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**SPECIAL FEATURE:  
ADVANCING JUSTICE  
WITH THE LGBTQ  
COMMUNITY**



## A Rural Legal Aid Perspective on Creating an LGBT Program

*By Dan Torres, Esq., Program Manager, Proyecto Poderoso<sup>1</sup>  
California Rural Legal Assistance*

This article explores California Rural Legal Assistance's (CRLA) initiative to serve low-income lesbian, gay, bisexual and transgender (LGBT) clients. Specifically, the steps that CLRA has taken, so far, to reach an underserved community are set forth below along with advice on reaching the LGBT community in particular. CRLA's journey and its ongoing efforts to strengthen its LGBT advocacy offer ideas for other organizations to undertake this important work.



### Background

Since 1966, CRLA has been fighting for justice alongside the most exploited communities in our society. From challenging racist policies in schools to helping indigenous families create safer and healthier communities, CRLA has had a history of combating discrimination.

In the mid-1990s, CRLA developed a practice of assisting farm worker clients who had been sexually harassed. Most of the CRLA cases at that time involved women who had been harassed by men. Before long, the community presented CRLA with a new pattern of discrimination cases with LGBT farm workers who had been harassed in the fields.

One example of an early case handled by CRLA involved a male farm worker who faced constant anti-gay epithets from his foreman and co-workers. The verbal harassment escalated to physical harm when our client's co-workers threw him into an irrigation canal in response to the foreman's promise of a case of beer

for doing so. CRLA was ultimately able to negotiate a settlement on his behalf. That case, however, opened CRLA's eyes both to the existence of the LGBT farm worker community and the need to develop more skills in handling future cases for LGBT people. Of course, before this example, LGBT-discrimination occurred in and around CRLA communities, but clients rarely disclosed sexual orientation and gender identity discrimination to CRLA advocates. The lack of disclosure made the LGBT rural community seem "invisible."

In the last decade, however, LGBT rural communities have stepped out of the shadows. This is particularly true for same-sex households whose number has grown by half in the last decade nationwide.<sup>2</sup> Over time, through intentional community outreach by CRLA advocates, low-income LGBT people have become more visible in our communities of service, and we are now learning more about the prevalence of discrimination and struggles for justice they face. For CRLA, this has meant learning about LGBT advocacy and adapting our core strategies to be more inclusive of the LGBT community. It is the client community and its increased visibility that motivated CRLA to be more intentional about this work and start an LGBT project called *Proyecto Poderoso*, or Project Powerful.

The intentional effort to start the project involved hiring staff that could lead this advocacy at CRLA and develop key partnerships, such as a partnership with the National Center for Lesbian Rights (NCLR). Leveraging NCLR's expertise in LGBT advocacy, CRLA enhanced its own advocacy on behalf of rural poor communities and farm workers via *Proyecto Poderoso*. In 2007, *Proyecto Poderoso* set out to expand legal services for low-income LGBT people living in rural

California. With specific allocation of staff resources, *Proyecto Poderoso* started as a local project within one CRLA office. *Proyecto Poderoso* has since developed into a statewide CRLA program.

## Designing a Blueprint for an LGBT Program

### Step 1: Study the Community

At the early stages of developing *Proyecto Poderoso*, CRLA obtained the help of the Williams Institute at UCLA Law School to conduct a demographic study of the LGB population<sup>3</sup> within CRLA's service area. The study found that there were 136,000 lesbian, gay and bisexual people living in CRLA service counties. The study was eye-opening for many reasons. First, the past invisibility of the LGB community made the large numbers of LGB people found to be living in rural California seem shockingly high and highlighted a void in CRLA's service. Second, the data was also important in challenging common stereotypes that LGB people do not live in rural communities. Finally, the study refuted another common stereotype that most LGB people are relatively wealthy by documenting the large numbers of low-income LGB people in rural communities. The study found that the LGB people and heterosexual people living in CRLA service areas face similar poverty rates. It also found that LGB people in rural communities experience more poverty than LGB people living in urban centers. The study offered much more information about the LGB rural community, all of which was important for purposes of program planning and informing CRLA's strategies for serving the community.

