

Sexual Orientation, Gender Identity, and Gender Expression (SOGIE)

(Revised 03/21/25)

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Related Policies

Additional information can be found in the following policies:

- Contacts - SW and Child
- Gender Affirming Care for Minor and Non-Minor Dependents (NMD) in Foster Care
- Hotline Referral Screening Criteria

Resources

This policy references the following resources:

- CFWB LGBTQ+ Liaison Directory
- Case Practice Considerations for LGBTQ+ Youth
- Solution Focused Questions for LGBTQ+ Youth
- CWS/CMS SOGIE Data Entry Guide

Background

All youth deserve safety and acceptance in their homes and communities. Youth need safety, support, and nurturance to develop and embrace all aspects of their evolving identities, including their Sexual Orientation, Gender Identity and Expression (SOGIE). General definitions of SOGIE elements are provided below however each individual defines the elements of their SOGIE and what it means for them.

- **Sexual orientation** refers to romantic/sexual attraction to men, women, both, or neither.
 - **Gender identity** refers to one's inner sense of self as being a man, woman, both, neither, or other gender.
 - **Gender expression** refers to how an individual expresses their sense of self and may include how they dress, style their hair, or present themselves outwardly to others.
 - **SOGIE** is a continuum and may change over time for an individual.
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**Background
(Continued)**

All individuals have a sexual orientation, gender identity and how they express their gender. Some individuals will identify as part of the LGBTQ+ community based on their SOGIE. LGBTQ+ youth are over represented in child welfare systems and experience higher rates of childhood maltreatment, interpersonal violence, and traumatic experiences than non-LGBTQ+ youth ([The Trevor Project Research Brief, 2021](#)).

SWs play a critical role in ensuring youth receive safe, supportive, and appropriate services, and that youth in out-of-home care are placed in homes that are affirming and supportive. Youth thrive when their families and caregivers affirm and respect their SOGIE.

Policy

CFWB has a legal responsibility to provide care, placement, and services to youth and non-minor dependents (NMD) without discriminating based on actual or perceived SOGIE. As it relates to the youth's gender identity, the youth has the right to be included in their own case planning related to placement, health care, and their mental health.

SWs are required to make placement decisions for foster children, youth, and NMDs based on their client's gender identity rather than the gender listed on their birth certificate or court records, if this is the desire of the foster youth. Consideration of gender identity is critical to a child/youth/NMD's sense of safety, security, and well-being and needs to be respected. As with all placements, safety has to be assessed. Furthermore, foster youth are not to be forced to conform through dress, pronoun usage, customs, room assignments etc. to the gender in their case or court record if it is different than how they perceive themselves. If there are concerns regarding a placement not respecting and affirming a youth's SOGIE, SW's should consult with an [LGBTQ+ Liaison](#) regarding available resources to educate and support the caregiver in creating an affirming space for the youth.

Data Collection

Pursuant to Government Code section 8310.8, the California Department of Social Services (CDSS) is required to collect self-identified voluntary information pertaining to sexual orientation, gender identity and intersexuality. In accordance with the [LGBT Disparities Reduction Act](#), SWs are required to document SOGIE information in CWS/CMS for all children and non-minor dependents served in the child welfare system. Documentation of voluntarily shared information should start at the time a referral is received and be updated throughout the life of a case.

While SWs are required to enter SOGIE data into CWS/CMS for children and nonminor dependents, best practice includes collecting and entering SOGIE data for all clients, including parents. Refer to the [CWS/CMS Documentation](#) section of this policy for information on documenting a client's SOGIE.

**Trauma
Informed
Consideration**

Before you meet with the youth, consider the following:

- Be mindful of your own beliefs, values, cultural norms, and gaps in knowledge surrounding sexual orientation, gender identity, and gender expression. Reach out to your [LGBTQ+ Liaison](#) for trainings and resources to enhance your practice if needed.
- Your goal is to create a safer space for the youth to disclose aspects of their identity; be aware of your non-verbal reactions, especially if a youth discloses something different from what you anticipated.
- A hesitancy for youth to disclose their SOGIE in the beginning is common, given the harassment and discrimination many LGBTQ+ and gender non-conforming youth have encountered. Therefore, a youth may not disclose right away. In addition, a youth's understanding of their SOGIE may evolve over time. It is best practice to continue to ask about SOGIE at future monthly compliance visits.

