

**Kansas Judicial Branch
Office of Judicial Administration
Training Series: Impact of Child Toxic Stress
on the Juvenile Justice System**



Session #3: Child Toxic Stress and LGBTQ Identity/Discrimination
May 26, 2023
Presented by Mary Kelly Persyn, J.D., Ph.D.

Agenda for today: Child Toxic Stress and LGBTQ Identity/Discrimination

1. Recap of Sessions #1 and #2; review of key concepts. (12:00– 12:05)
2. A snapshot of LGBTQ youth in Kansas. (12:05-12:15)
3. Why are LGBTQ youth at high risk of experiencing toxic stress? (12:15-12:30)
4. What are some connections between LGBTQ identity, toxic stress, and juvenile justice system involvement? (12:30-12:45)
5. Review of session and preview of Session #4, focusing on children and youth in care; questions (12:45 – 12:50)

Learning outcomes

1. Learners will be able to explain why LGBTQ youth are at a higher risk for toxic stress.
2. Learners will be able to explain why legislation affecting LGBTQ youth has a broad impact on mental health and school safety, ultimately increasing the risk of toxic stress.
3. Learners will be able to describe the connections between the risks faced by LGBTQ youth and their disproportionate presence in the juvenile justice system.

Part 1. Sessions #1 and #2: recap and review

Basics of Child Trauma and Juvenile Justice System Involvement

Racial Trauma and the Juvenile Justice System



Welcome, and welcome back!

Thank you so much for choosing to spend an hour with me today with some very challenging topics: childhood adversity, anti-LGBTQ-youth discrimination and policy, and the impact on the juvenile justice system—your workplace.

If you haven't joined us for session #1 or session #2, welcome! If you did join us previously, welcome back. It's great to have you here.



Recap: Adverse Childhood Experiences, toxic stress, and system involvement

We talked about:

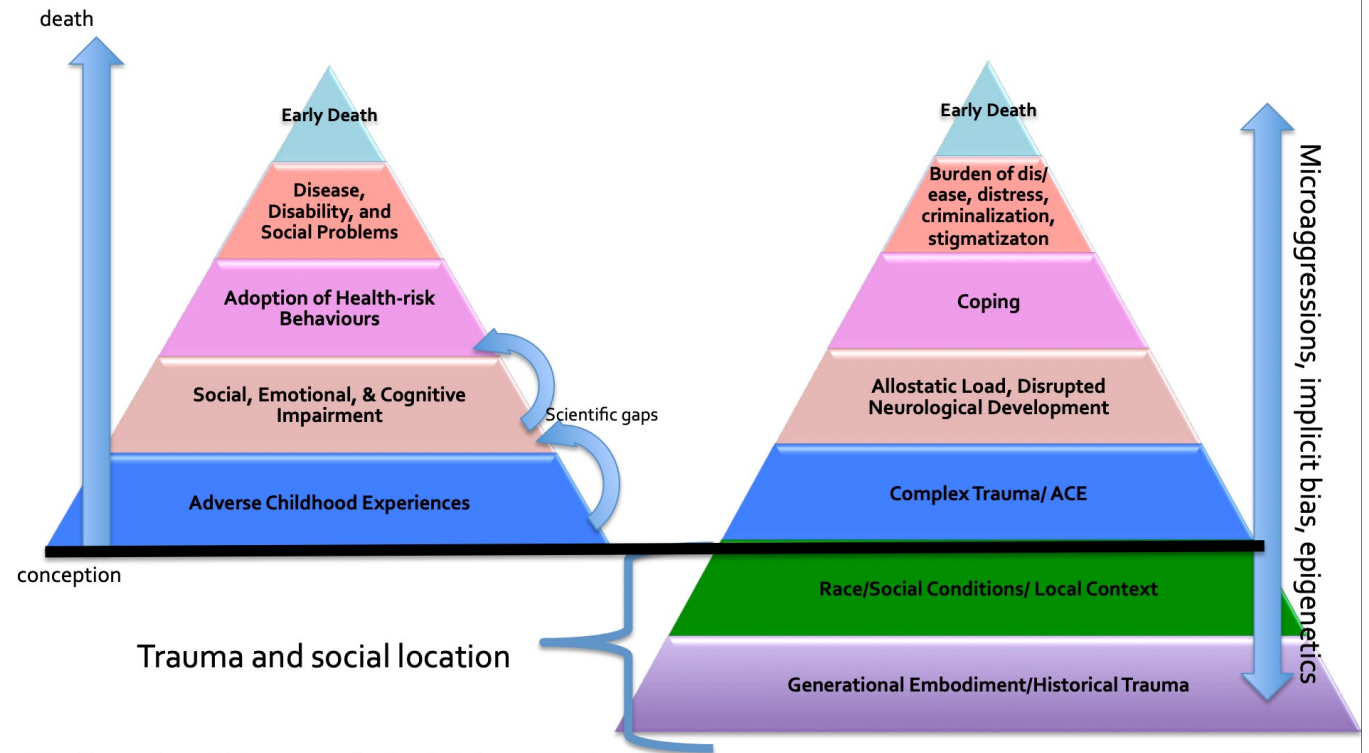
- The difference between adverse childhood experiences and toxic stress
- How and why the same experience is traumatic for some kids but not all
- What trauma reactions look like
- Why researchers have expanded the number and type of ACEs
- “Expanded ACEs”

Trauma and Social Location



Adverse Childhood Experiences*

Historical Trauma/Embodiment



*<http://www.cdc.gov/violenceprevention/acestudy/pyramid.html>

Disparities persist in Kansas

Kansas Disproportionately Incarcerates Youth of Color

Fifty-three percent of youth incarcerated in Kansas are Black, Latino, American Indian, or Asian. Moreover, Black youth are disproportionately represented at every point in the state's juvenile justice system. In 2018, compared with white youth, Black youth in Kansas were

- 3.0 times more likely to be arrested,
- 5.6 times more likely to be detained, and
- 7.3 times more likely to be in secure confinement.⁹

How do RBTS and racism(s) impact the racially disparate rate of JJS involvement? What's next?

Theories explaining racial disparity in juvenile justice system involvement are basically of two types: differential offending; differential treatment.

If we take a step back, we can think yet more deeply into the systems and interactions that shape, constrain, and direct our youth.

This lens can remake the way that we think about and support living wages, schooling, access to healthy food, childcare, and medical care—and yes—the juvenile justice system.

This is just the beginning of the story.



Session #3 Quiz (pre-test)

1. Forty percent of girls in the juvenile justice system identify as LGBTQ.
 - a. True
 - b. False

2. Kansas protects the following LGBTQ youth rights (choose all that apply):
 - a. Non-discrimination (specifically prohibits discrimination based on SOGI status)
 - b. Anti-bullying (specifically prohibits bullying based on SOGI status)
 - c. Protections for LGBTQ youth in the child welfare system
 - d. All of the above
 - e. None of the above

*SOGI = sexual orientation and gender identity

Content warning

Today's presentation will contain information and statistics related to anxiety, depression, and suicide among LGBTQ youth. This information may be very distressing.

Please take care of yourself, especially if you are a LGBTQ person, a survivor of suicide, or have special sensitivity around these topics for any other reason. Please take breaks if you need them.