### Step 2: Develop Organizational Competency and Build the Community's Trust

Part of building an LGBT program involves creating relationships of trust with the LGBT community. Essential to building that trust is making sure that your house is in order before clients come through the door. Rural LGBT clients face discrimination in schools, jobs, homes and public spaces, and fear seeking help from any agency, including legal aid offices. Therefore, *Proyecto Poderoso* staff worked to develop deeper levels of cultural competency among CRLA staff to handle intakes, conduct outreach and to interview clients in ways that respect the LGBT community. The trainings included information on basic LGBT terminology. They also underscored the importance of not making

assumptions about a client's gender identity and sexual orientation. Trainers suggested interview questions that created a space for clients to specify how they want to be identified and openly disclose their legal problems.

Getting LGBT clients to trust your organization takes developing a good reputation with the LGBT client community. That effort takes time. Figuring out what your organization can do for the LGBT community is a process. Part of the journey involves examining your organization's priority areas and thinking about how the LGBT advocacy fits within that framework. To avoid confusion and maintain trust, it is important to keep a few strategies in place. First, be willing to expand existing practice areas to include the needs of LGBT clients. Second, develop partnerships with legal experts in LGBT law that can co-counsel with you as you develop experience working on new LGBT issues. Third, develop quality referrals to LGBT legal specialists, in the event you will not be able to assist the client. Keeping these strategies in mind will help address client needs competently and ensure you maintain your trusted advocate status as you continue to improve your LGBT program.

### Step 3: Address LGBT Client Needs in Core Strategies and Practice Areas

CRLA found that the strategies for carrying out LGBT advocacy aligned with the overall advocacy programs that it already had in place, such as in the areas of employment, housing, education and other civil rights. Further, the LGBT client community is very much part of every community CRLA already serves and confronts many of the same issues that the broader rural, low-income community faces.

At the same time, in order to be effective, LGBT advocacy has to address the nuances of the discrimination faced by LGBT clients and incorporate the available protections that exist under state and federal law. In addition to the cultural competency trainings, *Proyecto Poderoso* offered trainings and updates on changes to the law to CRLA staff. Some of the tools to reach and serve the LGBT population are described below.

### Direct Legal Services

Legal aid work is LGBT work. Many of the issues that LGBT clients bring to CRLA are bread and butter legal aid issues that are often addressed by direct legal representation. For example, the most common type of legal need LGBT clients bring to CRLA is employment discrimination. LGBT clients also need legal assistance

with discrimination in public accommodations, housing and education. Within those areas of need, LGBT clients have suffered some of the most severe forms of hate crimes and bullying. CRLA has had decades of experience working with diverse communities on issues of discrimination. Nevertheless, it was still important to be mindful of the different layers of challenges each community faces with discrimination. This is especially true for serving low-income rural LGBT clients because it can be difficult for these clients to talk about the discrimination they suffered. Therefore, existing strategies at times need to be adapted. An example of an adapted strategy is offered below.

### Community Education

Community education has long been a core CRLA strategy. *Proyecto Poderoso* undertakes community education on LGBT legal rights, which continues to be critical as many people in rural communities are not aware of their legal rights. We often encounter many people in the general rural population, both straight and LGBT, who are not informed of existing LGBT legal protections. Consequently, the community education strategy serves two purposes: first, educating LGBT people about their legal rights so that they may vindicate those rights and, second, informing the general population, so that they know to respect those rights.

One example of CRLA's innovative community education is a *radionovela*, a Spanish-language radio soap opera that it produced to educate the public about LGBT issues. CRLA has used *radionovelas* in the past to raise awareness about legal issues in Latino migrant communities on various topics such as pesticide exposure and workers' rights. In partnership with *Radio Bilingue* and the Family Acceptance Project, *Proyecto Poderoso* developed a radio story about a gay Latino youth who was bullied in school because of his sexual orientation. Since he had not yet told his mother that he is gay, he was afraid to tell her about being bullied. Nevertheless, his mother found out that her son is gay and was being bullied in school. She struggled to accept her son, and protect him in school. Ultimately she finds help from family friends who also have a gay son. The family friends share their experience of family acceptance of their son and refer her to a legal aid office to get help with the bullying incidents. The story illustrated several common themes that community members wanted to be expressed about acceptance of LGBT people and the challenge of protecting the rights of LGBT people.

Educating Spanish-speaking communities about LGBT discrimination, including bullying at school, raises taboo subject matter. Therefore, *Proyecto Poderoso* searched for familiar ways to open up the conversation with its clients and develop awareness on this issue. As in the past, this community education strategy is proving to be effective at opening new doors for community dialogue on a difficult social and legal issue.

