

RESOURCE SPOTLIGHT

WHAT YOUTH ADVOCATES NEED TO KNOW TO ZEALOUSLY REPRESENT TRANSGENDER, NONBINARY, AND GENDER-DIVERSE YOUTH IN FOSTER CARE

By Luna Isaiah Floyd, JD

Advocating for Transgender, Nonbinary, and Gender Diverse Youth in Foster Care: A Guide for Attorneys and Advocates for Youth is a short, accessible toolkit for attorneys and advocates for children to learn about best practices for representing young transgender, nonbinary, and gender diverse (TNGD) clients. The guide, developed in collaboration with attorneys for children and TNGD young adults with lived expertise, walks advocates through three steps: “Learn what TNGD Youth Face in Foster Care,” “Build Trust and Ask the Right Questions,” and “Take Action for your Client.” It also provides strategies for attorneys to advocate for their TNGD clients’ necessary gender-affirming medical care.

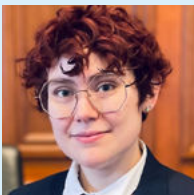
WHY IT MATTERS:

TNGD youth are vastly overrepresented in foster care systems, often due to family rejection.¹ About 30% of youth in foster care are LGBTQ+, and TNGD youth make up 5% of all youth in foster care.² While in the system, TNGD youth are placed in congregate care at

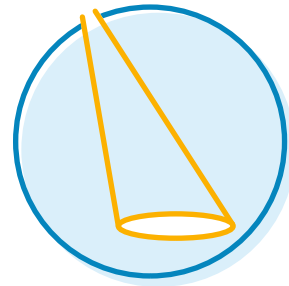
¹ “LGBTQ+ Youth in Foster Care,” Children’s Rights (2023), <https://e1.nmcdn.io/assets/crsite/wp-content/uploads/2023/01/CR-LGBTQ-Youth-in-Foster-Care-2023-Fact-Sheet.pdf>.

² *Id.*

ABOUT THE AUTHOR:



LUNA ISAIAH FLOYD (they/he) is an Equal Justice Works Fellow at Lambda Legal. Their work with Lambda Legal’s Youth in Out-of-Home Care Project centers the needs of transgender youth in foster care and juvenile justice settings, as well as transgender youth experiencing homelessness. At Lambda, they have litigated cases against executive orders affecting youth, produced model policy to improve states’ treatment of LGBTQ+ youth in out-of-home care, trained hundreds of attorneys across the country on best practices in representing their young transgender and nonbinary clients, published a guide to help attorneys for youth secure gender-affirming care for their clients, and led a national coalition of juvenile legal system advocates. While in law school, he worked on cases challenging bans on sports participation for trans youth and bans on gender-affirming care for minors through internships and externships with the ACLU LGBTQ+ Rights Project, the National Center for LGBTQ+ Rights, and GLBTQ+ Legal Advocates and Defenders. Before graduating from Harvard Law School in 2024, they worked to reform state foster care systems as a paralegal at Children’s Rights. Luna Isaiah graduated from Brown University in 2019, earning a BA in Public Policy.



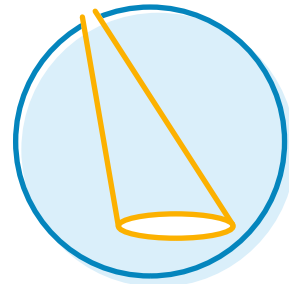
disproportionately high rates, experience more placements overall, and are less likely to achieve permanency than their cisgender peers.³

TNGD youth experience high rates of suicide, suicidal ideation, depression, and anxiety due to societal inequities, discrimination and bias.⁴ However, TNGD youth who receive support and affirmation as they express their identity experience improved wellbeing and similar mental health outcomes to their cisgender (non-transgender) peers.⁵ TNGD youth may also need specialized health care to help them live comfortably and authentically in their bodies and ensure their mental and physical wellbeing.⁶

