



**TESTIMONY BEFORE THE NEW YORK CITY COUNCIL
COMMITTEE ON JUVENILE JUSTICE AND COMMITTEE ON WOMEN'S ISSUES
ON SEXUAL AND REPRODUCTIVE HEALTH CARE FOR YOUNG WOMEN IN STATE CUSTODY**

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My name is Adrian Guzman, and I am pleased to offer this testimony on behalf of The Center for HIV Law and Policy (CHLP), a national legal and policy resource and strategy center for people with HIV and their advocates. I coordinate CHLP's Teen SENSE initiative, which works to secure the right of youth in state custody settings to comprehensive, LGBTQ-inclusive sexual health care and sexual health literacy programs. This includes ensuring that staff of foster care, detention, and other government-operated and -regulated youth facilities are equipped to understand and protect all youth in their care, regardless of sexual orientation, gender identity, gender expression, and HIV status. My testimony this afternoon focuses on our policy advocacy with the NYC Administration for Children's Services (ACS). CHLP hopes the New York City Council will support our efforts to ensure that ACS meets its affirmative obligation to provide for the essential sexual and reproductive health needs of youth in its care, including young women and girls.

Youth of color, youth from low-income backgrounds, LGBTQ youth, and youth survivors of sexual violence are significantly overrepresented in state custody settings. Youth entering the system often present with histories of physical abuse, sexual abuse, emotional abuse, neglect, and family instability. Sexually abused girls and young women are significantly more likely than their non-abused peers to enter care, and once there, often experience greater risk of sexual violence. For some, the pathway into state custody includes periods of homelessness and engaging in high-risk sexual behavior, often in exchange for shelter or food. Youth in out-of-home care face significant threats to their sexual health and well-being, including higher rates of sexually transmitted infections (STIs), HIV, unintended pregnancy, and substance use. For some youth who identify or are perceived as LGBTQ, their sexual orientation, gender identity, or gender expression may have led to family rejection, abuse, or neglect, prompting the state to remove them from their home.

A recent United States Department of Justice (DOJ) report surveying over 8,700 adjudicated youth in juvenile facilities across the United States found that nearly 10% of youth reported experiencing one or more incidents of sexual victimization by another youth or staff in the past 12 months or since admission, if less than 12 months.¹ According to the DOJ report, LGBTQ youth were nearly seven times as likely to report youth-on-youth victimization than heterosexual youth.²

Increasing young people's sexual health knowledge and ensuring access to sexual health services and programming while in care are critical prevention strategies that can help stop sexual violence before it is perpetrated. This link between sexual health and safety is the foundation of our work in New York. We have partnered with ACS on several initiatives over the last few years. Last fall, following recommendations we submitted to ACS on its LGBTQ policy³ and its transgender and gender nonconforming youth-specific policy,⁴ ACS invited our input on its *Sexual and Reproductive*

¹ ALLEN J. BECK, DAVID CANTOR, JOHN HARTGE, & TIM SMITH, U.S. DEPT. OF JUST., OFF. OF JUST. PROGRAMS, BUREAU OF J. STATISTICS, SEXUAL VICTIMIZATION IN JUVENILE FACILITIES REPORTED BY YOUTH, 2012: NATIONAL SURVEY OF YOUTH IN CUSTODY, 2012 (2013), available at <http://www.bjs.gov/content/pub/pdf/svjfry12.pdf> (2013).

² *Id.*

³ THE CENTER FOR HIV LAW AND POLICY, COMMENTS TO NYC ACS ON POLICY # 2012/XX – “PROMOTING A SAFE AND RESPECTFUL ENVIRONMENT FOR LGBTQ YOUTH AND THEIR FAMILIES INVOLVED IN THE CHILD WELFARE, DETENTION AND JUVENILE JUSTICE SYSTEM” (2012), available at <http://www.hivlawandpolicy.org/resources/comments-nyc-ac-policy-2012xx---promoting-safe-and-respectful-environment-lgbtq-youth-and>.

⁴ THE CENTER FOR HIV LAW AND POLICY, COMMENTS TO NYC ADMINISTRATION FOR CHILDREN'S SERVICES ON DRAFT OF SAFE AND RESPECTED: POLICY, BEST PRACTICES, AND GUIDANCE FOR SERVING TRANSGENDER AND GENDER NON-CONFORMING CHILDREN AND YOUTH IN THE CHILD WELFARE AND JUVENILE JUSTICE SYSTEM (2012), available at <http://www.hivlawandpolicy.org/resources/comments-nyc-administration-children's-services-draft-safe-and-respected-policy-best>.

Health Care for Youth in Foster Care draft policy. Our comments,⁵ submitted in December 2013, focused on the content and timing of physical and mental health screenings, documentation of youth's sexual histories, STI and HIV counseling and testing, ongoing care and discharge planning related to sexual and reproductive health services, LGBTQ cultural competence, and LGBTQ-inclusive sexual and reproductive health training sessions for direct service staff, foster parents, and youth. Our recommendations are the product of a review of current literature on adolescent health care authored by the Centers for Disease Control, National Commission on Correctional Health Care, New York State Office of Family and Children's Services (OCFS), and our own Teen SENSE Model Policies and Standards on sexual health care for youth in state custody which are endorsed by ACS.

ACS has not made its review of our comments or other community input available to the public. CHLP offered to collaborate with the ACS Division of Policy and Planning and Measurement on the next phase of this work, but were told the agency planned to finalize the policy without further community input. No date was given for the release of the final policy.

A New York City Council Resolution expressing the need for written policies guaranteeing comprehensive, LGBTQ-inclusive sexual and reproductive health services and programming to the youth in its care would provide this public policy issue the urgency and platform it deserves. CHLP offers to work closely with the Committees to draft a Resolution that acknowledges ACS's work thus far, but also urges ACS to better align its policy with current expert consensus on these issues, as reflected in our recommendations. A Resolution would encourage ACS to make the process more collaborative and to set a release date for the final policy. The Committee on Juvenile Justice and Committee on Women's Issues are both well suited to introduce a Resolution that will help ensure that the young people involved with ACS have access to the sexual health services, sexual health literacy, and supportive staff they need to be safe and to thrive. CHLP looks forward to working closely with both Committees on this important next step to protect young people and strengthen ACS. Thank you.

⁵ THE CENTER FOR HIV LAW AND POLICY, COMMENTS TO NYC ADMINISTRATION FOR CHILDREN'S SERVICES ON DRAFT OF SEXUAL AND REPRODUCTIVE HEALTH CARE FOR YOUTH IN FOSTER CARE (2013), *available at* <http://www.hivlawandpolicy.org/resources/comments-nyc-administration-children's-services-draft-sexual-and-reproductive-health-care>.