Consider the following while meeting with the youth:

- Choose a location that is private and free from distractions.
- If a youth tells you that they are gay, lesbian, bisexual, transgender, queer or questioning:
 - Be affirming (e.g. thank them for sharing).
 - Explore what it means to them and how it connects to their own identity and behaviors via Appreciative Inquiry.
 - Discuss it (ask questions like: Who have you told? Who do you feel supported by? Are there resources you need or questions you might like to get answered?).
 - Have a conversation with them about people they trust and have shared their identity with, whom they would like to know, and if they want support telling anyone. Discuss concerns, challenges, worries, and any next steps the youth may be interested in.
 - Discuss confidentiality with the youth. Refer to the [Maintaining Privacy of a Youth's SOGIE](#) section of this policy.
 - Do NOT include in dependency files or the court documents without the youth's consent.
 - Do NOT share their identity with any person without their consent.
 - Consult with your supervisor and the [LGBTQ+ Liaison](#) for your office or program.

**Hotline Screener
Assessment and
Documentation**

A situation in which a child is being abused or neglected because a parent/caregiver believes the child to be Lesbian, Gay, Bisexual, Transgender, Queer/Questioning (LGBTQ) or transgender/non-conforming (TGNC) may negatively impact that child's natural process of gender identity formation and/or sexual orientation development. If a suspected child abuse referral comes into the Hotline, and the referral is alleging abuse or neglect due to the child's SOGIE, the Hotline SW should assess the reporting party's concerns by asking questions to elicit more details and context about the situation.

**Hotline Screener
Assessment and
Documentation
(cont.)**

The Hotline SW will enter all pertinent and relevant pertaining to SOGIE into the narrative section of the referral. Refer to the Hotline Referral [Screening](#) Criteria for information regarding hotline assessment questions relating to SOGIE.

**Maintaining
Privacy of a
Youth's SOGIE**

The privacy of a child's SOGIE is important to consider because children and youth are the principal owners of their SOGIE information. Do not assume that the parent/caregiver is aware of the youth's SOGIE information even if stated in the referral. The information should **not** be disclosed without first consulting and obtaining permission from the child/youth.

SWs should be open and honest about why questions regarding SOGIE are being asked, how the information will be used and how confidentiality will be maintained. **Prior to discussing a youth's SOGIE**, SWs should inform youth their SOGIE information may be shared without their permission for:

- Arranging necessary medical care or services
- Arranging a new placement
- Their safety or well-being
- Sharing information with tribal representative, in the case of an Indian child.

Before making a referral for a parent or youth to a SOGIE specific resource or service, the SW must consider the need for privacy of the child's SOGIE information. Revealing a child's SOGIE may put them at greater risk for abuse or neglect.

Additionally, when cross reporting allegations, SWs will work closely with law enforcement to protect the privacy of the child's SOGIE.

**SOGIE Interview
Questions**

SWs are required to [document sexual and reproductive health conversations](#) and address any barriers to these services, including those related to sexual orientation, for children and youth 10 years and older. SWs should consider the youth's age and developmental level when discussing SOGIE. By age three, most youth will have an understanding of the concept of gender however the youth's understanding of sexual orientation and how they identify will vary depending on the youth's developmental level and may change over time.

Prior to asking the youth about their SOGIE, it is important to establish safety and trust by having a conversation about why the questions are being asked and discussing confidentiality. SWs should let the youth know that answering questions about their SOGIE is their choice.

SOGIE Interview Questions (Cont.)

The following questions are examples to help a SW better understand a youth's identity. It is to help open the door to learning about the youth's identity and is only the beginning of the conversation.

- What is your name? Is this the name that you prefer?
- Everyone has pronouns that they want to be used for them. What are your pronouns?
 - She/Her/Hers
 - He/Him/His
 - They/Them/Theirs
 - Not sure
 - Something else
- Do you or anyone in your family identify as part of the LGBTQ+ Community?
 - If the response is "no". Ask permission to note that they are straight and female/male.
 - If the response is "yes". Ask them to tell you more.
- Some examples of follow-up questions include:
 - How do you identify? Gay, lesbian, bisexual, queer, questioning, straight, 2 Spirit or something else?
 - What sex were you assigned at birth?
 - Do you feel like a boy, girl, or another gender?
 - What type of clothes do you prefer to wear?
 - Do you like and/or date girls, boys, both, or neither?
- If the child/youth shares they are LGBTQ+ identified, the following questions should be explored with the child/youth if they are comfortable sharing::
 - Who the youth has told in their life about their identity
 - Who they trust or feel supported by
 - If they want assistance telling anyone
 - If they have told their parents and/or caregivers, what their reaction was? Do they have any worries about it?
 - Do they feel comfortable with their sexuality and/or identity being documented?
 - Are they interested in SOGIE information and or resources?

