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INFORMATION MEMORANDUM

TO: Family and Youth Services Bureau (FYSB) Runaway and Homeless Youth Program Grant Recipients (Street Outreach Program, Basic Center Program, Transitional Living Program, Maternity Group Home Program, and Runaway and Homeless Youth – Prevention Demonstration Program)

SUBJECT: Supporting Youth and Young Adults Experiencing Homelessness Who Identify as Lesbian, Gay, Bisexual, Transgender, Queer, Questioning, Intersex, Asexual, Two-Spirit and Other Identities including Non-binary and Gender Nonconforming Youth and Young Adults (LGBTQIA2S+)

LEGAL AND RELATED REFERENCES: Executive Order 14075 (the EO), The Runaway and Homeless Youth Act (the Act) (Title III of the Juvenile Justice and Delinquency Prevention Act of 1974, 34 U.S.C. § 11201 et seq.), as amended by the Reconnecting Homeless Youth Act of 2008 (P.L. 110-378), The RHY Final Rule (45 CFR Part 1351) (the RHY Rule).

PURPOSE: The purpose of this Information Memorandum (IM) is to provide guidance and resources to Runaway and Homeless Youth grant recipients, and other youth-serving organizations, in providing services and supports to meet the needs of youth and young adults experiencing homelessness who may identify as LGBTQIA2S+.

BACKGROUND: On June 15, 2022, President Joseph R. Biden issued [Executive Order 14075](#) on Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex (LGBTQI) Individuals. Under this action came a charge for the Federal Government “to prevent [...] and address [...] LGBTQI+ homelessness and housing instability” and “safeguard LGBTQI+ youth from dangerous practices like so-called ‘conversion therapy’ - efforts to suppress or change an individual’s sexual orientation, gender identity, or gender expression – a discredited practice that research indicates can cause significant harm.”

The [EO](#) called for the U.S. Department of Health and Human Services (HHS) to “use agency guidance, training, and technical assistance to implement non-discrimination protections on the basis of sexual orientation and gender identity in programs established pursuant to the Runaway and Homeless Youth Act (Public Law 110-378), and ensure that such programs address LGBTQI+ youth homelessness” and to

“coordinate with youth advisory boards ... to seek input from LGBTQI+ youth who have experienced homelessness on improving federally funded services and programs.”

In response to the [EO](#), the FYSB, which administers the Runaway and Homeless Youth (RHY) Program, commits to implementing relevant provisions from the EO and ensuring that RHY grant recipients are adhering to existing non-discrimination protections in the Runaway and Homeless Youth Act (RHYA) and the RHY Final Rule. FYSB will continue to seek ways to elevate and incorporate the voices of youth with lived experience of homelessness, including continued coordination with the RHY Training and Technical Assistance and Capacity Building Center (RHYTTAC) and the National Runaway Safeline (NRS) Youth Advisory Boards. FYSB will continue to seek input from LGBTQIA2S+ youth who have experienced homelessness on how to improve service delivery and resources to meet the needs of youth.

Within this IM, the acronym “LGBTQIA2S+” will be used to ensure inclusivity and acknowledgement of the identities of Asexual (A) youth who do not feel sexual attraction to others and [Two-Spirit](#) (2S) youth, a term used by some Indigenous and Native communities¹ to refer to people who identify as having both a masculine and feminine spirit.

INFORMATION

Research and evidence-informed practices demonstrate that every youth and young adult experiencing homelessness or housing instability should be affirmed and supported, including youth who are LGBTQIA2S+ or who have a non-conforming gender identity or expression. Supporting and affirming LGBTQIA2S+ youth and young adults who have run away from home or are experiencing homelessness is an equity issue that FYSB is committed to addressing. As such, all RHY grant recipients are required to incorporate LGBTQIA2S+ equity as a component of RHY-funded services.

Research indicates that LGBTQIA2S+ youth are *more than twice* as likely to experience homelessness than their non-LGBTQIA2S+ peers.² Experts found that these youth “[endure] especially high levels of adversity among youth experiencing homelessness.”³ Robust supports for young people experiencing homelessness are a paramount component in advancing equity and equality for the LGBTQIA2S+ community, as well as for ameliorating the problem of youth homelessness overall.