### Leadership Skills

In addition to reaching out to the larger rural community, *Proyecto Poderoso* also works with LGBT clients to develop their own leadership skills to empower clients to address discrimination and assert their rights. *Proyecto Poderoso* also works with clients on developing their confidence to speak up, whether in media appearances, or in other settings where they can assist our advocates with community legal presentations. The leadership development work seeks to raise the confidence of LGBT clients, ameliorate the effects of their past discrimination, and prevent future discrimination. By raising visibility of the LGBT clients and simultaneously increasing their knowledge of legal rights, we seek to help clients lead the way to more secure lives for themselves and their community members.

### Community Development and Rural LGBT Organizations

Though few rural LGBT-identified organizations exist, they serve an important role for low-income LGBT people. Many of these groups have informal organizational structures and very limited budgets, yet they offer low-income LGBT people critically important services such as peer support meetings, shelter, job training workshops and other important economic development services. Often, these groups cannot afford legal counsel of their own. As an emerging community resource, rural LGBT organizations need legal help on deciding whether or how to incorporate into non-profits. Because they can further develop resources for low-income LGBT communities, providing legal assistance to rural LGBT organizations is another important strategy for *Proyecto Poderoso* to serve the larger LGBT community.

### Step 4: Expanding and Building More Capacity

The work ahead involves branching out to other organizations and agencies. In that effort, *Proyecto Poderoso* has worked to build capacity of other legal aid organizations, governmental agencies and social

service providers, to collaboratively increase access to justice for LGBT clients. Fortunately, *Proyecto Poderoso* has had excellent opportunities to expand its reach. Government and non-profit agencies have invited *Proyecto Poderoso* to participate in joint outreach efforts to LGBT communities. For example, a local county office on aging invited *Proyecto Poderoso* to conduct a series of community legal presentations to raise awareness about LGBT seniors' rights. In addition, a school district requested *Proyecto Poderoso's* participation in an anti-bullying roundtable. Similarly, legal aid organizations and social service providers continue to search for new ways to collaborate, all with the goal of increasing access to justice for LGBT people.

### Reflections: Lessons Learned

Despite ongoing success, not all of the work has come easily. There have been many lessons learned along the way. Some of them have been discussed above, such as the importance of training organizational staff and partners on LGBT cultural competency and legal rights. That effort needs to continue and needs to be repeated often. It generally takes more than one round of training for critical messages to be grasped by staff and partners. We have found that different types of training styles can help to improve cultural competency levels. The LGBT cultural competency trainings have to exceed standard diversity training for staff. It is not enough to cover appropriate terminology because sometimes the information does not mean much without a context. Instead, trainings should include role-plays and case studies of real situations our clients face so that staff and advocates get a deeper perspective on the particularized issues LGBT clients experience.

Supervisors and managers must ask whether they have LGBT inclusive language in their own policies and programs. This also means taking a hard look at intake systems and protocols to ensure that LGBT clients will feel confident that they will be respected and well-served by the organization. An important value-added by having dedicated or assigned LGBT project staff is that they can pose these questions, call for necessary reforms and assist with implementation of necessary changes.

Adequately serving LGBT clients takes organizational commitment and support. This means being as intentional in developing LGBT advocacy as an

organization would with any other targeted advocacy. For example, in developing needs assessments, working with client advisory groups, and drafting work plans, organizations should use these planning tools to map out how they will carry out their LGBT advocacy. In the end, the clients will be better served.

### Conclusion

Advocating on behalf of marginalized, low-income people is what legal aid organizations do. LGBT clients are marginalized and experience poverty rates similar to the general rural population. Advocating on behalf of low-income LGBT people fits within the broader justice outcomes we all work towards. As described above, legal aid organizations can fill an existing void in service to the LGBT population by recognizing the need within existing service populations, developing organizational competency and community trust, fine-tuning existing practice areas to meet the needs of the LGBT community, and building capacity within the LGBT community itself. The work we do for LGBT clients not only advances justice for the clients, but it makes our organizations relevant to the changing needs of the people we serve.

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- 2 <http://williamsinstitute.law.ucla.edu/press/finding-gay-rural-america>.
- 3 Due to lack of data sources, transgender people were not counted in this study. Therefore, the acronym LGB refers only to lesbian, gay and bisexual people. One CRLA county was also not included.