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WINDY CITY TIMES

Can the Child Welfare System Handle Trans Children?
Transgender youth being removed from homes by child welfare agencies
 by Gretchen Rachel Hammond
 2017-04-05



Part One of a Series

On Nov. 8, 1978, the United States Congress enacted a law that would "establish standards for the placement of Indian children in foster or adoptive homes, to prevent the breakup of Indian families, and for other purposes."

The Indian Child Welfare Act was the result of hearings which began four years earlier.

In their findings, Congress stated that, "An alarmingly high percentage of Indian children, living within both urban communities and Indian reservations, are separated from their parents through the actions of nontribal government agencies or private individuals or private agencies and are placed in institutions (including boarding schools) or in foster and adoptive homes usually with non-Indian families."

Congress went on to note that, "The separation of Indian children from their families frequently occurs where one or more of the following circumstances exist: (1) the natural parent does not understand the nature of the documents or the proceedings involved. (2) neither the child nor the natural parents are represented by counsel or otherwise advised of their rights; (3) the agency officials involved are unfamiliar with, and often disdainful of Indian culture and society; (4) the conditions which led to the separation are not demonstrably harmful or are remediable or transitory in character. For the child, such separation can cause a loss of identity and self-esteem and contributes directly to the unreasonably high rates among Indian children for dropouts, alcoholism and drug abuse, suicides and crime."

Now, almost 40 years later, stories have been surfacing which suggest those findings and, in many cases, each of the circumstances related to them seem to be happening again—this time to transgender and gender-nonconforming children and their parents in the United States.

In 2014, Windy City Times featured the work of Lurie Children's Hospital's groundbreaking Gender & Sex Development Program in Chicago. Since its inception, the program has provided an oasis of medical consultation and mental health assistance with some of the leading pediatric and psychological service providers in the country while engaging in academic studies which continue to fundamentally evolve and positively change the care transgender and gender non-conforming children receive.

At the time, Windy City Times spoke with then Gender & Sex Development Program team members and three families who were part of the clinic. Psychologist Marco Hidalgo, Ph.D. noted that a child's gender expression can be demonstrated as early as age 2. "I've heard a very young natal male say, 'I feel like I'm a girl' and some who have quite a bit more conviction and say, 'I am a little girl. I'm not who my parents think I am,'" he said.

Regardless of the age a child begins to express their gender identity, the immediate reaction of their parents runs the gamut: confusion, shock, self-blame, the hopes that it is just a phase but also, in increasing numbers, a desire for the understanding and knowledge needed to support, love and raise their child in an affirming home.

In one example, a Michigan family talked candidly to Windy City Times about their then 6-year-old daughter Elexa. The mother, Christie, said that she and her husband first noticed something different about Elexa when the child was between 16 and 18 months old. "We were paying attention to choices she was making," she said. "Loving pink, loving purple. Quickly that went into all things sparkly and dress-up clothes. Things like that. We just allowed her to be herself."

The open support of a transgender child often requires an inordinate amount of courage on the part of the parents. Despite all the documented physiological and psychological good they are doing their child through the affirmation of her/his/their gender identity, parents often receive push-back from conservative pundits and organizations, fellow community or church members, educators and even pediatricians based in hospitals, particularly faith-based institutions.

In many cases, such individuals demonstrate a woeful lack of knowledge about transgender lives or a religious and political bias which has been severely exacerbated in the two years since right-wing

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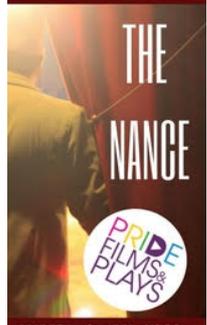
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religious and political bias which has been severely exacerbated in the two years since right-wing politicians and advocacy groups turned bathrooms into a wedge issue.

For that reason and the desire for privacy, many parents are wary of talking to the media about their transgender child. Those who do often wish for the use of an alias and forbid photography of either themselves or, especially, their child.

Rather than looking for public approval via a national press that they simply do not trust not to sensationalize or exploit their child, parents instead seek mutual support from those in similar situations whether in private social media groups, through the national advocacy work of organizations such as PFLAG, or as part of group meet-ups hosted by programs like Lurie.

Some of the parents who are more public about their support for their child often do so in an advocacy role.