Fiscal year 2021 data from the RHY [Homeless Management Information System](#) (RHY-HMIS), indicates about 26% of youth participating in RHY-funded programs identified as LGBTQIA2S+, or being uncertain of their sexual orientation.^{4 5} Also in 2021, the [National Runaway Safeline](#) received 1,590 crisis contacts for LGBTQIA2S+ related matters.⁶

¹ <https://www.1800runaway.org/why-the-national-runaway-safeline-includes-2s-in-lgbtqia2s>; see also <https://www.ihs.gov/lgbt/health/twospirit/>

² https://www.chapinhall.org/wp-content/uploads/Graphics/LGBTQ_2.2-Times-Risk-of-Homelessness.png

³ https://www.chapinhall.org/wp-content/uploads/LGBTQ_LGBTQ-High-Levels-of-Adversity_Web-850px-Fig2.png

⁴ Forge, N., Hartinger-Saunders, R., Wright, E., Ruel Source, E. (2018). Sexual Orientation, Gender Identity/Expression, and Child Welfare. *Child Welfare*, 47-74

⁵ Ream, G., Peters, A (2021) Working With Suicidal and Homeless LGBTQ+ Youth in the Context of Family Rejection, *Journal of Health Service Psychology*, 41-50.

⁶ <https://cdn.1800runaway.org/wp-content/uploads/2022/11/2021-Crisis-Services-Prevention-Report-Final.pdf>

Runaway and Homeless Youth Statutory and Regulatory Provisions that Support LGBTQIA2S+ Youth and Young Adults

Existing federal law and regulations establish non-discrimination requirements that apply to all RHY grant recipients. On January 1, 2017, the Federal Register published the Division of Runaway and Homeless Youth's Final Rule (RHY Rule) (45 CFR Part 1351). The RHY Rule reflects existing statutory requirements in the Runaway and Homeless Youth Act (RHYA) and changes made via the Reconnecting Homeless Youth Act of 2008. As outlined below, the RHYA and RHY Rule provide a clear foundation for the actions outlined in the EO. Specifically, the RHY Rule established (1) non-discrimination protections for youth and young adults accessing RHY services, (2) expectations that RHY grant recipients implement culturally and linguistically sensitive services and training, (3) expectations that services incorporate a positive youth development approach, and (4) a prohibition on the use of RHY funding to support "treatment or referral to treatment that aims to change someone's sexual orientation, gender identity or gender expression."

Non-Discrimination Protections for Youth and Young Adults Accessing RHY Services

The RHY Rule specifically requires "Non-discriminatory and culturally and linguistically sensitive services" and further states:

Service delivery and staff training must comprehensively address the individual strengths and needs of youth as well as be language appropriate, gender appropriate (interventions that are sensitive to the diverse experiences of male, female, and transgender youth and consistent with the gender identity of participating youth), and culturally sensitive and respectful of the complex social identities of youth (*i.e.*, race, ethnicity, nationality, age, religion/spirituality, gender identity/expression, sexual orientation, socioeconomic status, physical or cognitive ability, language, beliefs, values, behavior patterns, or customs). No runaway youth or homeless youth shall, on any of the foregoing bases, be excluded from participation in, be denied the benefits of, or be subject to discrimination under, any program or activity funded in whole or in part under the Runaway and Homeless Youth Act."⁷

While RHY grant recipients have the flexibility to serve specific populations of youth based on identified need, they must also have a clear plan for providing linkages to other organizations which can accept all youth seeking support. For example, some Maternity Group Home (MGH) recipients offer specialized programs for pregnant and parenting female youth and young adults. These organizations must have a plan to support not only young men who are experiencing homelessness and parenting, but also youth and young adults who identify as LGBTQIA2S+ who are experiencing homelessness and parenting.

Additionally, organizations which provide gender-designated bathrooms and sleeping areas must consider the needs of youth and young adults in making placement decisions, including transgender, intersex,

⁷ 45 C.F.R. § 1351.22

gender non-conforming, and non-binary youth and young adults, and must have plans to ensure that all youth and young adults have access to services and supports. That means, for organizations which provide sex-segregated housing (i.e., a Basic Center Program (BCP) shelter with gender-specific bathrooms and sleeping areas), staff must be competent in consulting children and youth in making placement decisions. RHY program staff should assist all youth and young adults in identifying a placement in which they feel most comfortable to live safely and authentically, placing them by their gender identity unless they prefer a different placement.

The Department of Health and Human Services Office of Civil Rights enforces non-discrimination regulations that apply to programs, services, and activities receiving HHS Federal Financial Assistance, including RHY grant recipients. If you believe you have been, or have witnessed discrimination by an RHY grant recipient, you may [file a complaint with the Office of Civil Rights](#).⁸ You may file a complaint for yourself or for someone else.