TNGD youth in foster care also cope with a national landscape that is often and increasingly hostile to them. States have implemented policies that stop TNGD youth from playing sports,⁷ ban discussion of LGBTQ+ identity in schools,⁸ require schools to tell guardians about a student's TNGD identity without the student's consent,⁹ ban TNGD people from using public restrooms that correspond with their gender identity,¹⁰ and more. States are now considering laws that disregard young people's gender identity and limit an agency's or court's ability to make individualized decisions based on a youth's unique needs.¹¹

The Supreme Court allowed bans on best-practice gender-affirming care to move forward,¹² ruled in favor of a therapist challenging a ban on sexual orientation and gender identity change efforts (otherwise known as conversion therapy),¹³ and will soon rule on whether TNGD youth can play sports on teams consistent with who they are.¹⁴ The federal government has sought to ban gender-affirming care for all minors,¹⁵ and may finalize a rule ending all Medicaid coverage for gender-affirming care in the coming months.¹⁶ These laws and policies not only have a huge impact on the medical needs of TNGD youth but also on their mental health. The Trevor Project found that 75% of LGBTQ+ youth reported negative impacts on their mental health due to anti-LGBTQ+ policies and laws.¹⁷

- 3 Marlene Matarese et al., *Youth with Diverse Sexual Orientation, Gender Identity and Expression in Child Welfare: A Review of Best Practices*, U. of Md. Sch. of Social Work (2017), <https://sogiecenter.org/wp-content/uploads/2023/05/LGBTQ2S-Lit-Review.pdf>.
- 4 Diana Tordoff et al., *Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care*, JAMA Network Open (2022), <https://pubmed.ncbi.nlm.nih.gov/35212746/>.
- 5 Kristina Olson et al., *Mental Health of Transgender Children Who Are Supported in Their Identities*, Pediatrics (2016), <https://pmc.ncbi.nlm.nih.gov/articles/PMC4771131/>.
- 6 Patrick Boyle, *What is gender-affirming care? Your questions answered*, Assoc. of Am. Med. Colleges News (Apr. 12, 2022), <https://www.aamc.org/news/what-gender-affirming-care-your-questions-answered>.
- 7 *Equality Maps: Bans on Transgender Youth Participation in Sports*, Movement Advancement Project (2026), <https://mapresearch.org/equality-map/bans-on-transgender-youth-participation-in-sports/> (last accessed May 18, 2026).
- 8 *Equality Maps: LGBTQ Curricular Laws*, Movement Advancement Project (2026), <https://mapresearch.org/equality-map/lgbtq-curricular-laws/> (last accessed May 18, 2026).
- 9 *Equality Maps: Forced Outing of Transgender Students*, Movement Advancement Project (2026), <https://mapresearch.org/equality-map/forced-outing-of-transgender-youth-in-schools/> (last accessed May 18, 2026).
- 10 *Equality Maps: Bans on Transgender People's Use of Public Bathrooms & Facilities According to Their Gender Identity*, Movement Advancement Project (2026), <https://mapresearch.org/equality-map/bans-on-transgender-people-using-public-bathrooms-and-facilities-according-to-their-gender-identity/> (last accessed May 18, 2026).
- 11 See, e.g., SF473, 91st Gen. Assemb. (Ca. 2026), <https://legiscan.com/IA/bill/SF473/2025>; H.B. 693, 136th Gen. Assemb. (Oh. 2026), <https://legiscan.com/OH/bill/HB693/2025>; HB1376, 174th Gen. Ct. (N.H. 2026), <https://legiscan.com/NH/bill/HB1376/2026>.
- 12 *United States v. Skrmetti*, 605 U.S. 495 (2025).
- 13 *Chiles v. Salazar*, 146 S. Ct. 1010 (2026).
- 14 *B.P.J. v. West Virginia State Board of Education*, Lambda Legal, <https://lambdalegal.org/case/bpj-v-west-virginia-state-board-of-education/>.
- 15 *PFLAG v. Trump*, Lambda Legal, <https://lambdalegal.org/case/pflag-v-trump/>.
- 16 *Medicaid Program: Prohibition on Federal Medicaid and Children's Health Insurance Program Funding for Sex-Rejecting Procedures Furnished to Children*, 90 Fed. Reg. 59463 (Dec. 19, 2025).
- 17 R. Nath et al., *National Survey on the Mental Health of LGBTQ+ Young People*, The Trevor Project (2026), <https://www.thetrevorproject.org/survey-2025/>.