Mothers such as noted author Marsha Aizumi work tirelessly to improve the social and political perceptions of transgender children so that other families don't have to raise their children in hiding.

Writer, performer and activist Isabel Rose is the mom of two daughters, one of whom is transgender. She has taken her family to, and spoken at rallies, both in support of the LGBT community and as a parent activist.

After the Orlando Pulse Nightclub massacre of June 2016, Rose and her family went to the vigil outside the Stonewall Inn. She regularly travels to Washington, D.C. to meet with members of Congress.

In the course of her advocacy, Rose has worked with a number of transgender families often as part of the New York-based Family Equality Council which "supports, and represents the three million parents who are lesbian, gay, bisexual, transgender and queer in this country and their six million children."

Rose received national press attention in February 2017 after she published an open letter to Ivanka Trump in order to put a human face on transgender children. The letter described Rose's daughter Sadie.

"Our once-miserable son is now our thriving second grade daughter at one of New York City's top public schools," Rose wrote. "She wants to be a scientist and a doctor when she grows up so she can figure out how girls like her can become mothers using their own bodies. She takes piano lessons and likes to rock climb and go to museums, loves all the colors and shades of the rainbow, and her favorite flavor ice cream is mint chocolate chip."

The letter went viral.

"I received copious amounts of hate mail," Rose told Windy City Times. "So I made the decision not to hate back but to attempt to educate back. I took some of the most vicious responses and I used them as opportunities to turn around some misunderstandings."

Rose did so via a blog post on the website CafeMom in which she cited some the emails she had received.

One read "There's no way your son could have know (sic) he was transgender at the age of 8. Obviously either you, or your equally deranged husband, brainwashed the poor kid."

"Actually, our child knew there was an incongruity between the way he felt and the way he was being dressed long before he knew the words to explain himself," Rose responded on CafeMom. "As soon as he could gesture, he pointed to girl dolls, dresses, and mermaids. And once our child discovered language, he put together sentences like, 'I'm a girl kitty,' or 'I'm a girl bunny.' He was 3 years old."

Rose told Windy City Times that she was "blessed to live in New York City—an enormously diverse urban environment where there are a lot of universities and schools. So, people are more open minded here."

On the other hand, Rose conceded that "many parents in this community are afraid to go public" because of possible push-back from the communities in which they live.

In Cook County, a legal name change can be published in The Chicago Daily Law Bulletin or another publication such as Windy City Times. According to the New York State Unified Court System, if a judge grants a name change request in that state, it must be "published as a notice in the newspaper chosen by the court."

Rose recalled that her daughter's name change was published in a "very obscure, rarely read journal. It was reassuring."

"I go to a group once a month of parents of transgender children who are often trying to find out from each other, 'What can we do to help our children?'" She added. "I said, 'This is how you go about changing your name.' All of them were willing to pay a lawyer fee rather than risk the exposure in a paper that would not be read by anyone. That's assuming the lawyer could find a way around that. But it was a sign to me that there is a lot of fear of exposure and repercussion."

Such repercussion has involved child protection agencies nationwide.

The fear of these agencies being used as a tool to remove transgender children by individuals who have objections to the open manner in which parents are raising them is significant.

Windy City Times reached out to parent's groups across the United States. Most trans parents would not even speak off-the-record about the basis of that fear.

The Land of Lincoln

In Illinois, the results were much the same in terms of requests for even a general discussion centered around the activities of the Illinois Department of Children and Family Services (DCFS). One anonymous source defined the reason as "an absolute terror of retaliation by DCFS" and then promptly hung up.

Remarkably, even a number of trans advocacy agencies and institutions Windy City Times contacted refused to comment or would only release a brief statement concerning DCFS and transgender children—they may have feared for their own contracts or relationships with DCFS.

However, one such statement released by the American Civil Liberties Union (ACLU) of Illinois to Windy City Times provided some explanation as to the reluctance of individuals and groups to talk about the issue.

"It is important to recall that the possibility of the state removing a child from his or her parents' home without legal justification is terrifying," the ACLU wrote. "And while Illinois law should prevent state officials from removing children without a fair hearing, we are aware of instances where children or their parents may not actually get the due process that the law demands.