Requirements that RHY Grant Recipients Implement Culturally and Linguistically Sensitive Services and Training

The RHY Rule defines lesbian, gay, bisexual, transgender, questioning, and intersex youth as special, vulnerable populations⁹, along with tribal youth, youth with disabilities, and youth victimized by trafficking, sexual exploitation, or abuse. The RHY Rule directs grant recipients to participate in technical assistance and training in areas related to these populations.¹⁰

To assist grantees in meeting training requirements, the RHYTTAC provides Training and Technical Assistance (TTA) to grant recipients to ensure program staff support LGBTQIA2S+ youth entering an RHY-funded program. RHY grant recipients are encouraged to engage in a variety of methods which advance equity for LGBTQIA2S+ youth and young adults experiencing housing instability. The following strategies can be incorporated into existing programming:

- Providing safe, inclusive, affirming, and supportive spaces for LGBTQIA2S+ youth and young adults.
- Ensuring programs designed for specific populations develop and implement procedures for supporting youth and young adults who are referred but are ineligible.
- Requiring gender and sexual orientation sensitivity and anti-bias training for program staff and leadership.
- Utilizing a Positive Youth Development framework (see section below).
- Engaging with youth advisory/action boards and ensuring LGBTQIA2S+ representation on these boards.
- Providing Trauma Informed Care, Motivational Interviewing, and Active Listening trainings for all staff and leadership.

Expectations that RHY Services Have a Positive Youth Development Approach

FYSB promotes a Positive Youth Development ([PYD](#)) framework¹¹ within its programs, policies, and engagement with youth with lived experience of homelessness. PYD is an intentional, prosocial approach

⁸ <https://ocrportal.hhs.gov/ocr/smartscreen/main.jsf>

⁹ 45 CFR § 1351.23(a)

¹⁰ Ibid.

¹¹ § 1351.23(a)

that engages youth within their communities, schools, organizations, peer groups, and families in a manner that integrates strengths-based approaches to emphasize a youth's self-determination, resilience, life skills, and strengths. PYD focuses on ensuring and supporting a young person's sense of safety and structure in several areas which include:

- Belonging and membership;
- Self-worth and social contribution;
- Independence and control over one's life;
- Skills to develop plans for the future and set goals; and
- Closeness in interpersonal relationships.

While PYD frameworks are geared towards all youth and young adults receiving services through RHY programs, these methods themselves are tools toward advancing LGBTQIA2S+ equity and inclusivity, by treating a child's sexual orientation, gender identity or expression, and/or variations of sex characteristics as an asset and a positive part of their identity.

FYSB grantees should implement PYD frameworks tailored to the needs of LGTBQIA2S+ youth, providing services and supports that are affirming and ensures all youth, including those who are LGBTQIA2S+, experience opportunities for leadership and engagement. Such PYD practices benefit all youth and young adults in RHY programs—including those LGBTQIA2S+ youth who may not feel comfortable disclosing their sexual orientation, gender identity, or intersex characteristics.

Prohibition on the Use of RHY Funding to Support “Treatment or referral to treatment that aims to change someone’s sexual orientation, gender identity or gender expression”

The RHY Rule confirms that RHY funding cannot be used to “cover any treatment or referral to treatment that aims to change someone's sexual orientation, gender identity, or gender expression.”¹² Children and youth served by RHY programs should be protected from any attempt to disparage, change, or degrade a young person's sexual orientation or gender identity or expression regardless of the nature of the intervention or the credentials of the person administering it. RHY grantees should be alert to any approach or intervention that treats gender diversity or sexual orientation as a defect or suggests a person's gender identity or sexual orientation can or should be changed. This type of treatment, sometimes referred to as so-called “conversion therapy,” or any other intervention alleged to be able to change a youth's sexual orientation or gender identity or expression is harmful, is not based in science, is medically discredited,¹³ and is in opposition to the RHY Rule and its standards.

CONCLUSION

The statutory and regulatory framework described in this memorandum directs how the Division of RHY and its partner network are implementing standards laid out in the EO 14075 and in the existing RHY statute and regulation. RHY grant recipients are encouraged to review these documents and consult with their assigned Federal Project Officer and RHYTTAC to ensure understanding and compliance. RHYTTAC developed a [Tip Sheet](#) that provides tools and resources for programs to implement to ensure that services comply with non-discrimination requirements, are informed by the specific challenges faced

¹² § 1351.16(b)

¹³ <https://store.samhsa.gov/product/moving-beyond-change-efforts/pep22-03-12-001>

by youth experiencing homelessness who identify as LGBTQIA2S+ and affirm the strengths and address the needs of the youth they serve.

FYSB resources, guidance, and technical assistance are developed in coordination with youth consultants and youth advisory board members from RHYTTAC and the National Runaway Safeline. These teams consist of a diverse range of youth and young adults with lived experience in housing insecurity and systems of care, as well as youth who identify as LGBTQIA2S+.

INQUIRIES

For questions related to youth and programs supported through the Family and Youth Services Bureau, Runaway and Homeless Youth Program:

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RESOURCES

- [Runaway and Homeless Youth Training and Technical Assistance Center \(RHYTTAC\)](#)
- [National Runaway Safeline](#)
- [National Clearinghouse on Homeless Youth and Families \(NCHYC\)](#)



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