Standards for Quality Health-Care Services for Adolescents, Volume 1: Standards and Criteria," (2015), https://apps.who.int/iris/bitstream/handle/10665/183935/9789241549332_vol1_eng.pdf;jsessionid=5C43D0E2A0AEB9CD7C43CC0C66F7975A?sequence=1

the right of the adolescent who is capable of forming his or her own views to express those views freely in all matters affecting him or her, and having those views given due weight in accordance with the age and maturity (see also evolving capacities). The facility supports and promotes adolescent involvement in all aspects of care by developing and implementing related policies and procedures."

Recommendations

Overview

This report describes multiple sources of input and guidance: existing OHY grant agreement expectations; program participant rights; state, national, and international practices; and most importantly, recommendations from young people. This report uses the resources mentioned above to establish a baseline or core set of rights. The OHY will build on that baseline standard through collaboration with individual agencies, additional education, outreach, and tools to develop a shared understanding of the standards and tools to measure implementation.

The OHY recommends the following:

1. **Include a standard set of rights in OHY contracts** with all programs serving unaccompanied youth and young adults experiencing homelessness. Agencies should provide youth with a copy of their rights as part of the intake process. The components of a standard set of rights are outlined in the section below.
2. In addition to the standard, or baseline set of expectations, OHY contracts should require that **agencies co-develop additional rights and expectations with youth participants**. This approach ensures that the unique needs of young people in each community are represented while also promoting collaboration and a shared understanding of needs among program participants and professionals within agencies.
3. **Conduct outreach and develop tools to improve communication and increase compliance with standards**. With additional capacity, the OHY could foster continued discussion with service providers and young people to ensure that standards are brought to life in practice and that tools are in place for OHY to measure compliance.

The majority of youth who engaged in this work recommended that rights become legal standards, to ensure they are broadly extended and enforced. OHY considered this option and understands that establishing rights through OHY contracts will have limits, as organizations that are not funded by OHY would not be held to these requirements. OHY's recommended approach should be considered an initial step to provide immediate protections and an opportunity for service providers and youth to learn how to refine and measure them. The issue of establishing these rights into law should be revisited as greater experience and understanding is gained.

Standard Set of Rights

The following are rights that should be included in OHY contracts. Many of these are in existing OHY contracts as expectations of grantees; however, they are not articulated as rights of participants who access the programs.

- **Adoption of the Center on Children and Youth Justice's eQuality Protocols for Safe and Affirming Care for LGBTQ+ youth**
- **Adoption of protocols for youth of color that parallel the eQuality Protocols for LGBTQ+ youth.**
These should include:

- **Culture identification:** The right of youth to identify openly with their culture and to live free from attempts to change how they practice their ethnic culture
- **Anti-Racism:** The right of youth to live free from racism and the right of youth of color to equitable services, care, placement, treatment, and benefits as non-youth of color
- **Dress:** The right of youth to wear clothing consistent with their culture (for example, policies related to dress shall not restrict clothing that aligns with a person's culture or religion, such as the wearing of a hijab)
- **Affirming care:** Affirming care supports, encourages, and celebrates the identities of youth participants, including race, culture, ancestry, national origin, gender, gender identity, sexual orientation, marital status, religion, and disability. Participants receive services in an equitable manner.
- **Culturally responsive services:** Participants receive services that are relevant and responsive to the beliefs, practices, culture and linguistic needs of participants. Staff will facilitate awareness and reflection of the impact of white dominant culture and how actions, words, approaches and microaggressions affect others.
- **Privacy:** Participants are protected from invasion of privacy, and their clinical and personal information is treated with confidentiality. Participants have the right to review their client records and clarify information within their case files. Participants have the right not to disclose their legal status.
- **Grievance:** The organization has a grievance policy in which participants have the right to use to raise any concerns. The process is straightforward, with contact information for someone the participant can connect with, including a supportive staff who can assist in the process. Multiple options are available for filing a grievance to ensure access for all.
- **Youth choice and participation in service planning:** Participants have the right to participate in service planning and to have all expectations of the service plans explained in terms understandable to the participant. Services and referrals are tailored to the young person's needs. Participants may refuse any services offered. There are no repercussions if the participant chooses not to participate in all services.
- **Safety, respect, and non-judgment:** Participants are treated in a welcoming and supportive way. Staff respect differing values and beliefs of participants and are non-judgmental regarding personal characteristics, lifestyle choices, or life circumstances. All participants have a right to feel safe, physically and psychologically.