Part 2. A snapshot of LGBTQ youth in Kansas

Kansas, a state of 2,935,000 people, has about 19,000 youth ages 13-17 who identify as LGBTQ.

The Trevor Project's 2022 national survey of LGBTQ mental health breaks out data on these young Kansans.

As we'll see, LGBTQ youth in Kansas struggle with discrimination and mental health challenges at a relatively high rate.



2022 National Survey on LGBTQ Youth Mental Health Kansas

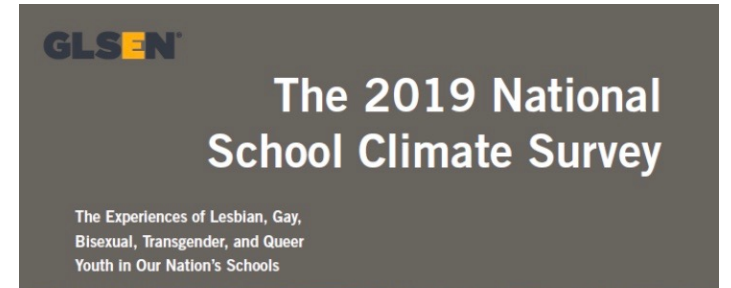


Table 1. Estimated number of LGBT youth ages 13-17 in the US and by state

	LGBT (Total)	LGB (Total)	LGB (Cisgender)	LGB (Trans)	TRANSGENDER (Total)	TRANSGENDER (Straight/Other)	TRANSGENDER (LGB)
Kansas	19,000	18,000	18,000	700	1,300	600	700

LGBTQ youth in Kansas

Demographics in Kansas

The content and methodology for The Trevor Project's 2022 National Survey on LGBTQ Youth Mental Health were approved by an independent Institutional Review Board.



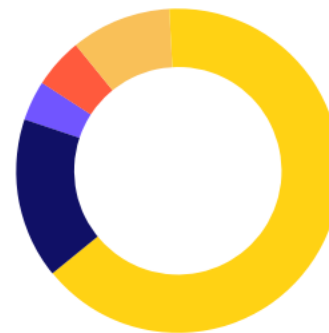
Age of LGBTQ youth

- 13 to 17 60%
- 18 to 24 40%



Race/ethnicity of LGBTQ youth

- Asian American/Pacific Islander 4%
- Black 5%
- Latinx 10%
- White 65%
- More than one race/ethnicity 16%



Gender identity among LGBTQ youth

- Girl or woman 28%
- Boy or man 23%
- Nonbinary, bigender, genderfluid, or genderqueer 39%
- Not sure or questioning 10%



Sexual orientation among LGBTQ youth

- Straight 1%
- Gay or lesbian 24%
- Bisexual 29%
- Queer 8%
- Pansexual 25%
- Asexual 9%
- Questioning 4%



Rates of LGBTQ youth who have been physically threatened or harmed

Experienced threat or harm based on sexual orientation or gender identity



Did not experience threat or harm based on sexual orientation or gender identity

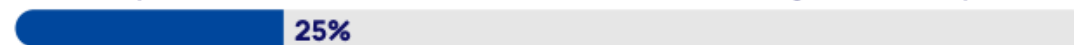


Rates of LGBTQ youth who have experienced discrimination

Experienced discrimination based on sexual orientation or gender identity



Did not experience discrimination based on sexual orientation or gender identity



Suicide Risk

44%

of LGBTQ youth in Kansas seriously considered suicide in the past year

including 51% of transgender and nonbinary youth.

15%

of LGBTQ youth in Kansas attempted suicide in the past year

including 23% of transgender and nonbinary youth.

Anxiety & Depression

73%

of LGBTQ youth in Kansas reported experiencing symptoms of anxiety

including 78% of transgender and nonbinary youth.

58%

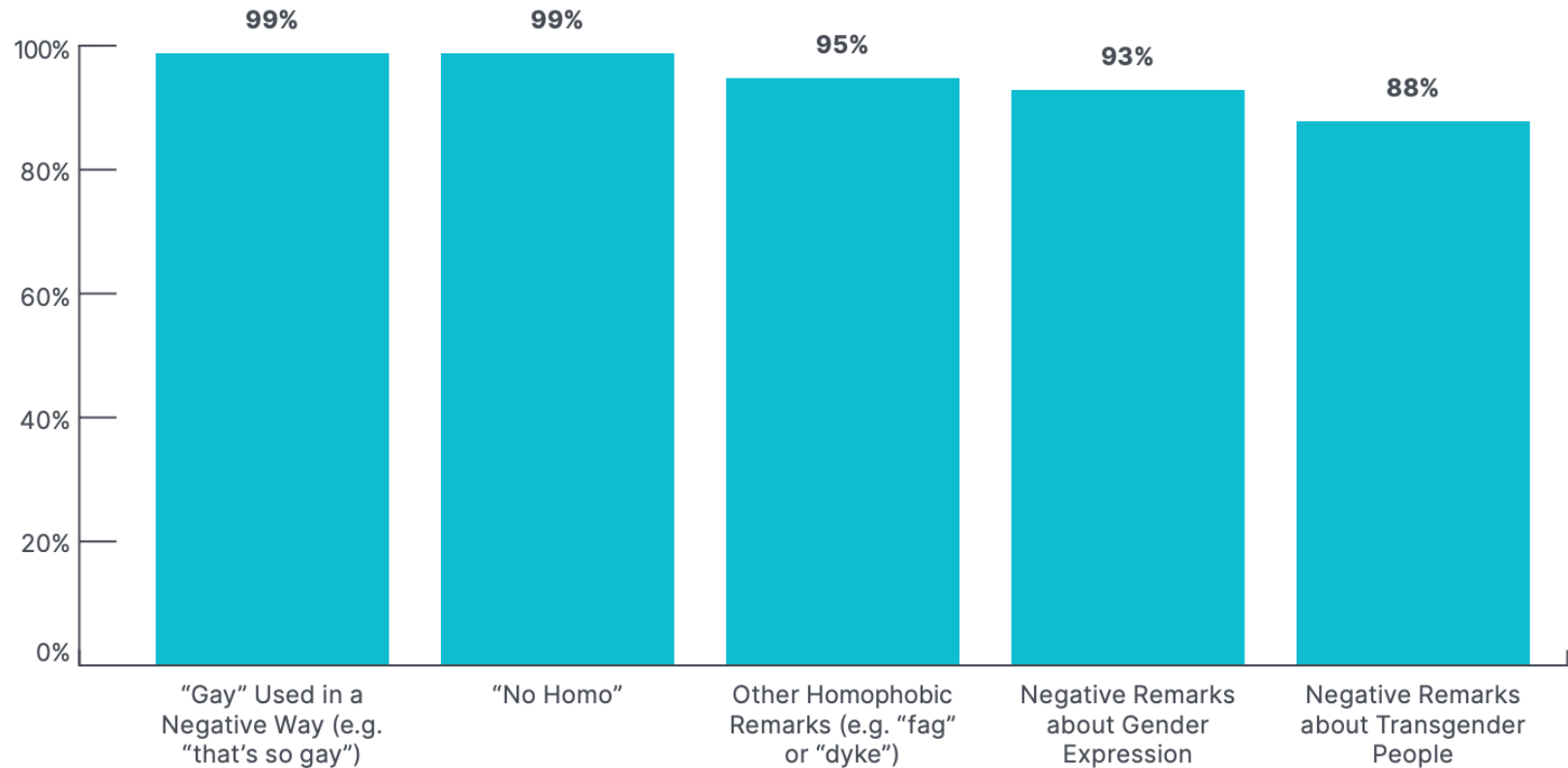
of LGBTQ youth in Kansas reported experiencing symptoms of depression

including 65% of transgender and nonbinary youth.