"For example, every parent and child has the right to be represented by an attorney in removal proceedings and to challenge DCFS' conclusions," they continued. "Parents, however, are sometimes not well represented in juvenile court. This can be due to attorneys' high caseloads, such as in Cook County where public defenders take on the representation, or because of poor compensation where private counsel are appointed. It is also true that some judges tend to be overly deferential to DCFS and they do not give due weight to the importance of the bond between a parent and their child."

DCFS follows a system of protocols when a call alleging child abuse or neglect is made to the Springfield hotline either by a member of the public or a mandated reporter. That system is extraordinarily complex and difficult for accused families to navigate or understand, particularly without legal representation.

A basic guide released by the Chicago-based Family Defense Center, which advocates "justice for families in the child welfare system," provides parents and other caregivers "general information about the child abuse and neglect system in Illinois" while advising of their rights throughout the process and offering steps for redress.

The guide states that a hotline caller's identity is "protected by a strict confidentiality law" and that callers are protected by "good faith" immunity.

"It is very hard to show that a call was motivated by bad faith," the guide states. "It is not impossible, but the person suing the Hotline caller has to show much more than that the call was not correct."

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Once a call is made to the hotline, an operator decides whether the complaint "fits" within the Allegations of Harm as defined by DCFS rules and procedures. If DCFS decides that further action is warranted, a primary investigator is assigned who must attempt to see the child and interview the family within 24 hours of the call.

The investigator then conducts a Child Endangerment Risk Protocol (CERAP) which the Family Defense Center defines as "a list of potential 'safety threats'"

According to the organization, "If the investigator checks any box indicating the presence of a potential safety threat, the CERAP is marked 'unsafe' and the investigator and the supervisor must decide whether further actions are necessary, such as taking protective custody or implementing a 'safety plan.' DCFS policy currently provides that the mere presence of certain allegations automatically results in an 'unsafe' CERAP determination and requires either a safety plan or removal of the child from the parents."

Records of the subsequent investigation are supposed to be filed within 48 hours although the Family Defense Center asserts that it "rarely sees files that consistently meet that standard."

Investigations must be concluded within 60 days.

The Family Defense Center suggests documentary evidence which those under investigation should submit to DCFS. They include "letters of support from individuals who know your family and parenting skills well."

Some transgender parent advocacy groups nationwide have advised that parents keep "a safe folder" in their home.

The reason for that was described by a member of the TransFamily Support Group of Santa Cruz County on the organization's website.

"I soon found out from parents all over the country, children have been taken away from parents who let them transition," the blogger Heidi wrote. "Some families reported that Child Protective Services (CPS) had been called to their home by 'concerned people' who reported them as abusive or negligent."

On the ChicagoNow website, a parent named Pamela stated that a safe folder should "include a letter from a pediatrician or medical professional, confirming your child's gender identity, a letter from a therapist that both confirms your child's gender identity and the stability of your family or home, and letters from any other health care professionals that can confirm your child's gender identity. You may also want to reach out to friends and family in your child's life, who are willing to write letters testifying to your child's atypical gender identity. Reach out to ministers or pastors that know your child and can support their gender identity, teachers, school administrators, coaches, etc."

Pediatricians and medical professionals are among the list of mandated reporters who are required under the Illinois Abused and Neglected Child Reporting Act (ANCR) to contact DCFS when they "have reasonable cause to believe that a child known to them in their professional or official capacity may be an abused or neglected child."

The list is expansive. It includes physicians, surgeons, residents, interns, dentists, chiropractors, Christian Science practitioners, teachers, child care workers, law enforcement and animal control officers.

A May 2015 Manual for Mandated Reporters issued by DCFS stated that the list had been broadened by ANCR to include "licensed professional counselors in any office, clinic, or any other physical location that provides abortions, abortion referrals or contraceptives."

The Procedures tab of the DCFS website, Section 300 APPENDIX B contains a 140-page catalog of what it calls "narrowly defined" allegations which "identify and define moderate to severe harm, provide a framework for decision-making by SCR [State Central Register] and investigative staff."

Section 10 is defined as "substantial risk of physical injury"—an "allegation of harm is to be used when the type or extent of harm is undefined but the total circumstances lead a reasonable person to believe that the child is in substantial risk of physical injury."

Examples listed are divided into options A and B. Option A includes violent acts towards a child such as smothering, strangling, pushing or shoving.

