

Know Your Rights: LGBTQ2S+ Fosters

This information is meant to be a guide for Fosters age 10-21 who are in the Minnesota foster care system and under MN juvenile state court jurisdiction for Child in Need of Protection or Services (CHIPS). Fosters under tribal court jurisdiction or in delinquency court may face other legal considerations or restrictions. Please check with your caseworker and lawyer about the specifics for your case.

1. Right to an attorney

If you are 10 years old or older, you have a right to be represented by an attorney. Your attorney is your advocate. You can tell your attorney if you're being mistreated by anyone, if you feel your rights are being violated in any way, or if you have questions about your case. Anything you share with your attorney is confidential, meaning they cannot tell others what you share with them unless you give them permission to do so, or if you plan to harm yourself or others.

Minn. Stat. § 260C.163 subd. 3

If you are 10 years or older, need an attorney, and one is not being provided for you by the County, connect with [Children's Law Center of Minnesota](#).

2. Right to be protected from abuse and neglect

Your gender identity and sexual orientation cannot be used to justify abuse or neglect by any caregiver. You have the right to have your basic needs met, which includes ensuring you have food, shelter, clothing, medical care, and any other care you need for your physical or mental health. Your parents, legal guardian, foster parents, relatives, and other caregivers cannot physically, sexually, verbally, or emotionally abuse you. Your caregiver cannot bully or harass you, verbally assault you or call you names, withhold love or affection from you, or create a climate of fear, among other harmful behaviors.

If you have questions about what is abuse or neglect, or about something that has happened to you, you can talk to your case worker, your attorney, or another adult you trust.

Minn. Stat. 260E.03 subd. 14 and 18

3. Right to be placed with relatives or a close family friend

You have the right to be placed with a relative or close family friend before being placed with a family you do not know in foster care. The term "relative" can include a youth's chosen family or friend as well, even if they are not related by blood, marriage, or adoption.

Minn. Stat. § 260C.212 subd. 2(a)

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4. Right to receive services and supports required to meet your needs

You have a right to receive all services and supports required to meet your needs, including:

- A foster home that meets your needs whether you're staying with a relative, a friend, someone else, or in a group home or other facility.
- To have frequent visits and contact with your parents, siblings, and relatives if safe to do so. Some LGBTQ2S+ youth have described not feeling safe around some family members who have mistreated or abused them due to their gender identity. If you do not wish to see certain family members or would like another trusted adult to be present during visits, you can request this by talking with your attorney or your case worker.
- You have a right to receive the services and supports you need in your educational setting.
- You have a right to receive the health care you need including medical, mental and dental health care.

If you have concerns about the services and supports you're receiving, you have the right to request different services and the right to ask for a lawyer to help you get the services and supports you need.

Minn. Stat. § 260C.607 subd. 4(a)(2)

5. Right to request a new foster home, group home, or other facility if you don't feel safe in the setting you're currently in

If you don't feel safe and supported in the foster home or facility you currently reside in (even if you're placed with a relative or friend), you have the right to request a different placement. You can talk with your attorney about what is happening in your current placement and discuss your options with them.

6. Right to refuse "conversion therapy" or "reparative therapy"

You cannot be forced to participate in "conversion therapy" or "reparative therapy." These therapies are not recommended for minors and are currently restricted in Minnesota.

Minnesota Governor Walz' Executive Order 21-25 issued in July, 2021

7. Right to request gender-affirming care including counseling, medication (hormones/blockers), and other supportive services

While gender-affirming healthcare providers are not always easily accessible in all areas of the state, you have a right to request to receive gender-affirming health care services. Generally, gender-affirming surgery is only available for people ages 18 and up, however, top surgeries may be available to trans males under age 18.

You may want to ask your attorney or case worker to consult with [Family Tree Clinic](#), [Gender Justice](#), [Minnesota Transgender Health Coalition](#), or [Rainbow Health](#) to help identify gender-affirming providers or to address other barriers in accessing gender-affirming care.

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8. Right to consent to specific health-related services without the consent of a guardian

Youth in foster care are able to consent for their own health care on the same basis as other youth. Under Minnesota law, a minor can consent to receive medical, dental, mental health, or emergency treatment and generally do not need the consent of another (i.e., a parent, foster parent, or legal guardian) to receive health-related services related to pregnancy, alcohol or drug abuse, or sexually transmitted infections/HIV. Please be aware that healthcare professionals have significant discretion to inform legal guardians of treatments provided to minors.