NOTE: If the youth does NOT want their SOGIE documented, please note in the contact, "Gender identity and sexual orientation was discussed with the youth" and do NOT include further details of what they shared.

CWS/CMS Documentation

In CWS/CMS, SOGIE fields on the client ID page for the family members (youth and parents) must be completed by the SW. A glossary of the terms can be accessed from the "Help" screen by pressing (F1) in CWS/CMS while hovering over a specific field. Refer to the [SOGIE Data Entry Guide](#) for detailed instructions on entering the SOGIE data into CWS/CMS.

The following is a list of the choices in the client ID page that the SW will make based on the SWs interview with the client.

**CWS/CMS
Documentation
(cont.)**

Sexual Orientation

- Asexual
- Bisexual
- Gay
- Lesbian
- Pansexual
- Straight or Heterosexual
- Declines to State
- Not Listed- if the 'Not Listed' field is selected the "Description" field will be enabled.
- Unable to Determine (If chosen, must choose from the following sub-options)
 - Did Not Ask
 - Client Does Not Know

Gender Identity

- Female
- Gender Queer/ Gender Non-Binary
- Male
- Transgender Female
- Transgender Male
- Not Listed - if the 'Not Listed' field is selected the 'Description' field will be enabled.
- Unsure
- Declines to State
- Did Not Ask

Gender Expression

- Androgynous/Gender Non-Conforming
- Both Masculine and Feminine
- Feminine
- Masculine
- Declines to State
- Did Not Ask

**Written
Documentation**

Documentation of a client's SOGIE recorded on the Client ID page is not shared as part of the juvenile case file. However, a youth's private information documented in any written format in CWS/CMS becomes part of their juvenile case file, which may include but is not limited to:

- Contacts
 - Narratives
 - Case Summaries
 - Court Reports
 - Team Meeting Summaries
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**Written
Documentation
(cont.)**

The juvenile case file can be shared when:

- Required by a court order
- A youth discloses, or the SW reasonably suspects child abuse, neglect or exploitation and the SW must report it
- The youth grants their permission

In addition, many individuals have the right to inspect or access a foster youth's juvenile case file including the youth's parent or guardian, appointed counsel for all parties involved in the preceding, probation officers, child welfare personnel, county counsel, and the superintendent of the school where the youth is enrolled.

Entering SOGIE information in written documentation in CWS/CMS in a non-specific manner ensures that SOGIE information is kept private and not shared without the child's/youth's permission.

Examples of documentation in **contacts** include:

- "The SW and the youth discussed topics of SOGIE."
- "The SW provided the youth resources regarding SOGIE."
- "The SW offered to remove any barriers the youth may experience in accessing services related to their SOGIE."

**Court Best
Practices**

Best practices for documentation in court reports:

When considering documenting a youth's SOGIE in court reports the SW should inform youth of the purpose of the court report and who will receive a copy, ask the youth how they would like to be referred to in the report and confirm what information should be kept private.

If the youth is using a name or pronouns different than those assigned at birth and gives their permission for this information to be shared in the court report, include the following:

- In the matter of (youth's name assigned at birth), the youth will be referred to as (youth's chosen name) with the pronouns (he/him/she/her/they/them etc.) From hereon in this report. The youth has given their permission for this information to be shared with the court.
- Use the youth's chosen name and pronouns throughout the rest of the report.

Best practices for court proceedings:

- If the youth has given their permission to share their SOGIE information, contact the court officer in advance to advise them of the youth's chosen name and pronouns.
 - Inform the youth that the court officer will introduce the case using the youth's name assigned at birth and then will refer to the youth by their chosen name and pronouns throughout the remainder of the proceedings.
 - If a child/youth has requested that their SOGIE information remain confidential, consult with County Counsel to determine if disclosure is required to protect the youth's health and safety, or if disclosure has been compelled by law or a court order.
 - If disclosure is required, notify the court officer and the courtroom County Counsel, so a chambers conference may be held to maximize the child's/youth's privacy.
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**Alignment with
SET**

This policy aligns with SET [Value 1](#), which believes that relationships with children, youth and families are the foundation by valuing the child/youth's voice. This policy supports SET [Value 3](#) and the guiding principle to have a continual focus on children's well-being while in our care. This policy also supports [Value 6](#) where a workplace culture is characterized by reflection, appreciation and ongoing learning.