Option B is classified as "Medical Child Abuse (Factitious Disorder by Proxy or Münchausen by Proxy Syndrome)" (FDBP) and it states that, "Medical Child Abuse is a form of child harm that is characterized by a parent/caregiver who intentionally and persistently lies, fakes, and/or produces illness in the child and repeatedly presents the child for medical assessment/treatment."

In a 2014 article for The Family Defender, Carly McGarr stated, "FDBP is a controversial diagnosis in the medical and child welfare worlds. There are physicians and researchers who doubt its existence, and blame the dramatic rise of FDBP on a medical system that is quick to blame parents, especially mothers, for children's symptoms that doctors cannot explain."

A growing number of organizations across the United States maintain that FDBP is being used to justify what they call "medical kidnapping."

One highly publicized Illinois Option B case in 2014 involved a then 16-year-old Kansas City cisgender teenager named Isaiah Rider who was suffering from neurofibromatosis.

According to Fox News Kansas City, his mother Michelle "after years of trying to find treatment" took her son to "experts at Lurie Children's Hospital for surgery." Although successful, Michelle contended that Isiah "developed complications and the hospital could not control his pain."

Michelle asked Lurie staff to transfer her son to another hospital.

An article in the Chicago Tribune stated that DCFS then took custody of Isaiah following an April 15 call to the hotline from Lurie.

Staff had "accused [Michelle] of interfering in the boy's medical care, moving him from hospital to hospital across five states, disagreeing with doctors' advice and demanding a powerful sedative to relieve pain that reportedly diminished when she wasn't present."

Meanwhile, the Tribune noted that, "The former hospice nurse—who relatives, friends and her pastor say is a loving, devoted mother—insists that her every effort has been to ease her son's suffering so he can have a normal life."

While the Tribune cited experts who asserted that the allegations made against Michelle "are rare and hard to prove," DCFS insisted that they had enough "credible evidence."

On July 2, 2014, a DCFS judge ruled that Isaiah remain in protective custody. He spent the next five months at Lurie, telling FOX News Kansas City that, "They lied and said a lot of hurtful things about my mom."

Isaiah remained a ward of the state until June 8, 2016, when he was finally reunited with his mother. Supporters for the family maintained, "While we are happy, we are also reminded that this never should have happened. [W]e must not forget there has been a lot of suffering for this family, tremendous pain, torture, and lives significantly altered without real cause."

A case in Cook County

It was a cold March 7, 2017 morning when a group of transgender and gender non-conforming individuals arrived at the Cook County Juvenile Court in the Illinois Medical District. Organized by the Chicago-based Trans Liberation Collective, which seeks "the full liberation of trans people," they were there to support a 5-year-old transgender girl and her family at a hearing which would determine whether DCFS would take temporary custody of the child.

The hearing was presided over by Cook County Juvenile Justice and Child Protection Division Judge Robert Balanoff. The DCFS investigator assigned to the case was Halema Townsend. Also present was a team from the Cook County State's Attorney's Office and representatives from the Cook County of Illinois Public Guardian's Office.

minutes above discussion of case.

The mother of the child was represented by a private attorney Rina Infelise of Davi Law Group, LLC.

With the mother was a small group of witnesses who knew the family personally and were prepared to testify on their behalf.

The girl had been a patient at Advocate Hope Children's Hospital in Oak Lawn before DCFS intervened following a call from hospital staff to the hotline. The circumstances seemed similar to those of the Rider case.

According to a March 4 Facebook post from a family friend, "The hospital took her because they couldn't make her well and her family wanted to change hospitals. The family had also filed several complaints against the hospital, as recently as days before the 'intervention'. After testing and proof she was in fact sick, they sunk their teeth into miscellaneous nonsense claims and the fact she identifies as female."

The friend further alleged that hospital staff were "refusing to use [the girl's] name or pronouns, more importantly they are breaking this bright shiny happy child. Their reasons for taking her have changed several times, the accusations ridiculous. For weeks, the hospital has lied and deceived, even claiming that [she] admitted to being a boy to DCFS and was 'happy, and doesn't miss you' to the parents."

After the Facebook post went viral, LGBTQ Nation began a series of articles describing the case. The articles stated that the girl was suffering from epilepsy and type one diabetes. DCFS Deputy Director, Office of Communications Veronica Resa told LGBTQ Nation that the investigation was "unrelated to LGBTQ concerns."