Kansas snapshot

GLSEN (Gay, Lesbian, and Straight Education Network), 2021

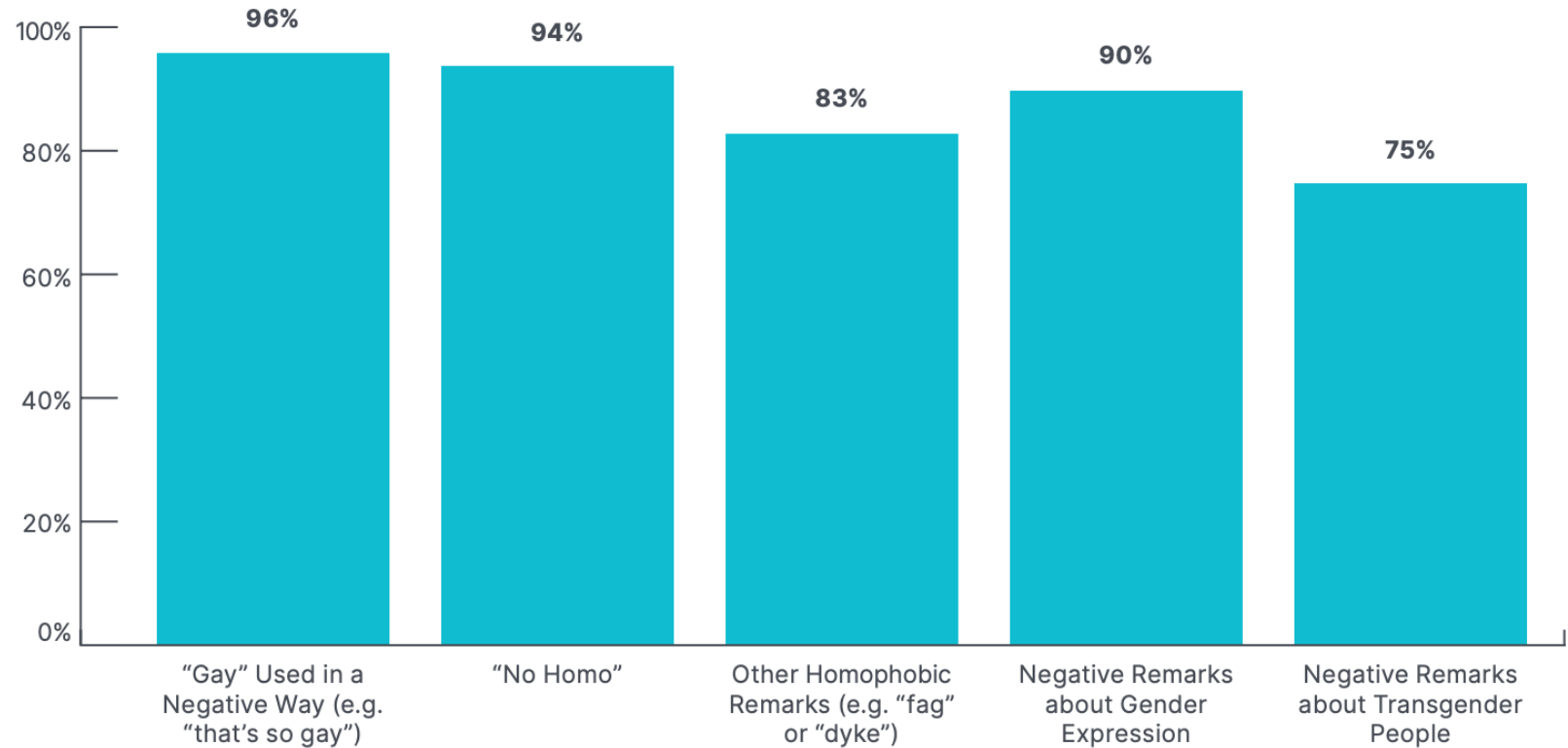
Figure 1. Hearing Anti-LGBTQ+ Remarks from Students in Kansas Schools
(percentage of LGBTQ+ students ever hearing remarks)



(here's California)

GLSEN (Gay, Lesbian, and Straight
Education Network), 2021

Figure 1. Hearing Anti-LGBTQ+ Remarks from Students in California Schools
(percentage of LGBTQ+ students ever hearing remarks)



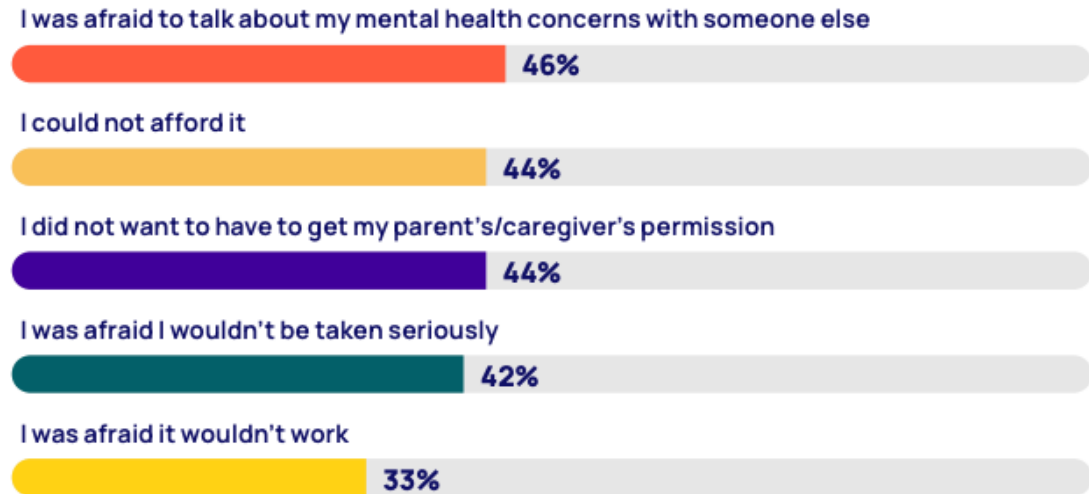
Access to mental health care for LGBTQ youth in Kansas

61% of LGBTQ youth in Kansas who wanted mental health care in the past year were not able to get it.

This includes 61% of transgender and nonbinary youth.

Given the high rates of anxiety and depression among these youth, and the link between mental health challenges, toxic stress, and juvenile justice system involvement, these numbers are concerning.

LGBTQ youth who wanted mental health care but were unable to get it cited the following top five reasons:





Part 3. Why are LGBTQ youth at high risk of experiencing toxic stress?

LGBTQ youth are overrepresented in school discipline and foster care. They disproportionately suffer from homelessness.