Minn. Stat. 144.341-.347 & Minn. Stat. 253B.04 subd. 1

You also have a right to have an abortion without government interference or bias, and without notifying a parent, foster parent, or other legal guardian. On July 11, 2022, the Second Judicial District Court of Minnesota held in *Doe v. Minnesota* that various statutory requirements restricting access to abortions are unconstitutional and permanently blocked their enforcement, including the former requirement that a minor's parents must be notified before receiving an abortion. This means any minor in Minnesota can choose to access abortion care without notifying their parents, foster parents, or other legal guardians. Note: Since some clinics have not yet changed their policies in light of this ruling, you may want to call a clinic in advance, or have an adult you trust call for you, to ensure the clinic has updated its policy.

Doe v. Gomez 542 N.W.2d 17 (Minn. 1995); Minn. Stat. § 144.343 subd. 1-4; Doe v. Minnesota

9. Right to be free from discrimination

You have the right to be free from discrimination in schools, housing, businesses, and government agencies (which include foster care agencies and juvenile detention facilities), on the basis of your sexual orientation, sex, gender identity, gender expression, and transgender status. If you have been discriminated you may want to ask your attorney or caseworker to consult with Gender Justice or Outfront Minnesota.

Minn. Stat. 363A.11-.15

This Know Your Rights guide was envisioned by LGBTQ+ and Two-Spirit Foster Leaders working with Foster Advocates in 2022, who identified the need to clarify LGBTQ2S+ rights in foster care to support their peers in the Minnesota child welfare system.

foster
advocates

Thank you to the [Institute to Transform Child Protection](#) for legal research and compilation and [Gender Justice](#) for consultation!



Institute to
**Transform
Child Protection**

GENDER
JUSTICE

RESOURCES: LGBTQ2S+ Fosters

Minnesota

Avenues for Youth: ConneQT

612-968-1672

avenuesforyouth.org/host-home-youth-support

Host homes for LGBTQ youth ages 16-24

Family Tree Clinic

612-473-0800 (call or text)

familytreeclinic.org

Reproductive and sexual health care (Minneapolis, MN);
health sexuality education; youth drop-in program

Gender Justice

651-789-2090 | info@genderjustice.us

genderjustice.us

Trans and gender non-conforming legal services

MN LGBTQ+ Therapists Network

lgbttherapists.wildapricot.org

Searchable LGBTQ+ mental health practitioner
database

Minnesota Transgender Health Coalition

612-823-1152

mntransgenderhealth.org

Support groups (online); HIV prevention/testing

Outfront MN

612-822-0127 | Helpline: 800-800-0350

outfront.org

Anti-violence crisis support; youth leadership council

Queer Space Collective

info@queerspacecollective.org

queerspacecollective.org

Mentorship for LGBTQ+ youth age 12-17 in Twin Cities

Rainbow Health

612-341-2060

rainbowhealth.org

Therapy (in person St. Paul or online); HIV
prevention/testing; peer groups (statewide); basic needs
assistance

Reclaim

612-235-6743 | info@reclaim.care

reclaim.care

Individual and group therapy (in person St. Paul or
online) for queer and trans youth ages 13-25

National

Q Chat Space

qchatspace.org

Online groups for LGBTQ+ teens ages 13-19; identity
resources, social connections; multiple language options

Trans Lifeline

877-565-8860

translifeline.org/hotline

Confidential, anonymous chats with trans/nonbinary
peer operator; Spanish available

Trevor Project Crisis Line

866-488-7386 | Text 'Start' to 678-678

thetrevorproject.org/get-help (online chat available)

Confidential chats with trained counselors

TrevorSpace

thetrevorproject.org/visit-trevorspace/

Online community for LGBTQ+ young people between
13-24 years old: peer connection, mental health
support, identity resources

This guide was last updated December 2022. The resource list is a starting place and not fully comprehensive; it has a range of mental health, sexual health, support groups, and advocacy resources available in Minnesota.

If you are a Minnesota Foster and believe your rights have been violated, please talk with your lawyer, caseworker, or a county supervisor.

www.fosteradvocates.org | info@fosteradvocates.org