TNGD youth need your informed and proactive advocacy to ensure their safety, wellbeing, and permanency while in foster care.

HOW TO USE THE TOOLKIT:

TNGD youth need your informed and proactive advocacy to ensure their safety, well-being, and permanency while in foster care. What do advocates need to understand about TNGD lives and experiences to provide zealous advocacy?

- **Learn best practices for signaling support from your first meeting with TNGD clients.** Sharing your pronouns when you meet any new client, placing a rainbow flag or sticker where a client can see it, and asking what name clients want to go by and the pronouns they use can all indicate to youth that you are a safe person to come out to. It's best to respectfully ask questions about all aspects of identity, including LGBTQ+ identity, to all clients as part of your intake process.
- **Learn about common areas where youth may be experiencing discrimination in their lives and be ready to intervene.** TNGD youth often experience both structural and interpersonal discrimination, especially if they hold multiple marginalized identities.¹⁸ Be sure to ask youth if their doctors and therapists are affirming of their identity, if their placement is accepting of their gender identity, if they are allowed to express themselves through clothing and grooming, if they are connected to the local LGBTQ+ community, and if they experience discrimination at school, at home, or in any other place.
- **Learn about what gender-affirming medical care actually entails, and what might be available to your clients.** This care may include mental health care or medical care such as puberty blockers or hormone therapy from a qualified, affirming provider.¹⁹ Very rarely, doctors recommend chest surgery for older adolescents. Like other health care for minors, this care generally requires consent from a parent, legal guardian, or permission from a court. Gender-affirming care is safe²⁰ and supported by major medical associations.²¹ Advocates should be aware of the status of laws regulating gender-affirming care in their state,²² understand the basics of how to help their clients access this care, be prepared to combat misinformation about gender-affirming care, and be ready to plan for ways to ensure a client's mental and physical health if they are not able to access care.

Learn more about supporting TNGD youth: [Advocating for Transgender, Nonbinary, and Gender Diverse Youth in Foster Care: A Guide for Attorneys and Advocates for Youth — Lambda Legal.](#) ■

18 Michelle Johns et. al., *Minority Stress, Coping, and Transgender Youth in Schools—Results from the Resilience and Transgender Youth Study*, 91 *J. of School Health* 883 (2021), <https://onlinelibrary.wiley.com/doi/abs/10.1111/josh.13086?msocid=1edcb2ed65ae61b41a33a72e64b76013>.

19 Boyle, *supra* n. 6.

20 Heather Boerner, *What the Science on Gender-Affirming Care for Transgender Kids Really Shows*, *Scientific American* (2022), <https://www.scientificamerican.com/video/what-the-science-on-gender-affirming-care-for-transgender-kids-really-shows/>.

21 Jason Rafferty et. al., *Ensuring Comprehensive Care and Support for Transgender and Gender-Diverse Children and Adolescents*, 142 *Pediatrics* (2018), <https://publications.aap.org/pediatrics/article/142/4/e20182162/37381/Ensuring-Comprehensive-Care-and-Support-for-autologincheck=redirected>.

22 *Equality Maps: Bans on Best Practice Medical Care for Transgender Youth*, Movement Advancement Project (2026), <https://mapresearch.org/equality-map/bans-on-best-practice-medical-care-for-transgender-youth/> (last accessed May 18, 2026).