And in 2023, almost 500 bills traveling through state legislatures targeted LGBTQ youth, their families, and their doctors.

Lack of family and school support is a major factor

Young people spend most of their time at home and school. If either or both environments criticizes, rejects, or excludes their identities, it's not hard to see why chronic or toxic stress would be a result.

Lack of support, or active rejection, contributes to other risk factors for juvenile justice system involvement, such as exclusionary discipline and homelessness.

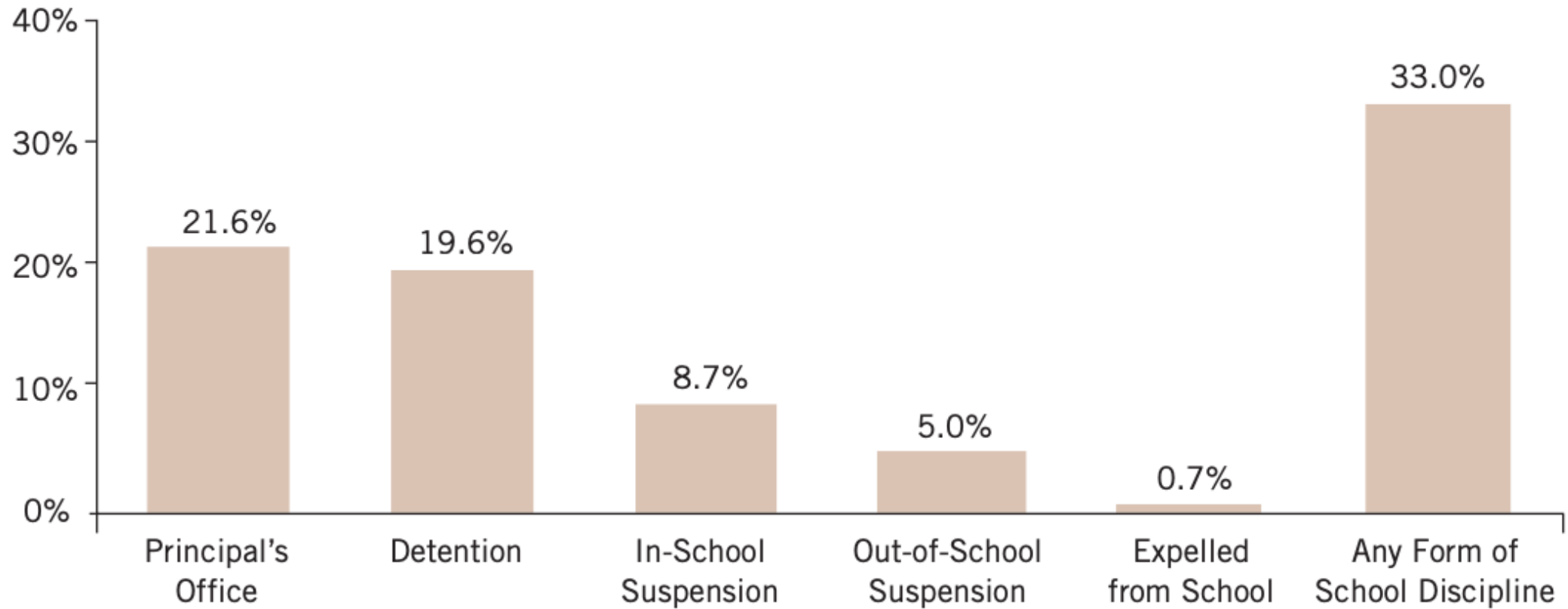
Fewer than 40% of LGBTQ young people found their home to be LGBTQ-affirming.



A majority of LGBTQ young people reported being verbally harassed at school because people thought they were LGBTQ.



Figure 1.28 Percentage of LGBTQ Students Who Have Experienced School Discipline



Overrepresented in school discipline

Research suggests that part of the reason for this overrepresentation is adult reaction to youth conflict related to LGBTQ identity. In other words, there is a relatively high risk that LGBTQ youth will be disciplined rather than the youth who acted first.

Overrepresented in foster care

LGBTQ youth enter the foster care system reasons like abuse, neglect, and parental substance abuse—the same reasons as other youth.

But in addition, many LGBTQ youth also experience rejection by their families of origin.

It's hard to track the numbers because there is no mandate to collect this information, but research indicates that the percentage of LGBTQ youth in care is about twice the percentage of LGBTQ youth not in care.

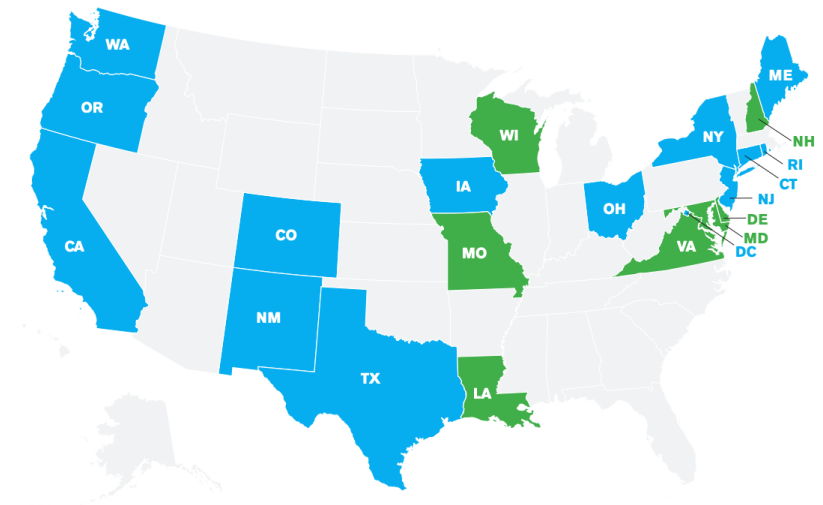
Foster care is a risk factor for juvenile justice system involvement.

“I was told that foster families didn't want a gay kid in their home, so I grew up in group homes and residential centers where I was abused sexually, physically and emotionally.”

– **Kristopher Sharp**, eight years in foster care

LGBTQ YOUTH FACE A PATCHWORK LANDSCAPE OF LEGAL PROTECTIONS.

Laws and policies protecting **LGBTQ youth in foster care from discrimination are a patchwork from state to state.** Only 13 states and the District of Columbia have explicit laws or policies in place to protect foster youth from discrimination based on both sexual orientation and gender identity. Seven additional states explicitly protect foster youth from discrimination on the basis of sexual orientation but not gender identity.¹⁵



Disproportionately homeless

LGBTQ youth are twice as likely to experience homelessness as their peers.