She told Windy City Times that it was a case of "medical abuse."

The hearing did not begin until just before the court was to recess for lunch. Even though it was closed, Balanoff called all the family's witnesses, alongside the demonstrators and Windy City Times, into the courtroom and instructed them to place their names on the record as well as to add a brief description as to their purpose at the hearing.

Balanoff then engaged in a speech during which he misgendered the child twice. Almost in unison, the trans demonstrators sharply corrected him.

Balanoff was taken aback.

"As a person who believes in public protest, I know how important that is," he said. "I am aware of [the child's] choices and I respect them."

Balanoff then asked the family's supporters and Windy City Times to think about refraining from publicizing the case.

"Please respect [the child's] privacy," he said. "Would you want everyone to know what happened to you as a child?" [Windy City Times is not using the child or their family's names to protect their privacy.]

After lunch, the proceedings began. They lasted into the late afternoon and were continued twice over the course of the next week.

Before each hearing, Balanoff asked supporters to again put their names and purpose on the record before he made another speech from the bench. They were then instructed to leave.

At the hearing on March 10, Balanoff indicated to the supporters that their presence was welcome but unnecessary.

In fact, none of the family's witnesses were called to testify at any of the hearings. They sat in the courtroom lobby wondering what was happening and offering words of comfort to the mother who would emerge during breaks with tears streaming down her face. She couldn't tell any of them why she was crying; Balanoff had forbidden her from mentioning anything that was happening in the courtroom.

At one point on the first day, a family friend asked the mother about the investigation that had taken place before the hearing. "You still have the safe folder right?" she wondered. The mother nodded and replied, "The investigator wouldn't look at it."

An anonymous source unrelated to the family or their attorneys did tell Windy City Times what was happening inside the doors of Balanoff's courtroom. This individual stated that they were well aware of the risks in doing so but felt compelled to talk because, "Justice was not being served."

According to the source, Judge Balanoff, DCFS investigator Townsend, the State's Attorney and the Cook County Guardian's office consistently misgendered the child, referring to her throughout each of the three proceedings with male pronouns.

Townsend was one of the principal witnesses called. From the stand, she discussed issues that seemed less related to the child's medical problems and more about her gender identity, including what color pull-ups the child wore and what sort of toys she was given to play with, as if a case was attempting to be made that the mother was forcing the child to present as a girl because of the FDBP diagnosis of which DCFS has accused the mother.

However, the source indicated that, at no time, was a safe folder brought up or any of the affirming items that Windy City Times suggested might probably have been in it. The source said that Balanoff praised Townsend's work in open court in front of the accused family.

The source added that defense attorney Infelise raised multiple objections and was consistently overruled.

It is possible Balanoff was unaware of the existence of Townsend's Facebook page. The public posts on her page were discovered by Windy City Times and captured by screengrabs.

Townsend posted a meme on Feb. 8, 2016 which stated "Fuck work." On Feb. 17, 2016, another meme: "How to be a grown up at work. Replace 'fuck you' with 'OK Great.'"

On March 18, 2016, in a post about a case "that keeps you up all night," Townsend commented to a friend, "I'm burnt out big sister."

On March 7, 2016, Townsend posted a pornographic meme which featured a naked, well-built man with female genitalia. "I definitely know one," she wrote, and added a series of laughter emojis.

One year later and Townsend was delivering testimony which would decide the immediate fate of a transgender girl in Balanoff's courtroom.

The final day of the hearings was March 13, 2017. According to the anonymous source, Townsend arrived at Balanoff's courtroom "with a pile of papers." Before proceedings began, she approached the State's Attorney, claiming to have more evidence implicating the mother.

"She looked like the cat who had swallowed the canary and told the S.A., 'I've got everything you need right here baby,' and then smiled at the mother," the source said. "The S.A. replied, 'I'm sure you do.' When the mother's counsel [Infelise] asked for copies, Halema told her that she had none left and walked away."

Shortly before the end of the day, Balanoff ruled that the child remain in DCFS custody. She is presently in the care of one of DCFS's outsourced agencies, although she has had to return to Advocate for treatment.

