



The Center for HIV
Law and Policy
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The Center for HIV Law and Policy is a national resource and advocacy organization working to advance the rights of people affected by HIV. We combine an online HIV Policy Resource Bank, a creative national advocacy agenda, and case assistance focused on systems and institutions with significant impact on marginalized communities.

For information about state policies and advocacy on sexual health care for youth in state custody, contact Pepis Rodriguez at jrodriguez@hivlawandpolicy.org, call 212.430.6733, or visit www.hivlawandpolicy.org/initiatives/teen-sense.

The Rights of Youth in State Custody to Comprehensive Sexual Health Care

Sexual health care for adolescents—including disease prevention, diagnosis, treatment, and literacy in human sexuality—is central to reaching and maintaining a healthy adulthood.

Sexual health care is particularly important for youth in state custody,¹ who are at increased risk for sexually transmitted infections (STI) and HIV.

The long term health of youth requires that they be provided scientifically sound sexual health care, offered by staff trained to understand, respect, and respond to the health and safety needs of all youth in their custody, including lesbian, gay, bisexual, transgender, and questioning youth (LGBTQ youth).

Despite the extraordinary need, and the corresponding opportunity for intervention, most states have little or nothing in the way of explicit policies ensuring youth have access to sexual health services. Written policies ensure that the institutions legally responsible for the wellbeing of adolescents in their care reliably provide these essential elements of health care.

Policies focused on the sexual health of youth in state custody are a matter of racial justice and prevention of violence against LGBTQ youth.

The young people living in state custody overwhelmingly are people of color and disproportionately LGBTQ. Routinely available LGBTQ-affirming sexual health care

addresses the most basic, immediate and long-term health needs of these young people and could dramatically reduce the violence based on sexual orientation and gender identity and expression that sexual health illiteracy legitimizes.²

The Center for HIV Law and Policy is coordinating a national campaign for written policies that guarantee youth in state custody access to LGBTQ-inclusive sexual health care and sexual health literacy programs; and to regular staff training so that adults working in youth facilities understand, respect and protect all youth in their care, regardless of sexual orientation, gender identity, and gender expression.

Professional standards and expert consensus support provision of these services as vital to the health, safety, and well-being of young people.

Without written policies on sexual health care and staff training, access to a central part of essential health care for adolescents is episodic or absent for those young people who need it most.

CHLP and our partners have developed model policies that can be adapted for state or institutional use:

- [Teen SENSE Model Policy: Sexual Health Care for Youth in State Custody](#)
- [Teen SENSE Model Policy: Sexual Health Literacy for Youth in State Custody](#)



SEXUAL HEALTHCARE

is so much more than abstinence, anatomy, or HIV and STI prevention.

It includes guiding young people to responsibly exercise their sexual autonomy. That means:

- **helping them develop healthy sexual attitudes and behaviors;**
- **providing accurate information and practical access to the means for engaging in safe sex practices and teaching valuable life skills;**
- **affirming the sexual orientation, gender identity and gender expression of all young people.**



Want to get involved in our national sexual health care campaign?

Interested in information about state policies and advocacy on sexual health care for youth in state custody?

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¹ We use the term “state custody” to refer to juvenile detention, congregate care, and other government-operated or -regulated youth facilities.

² See Committee on Pediatric AIDS, *Identification and Care of HIV-Exposed and HIV-Infected Infants, Children, and Adolescents in Foster Care*, 106 Pediatrics 149 (2000); Nicole M. Fava & Laina Y. Bay-Cheng, *Trauma-informed sexuality education: recognizing the rights and resilience of youth*, 13 Sex Education: Sexuality, Society and Learning 383 (2012). See also, Feinstein, *supra* note ii, at 12-15.