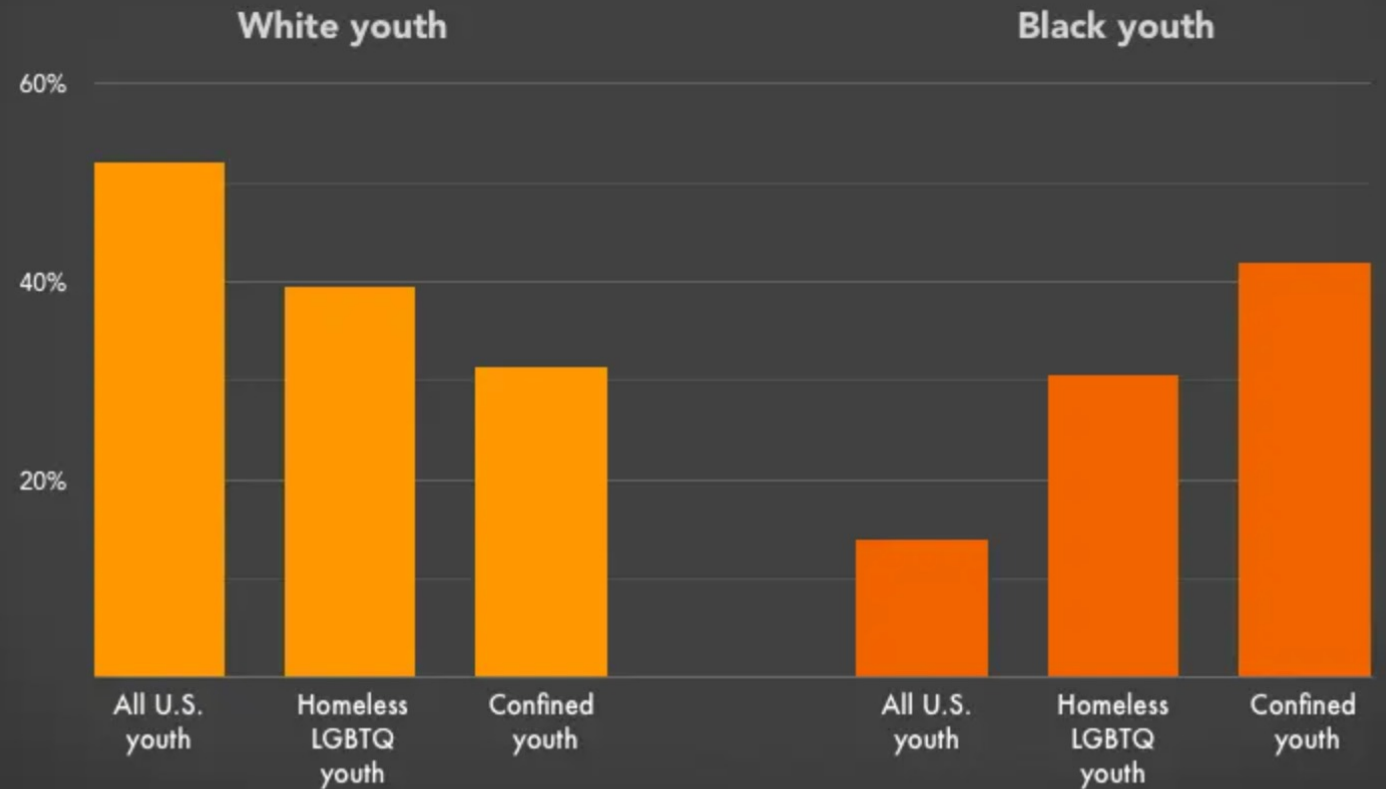
Homelessness is the greatest predictor of involvement with the juvenile justice system.

LGBTQ youth make up 40% of the homeless youth population.

Most frequently, LGBTQ youth are homeless because they have fled abuse and lack of acceptance at home.

Racial disparities in LGBTQ youth homelessness and juvenile justice system confinement

Black LGBTQ youth are disproportionately homeless, which may contribute to the disproportionate confinement of Black youth in residential placement facilities.

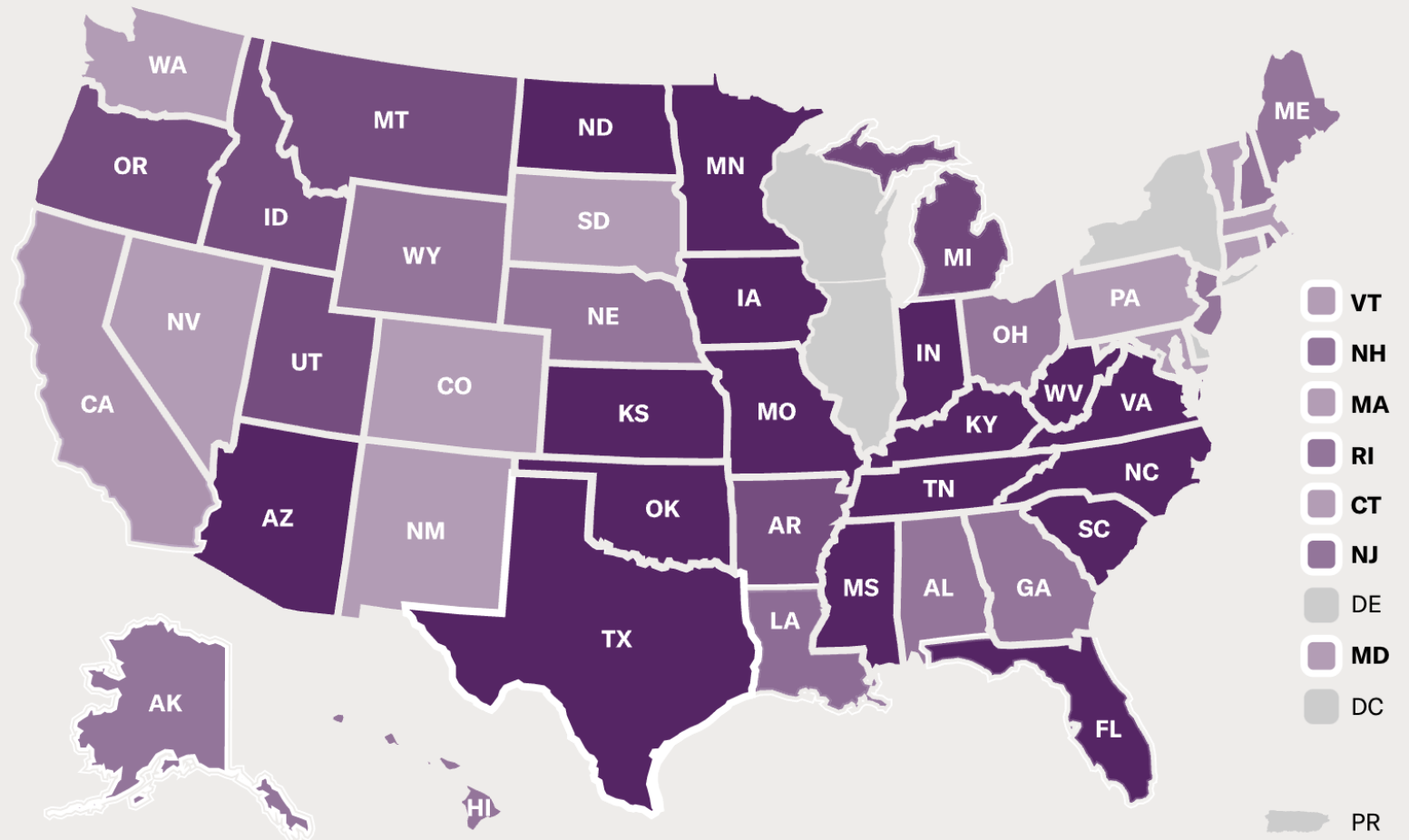


The ACLU is tracking **490** anti-LGBTQ bills in the U.S.

