

Supporting LGBTQIA2S+ youth in foster care

Why it matters

All children and young adults deserve to feel **physically and emotionally safe**. When young people enter foster care, it is the responsibility of the state to ensure that safety. One way that Oregon Department of Human Services (ODHS) supports safety is by gathering accurate information about the **sexual orientation and gender identity/expression (SOGIE)** of young people in foster care. This information allows us to coordinate appropriate services and secure affirming placements for young people who identify as LGBTQIA2S+.



Background

In 2021, the Oregon Legislature passed [House Bill 3159](#). This law requires state agencies like ODHS to add **sexual orientation and gender identity questions** to their current data collection procedures.

Risk

Under existing law, a young person's SOGIE information can be disclosed in certain kinds of court proceedings; it is up to a judge's discretion whether or not to allow its disclosure and ODHS cannot ask a court to disallow it. But the possibility of disclosure may **undermine a child's sense of safety** and prevent them from sharing their SOGIE information with ODHS. This can prevent the collection of accurate information and hinder our ability to provide LGBTQIA2S+ young people with some of the critical supports they need while in foster care.

Solution

Children in ODHS' care need a guarantee that their SOGIE information will be protected. ODHS is requesting a change to the law, with SB 209 to would allow us to **keep confidential the SOGIE information of children in care**. Such information would not be subject to ODHS' discovery obligations in juvenile dependency or termination of parental rights proceedings.

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