Choose a state on the map to show the different bills targeting LGBTQ rights and take action. While not all of these bills will become law, they all cause harm for LGBTQ people.

[View past legislative sessions.](#)

Bills per state



Targeted in the state legislatures

Over 70 of these bills have passed during this year's legislative sessions (so far). Nineteen of them ban health care. In Montana, a new law allows students to misgender and deadname their classmates without any repercussions.

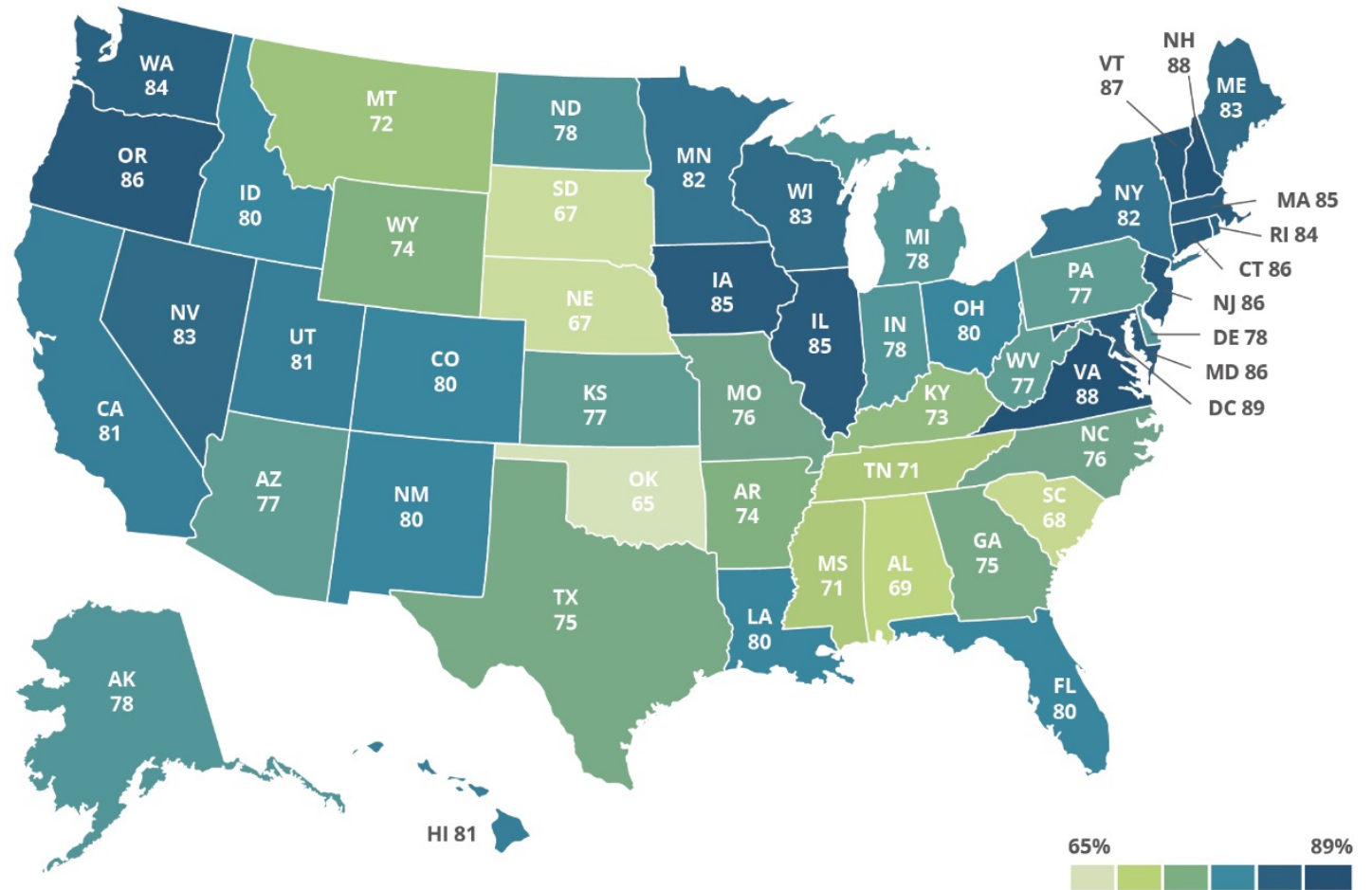
Americans, and Kansans, support protections for LGBTQ people

In Kansas, support stands at a strong 77%.

Many government agencies in Kansas feature supports for LGBTQ people, and the state universities are very welcoming to LGBTQ people.

FIGURE 5. Support for LGBT Nondiscrimination Protections, by State

Percent who favor laws that would protect gay, lesbian, bisexual, and transgender people against discrimination in jobs, public accommodations, and housing:



Source: PRRI, American Values Atlas, 2022.

And yet...legal protections for LGBTQ youth are weak or absent

Despite Kansans' strong support for LGBTQ protections, Kansas is relatively weak on protections for LGBTQ youth.

In this, Kansas is certainly not alone. Several states passed a variety of laws negatively impacting LGBTQ youth this year, especially trans youth.

Kansas passed SB 180, HB 2138, and HB 2238 in 2023.

Kansas did NOT pass a "Don't Say Gay" law or a forced outing law.

LGBTQ Youth Laws and Policies	Sexual Orientation		Gender Identity	
	Law Exists?	Tally	Law Exists?	Tally
Nondiscrimination Laws and Policies Covering LGBTQ Students	✘	0/1	✘	0/1
Anti-Bullying Laws and Policies Covering LGBTQ Students	✘	0/1	✘	0/1
State Curricular Standards Required to Be LGBTQ-Inclusive	✘	0/1	✘	0/1
Negative Law: "Don't Say Gay" Law Barring or Explicitly Restricting Educators From Discussing LGBTQ People or Issues in Schools	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: State Law Requires Parental Notification of LGBTQ-Inclusive Curricula and Allows Parents to Opt Children Out	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: Laws Banning Local Schools and Districts from Passing LGBTQ Nondiscrimination and/or Anti-Bullying Policies	No Negative Law	0/-1	No Negative Law	0/-1
Negative Law: State Law Prevents Transgender Students from Participating in Sports Consistent With Their Gender Identity	—	—	NEGATIVE LAW	-1/-1

Bills passed by Kansas in 2023 that impact trans youth

Laws passed in Kansas this year will directly affect the ability of trans youth in Kansas to access services and have their gender recognized.

SB 180 appears to implicate bathroom use for trans youth at school.

Is the KS JJ system required to house trans youth according to their gender at birth, apparently meaning a trans girl must be housed with boys?

HB 2238 bans trans youth from participation in sports, whether interscholastic, intramural, or club.

KS SB 180:

Section 1. (a) Notwithstanding any provision of state law to the contrary, with respect to the application of an individual's biological sex pursuant to any state law or rules and regulations, the following shall apply:

(1) An individual's "sex" means such individual's biological sex, either male or female, at birth;

(c) Any school district, or public school thereof, and any state agency, department or office or political subdivision that collects vital statistics for the purpose of complying with anti-discrimination laws or for the purpose of gathering accurate public health, crime, economic or other data shall identify each individual who is part of the collected data set as either male or female at birth.

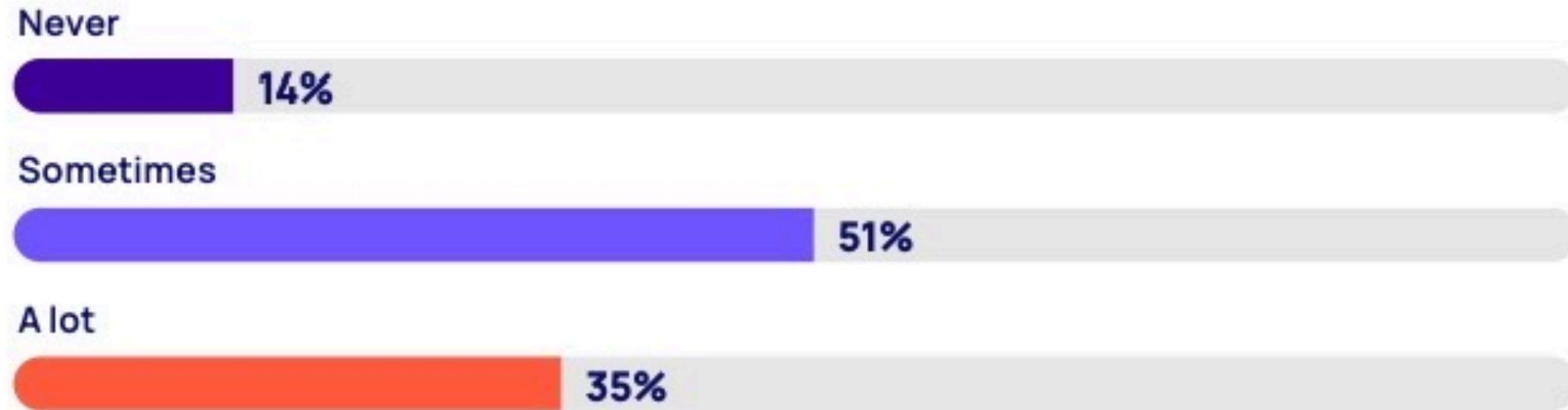
KS SB 228 (relating to county jails):

(2) ~~He shall keep separate rooms for the sexes, except where they are lawfully married. He shall~~ *each sex, female and male; and*

KS HB 2238:

Sec. 3. (a) Interscholastic, intercollegiate, intramural or club athletic teams or sports that are sponsored by a public educational entity or any school or private postsecondary educational institution whose students or teams compete against a public educational entity shall be expressly designated as one of the following based on biological sex:

LGBTQ youth who reported that recent politics negatively impacted their well-being:



LGBTQ youth in Kansas negatively impacted by politics

In 2023, the Kansas Legislature considered bills that would ban health care for trans youth; write trans identity out of the Kansas state code; regulate bathroom use by trans people; and force misgendering of trans youth in school.

Part 4. What are some connections between LGBTQ identity, toxic stress, and juvenile justice system involvement?

The reasons for LGBTQ youth overrepresentation in the juvenile justice are nuanced and complex.

Toxic stress is both a cause and a symptom of many circumstances and conditions disproportionately experienced by LGBTQ youth: suspension and expulsion, homelessness, child welfare system involvement, poverty, and violence.



Family and community rejection can lead to homelessness and JJ system involvement

HOMELESS LGBTQ YOUTH

An estimated **320,000 to 400,000** LGBTQ youth face homelessness in the United States each year.

LGBTQ youth experience many hardships, but perhaps one of the biggest is homelessness.

40%

of homeless youth are LGBTQ.

42%

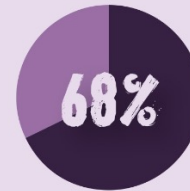
of homeless agencies do not address LGBTQ issues despite these elevated rates of homelessness.

14.4

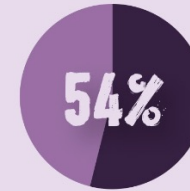
The average age that lesbian and gay youth in New York become homeless.

13.5

The average age that transgender youth in New York become homeless.



of homeless LGBTQ youth have experienced family rejection.



have experienced family abuse.



Nearly 1 in 3 transgender people have been turned away from shelters.

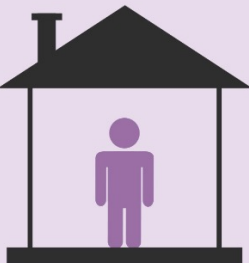
\$53,665

The estimated cost to incarcerate a youth for one year.



\$5,887

The estimated cost to permanently move a homeless youth off the streets and prevent them from becoming incarcerated.



15%

of homeless shelters reported that helping homeless LGBTQ youth is "not central to their mission."

Discrimination and harassment appear to coincide with increased school discipline

When LGBTQ students are harassed, victimized, or discriminated against at school on the basis of their sexual orientation or gender identity, it can start a cycle in motion.

Victimization, harassment, discrimination

Student response: absenteeism

Staff response: biased or ineffective response (or no response because they don't observe/know)

Both responses can lead to school discipline

School discipline greatly increases the chances that the student will be involved with the justice system

Toxic stress can interfere with success in school. Implicit bias can shape how adults interpret the results.

Higher-order thinking

Perspective-taking

Sequencing

Problem solving

Organizing memories

Remembering instructions

Perceptions of danger

Focusing and paying attention

Controlling emotions and behavior

- Reactivity/impulsivity
- Aggression
- Defiance
- Withdrawal
- Perfectionism

What is the school to prison pipeline?

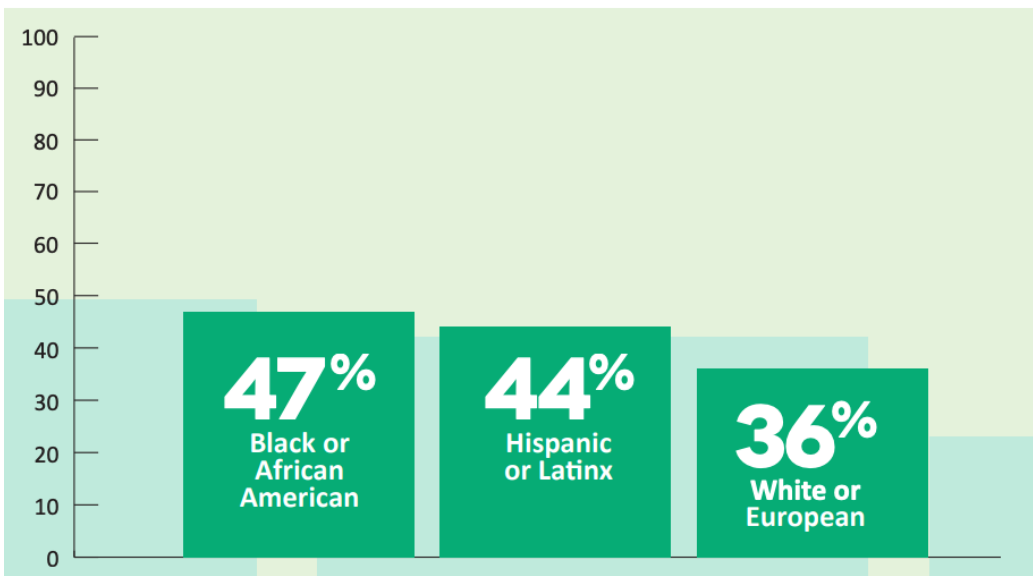
The term describes policies and practices that directly and indirectly push youth out of school, putting them at much greater risk of juvenile justice system involvement.

Examples include:

- Suspension, seclusion, restraint, expulsion, harsh discipline
- Increased policing/surveillance
- Referrals to law enforcement



% of LGBTQ students who have reported ever being disciplined at school



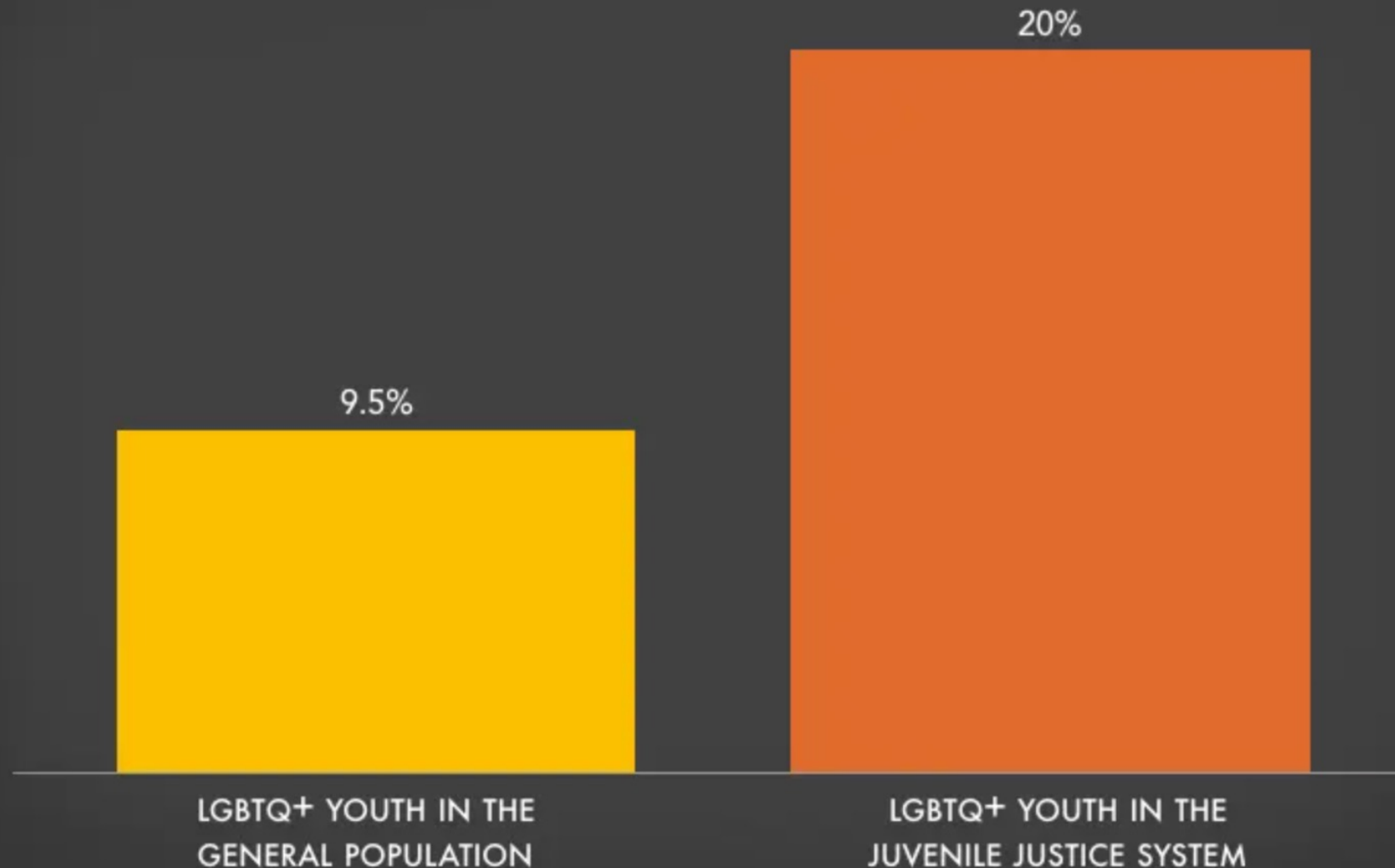
“
LGBTQ youth are at a higher risk for sanctions, such as being stopped by the police, expelled from school, arrested, or convicted.
”

Source: GLSEN. *Educational Exclusion: Drop Out, Push Out, and the School-to-Prison Pipeline among LGBTQ Youth*, 2016.

Source: Kathryn E.W. Himmelstein & Hannah Bruckner. *Criminal-justice and School Sanctions Against Nonheterosexual Youth: A National Longitudinal Study*, 2011.

LGBTQ+ youth are overrepresented in the juvenile justice system

Percentage of youth in the juvenile justice system who identify as LGBTQ+ compared to youth in the general population



Overrepresentation is more pronounced for LGBTQ girls and racialized LGBTQ youth

While about 10% of youth identify as LGBTQ today, about 20% of juvenile justice system-involved youth identify as LGBTQ.

The disproportion is larger for LGBTQ girls; 40% of incarcerated girls identify as LGB.

The overrepresentation of racialized LGBTQ youth is even larger: 85%-90% of incarcerated LGBTQ youth are from ethnic or racial minority backgrounds.

Stepping back

- Is there anything here that surprises you?
- What do you think are the most important implications for your practice?



Session #3 Quiz (reprise)

1. Forty percent of girls in the juvenile justice system identify as LGBTQ.
 - a. True
 - b. False

2. Kansas protects the following LGBTQ youth rights (choose all that apply):
 - a. Non-discrimination (specifically prohibits discrimination based on SOGI status)
 - b. Anti-bullying (specifically prohibits bullying based on SOGI status)
 - c. Protections for LGBTQ youth in the child welfare system
 - d. All of the above
 - e. None of the above

*SOGI = sexual orientation and gender identity

What to expect in Session #4

Child Toxic Stress and the Foster Care System

September 22, 2023, 10:00-10:50 am

Children in need of care have already been exposed to Adverse Childhood Experiences (ACEs), by definition. Foster care can be a lifesaving safety net for these children. However, according to the American Academy of Pediatrics, children with higher cumulative ACE scores tend to experience higher placement instability, which is another stressor. Racialized and LGBTQ children are overrepresented in foster care, and foster care appears to be a risk factor for both homelessness and incarceration in later life. We'll explore how toxic stress can be both a cause and a symptom of foster care placement.

Session #5

Systemic Considerations: A Trauma-Informed Approach to Child Welfare and Juvenile Justice

November 16, 2023, Noon-12:50 pm CST

Registration for 2023 juvenile justice webinars

<https://www.kscourts.org/About-the-Courts/Programs/Juvenile-Court-Training>