Since Infelise is bound by the confidentiality of the juvenile court system and attorney-client privilege, she declined to comment on the case. There is no way to tell whether Infelise ever did receive Townsend's documents or the child's medical records in compliance with Illinois Discovery provisions. It is also unknown how the testimony of an investigator who has publicly expressed transphobic sentiments was ever considered admissible or why she was assigned to the case at all.

A trial to determine the permanence of DCFS custody is supposed to be held in approximately 90 days. However, one individual who works within the DCFS system stated that period of time is not set in stone. It could be much longer due, in part, to the funding issues DCFS is experiencing, as well as questions surrounding the evidence they possess and the discriminatory beliefs of Advocate Hope staff

questions concerning the evidence they possess and the discriminatory nature of that state's reproductive health care laws.

One of those physicians received his medical school training at Catholic Health Partners. The Ohio-based organization now known as Mercy Health is guided by Ethical and Religious Directives for Catholic Health Care Services as defined by the U.S. Conference of Catholic Bishops (USCCB).

The fifth edition states that "within a pluralistic society, Catholic health care services will encounter requests for medical procedures contrary to the moral teachings of the Church. Catholic health care does not offend the rights of individual conscience by refusing to provide or permit medical procedures that are judged morally wrong by the teaching authority of the Church."

One question that both this and the Rider case presents is how a group of pediatricians can determine a psychological diagnosis (albeit a contentious one) without a complete examination of the accused parents by a trained psychologist before they make a call to a child protective services hotline.

Meanwhile, LGBTQ Nation contends that the transgender girl in the case is "being forced to live as a male." Windy City Times is seeking independent verification from the foster agency in which she has been placed.

A troubling trend

Another case in Illinois involving a transgender child removed by DCFS was discovered by Windy City Times. The parent in that case had initially agreed to talk about events that occurred to them and their family. One day later, they suddenly declined. Indications are that they had received threats from sources unknown and were too frightened of DCFS retaliation to discuss it even off-the-record.

Rachel Ruttenberg is executive director of the Family Defense Center.

"We specialize in the front end of [the child welfare] system," she told Windy City Times. "We advocate for parents, children and caregivers during investigations and, for the most part, through the administrative appeal process."

She added that, since the Family Defense Center is independently funded and not by state or federal money, it allows them to "not only take individual cases in Illinois but also try to impact the child welfare system through impact litigation like class action, civil-rights lawsuits and also some policy advocacy."

According to Ruttenberg, in the 11 years since the organization was founded, they have been able to "impact tens of thousands of Illinois individuals."

Among the lawsuits listed on the Family Defense Center website is the 1997 Dupuy v. Samuels case, which challenged "several core aspects of child protection investigation as violating the Fourteenth Amendment's guarantee of due process of law."

How is an agency that is designed to protect permitted to operate with such a disregard for the rule of law or rights guaranteed by the Constitution including the Fourteenth and Sixth Amendments?

"Unfortunately, what I don't think the public understands is that the vast majority of investigations that DCFS does are around child neglect which can often be defined in a very vague way," Ruttenberg explained. "In determining that certain adult parent caregivers are guilty of child neglect, DCFS officials often use personal judgment which, sometimes, can also include bias and other types of information to inform their decision making."

"The child welfare system is in desperate need of reform. We believe that to our core," she added. "Families need support and services but processes can get a little out of hand. Lots of families can be unnecessarily swept into the system. There's a range of issues [in] how they're treated in DCFS. We always want to make sure that people's Constitutional rights are being upheld, that decisions are not being made with discrimination as part of that process and that children are given the opportunity to remain with their parents or family caregivers whenever it is safe and possible for them to do so."

The ACLU of Illinois added that it "believes the problems families encounter in juvenile courts are much more often due to the lack of resources for legal representation or prevailing attitudes about nontraditional families and families that affirm their transgender children rather than with the legal process for removing children from their homes and placing them in state care."

"Another organization that has been looking into child welfare agencies removing transgender children is the National Center for Lesbian Rights (NCLR).

A statement released to Windy City Times read that NCLR "has been involved in and heard of cases where a child protective services agency has been called to investigate whether a parent is alleged to be harming their child by either allowing the child to explore their gender or affirming their transgender child for who they are."

"In addition to working on specific cases, NCLR has also done outreach and public education on this issue to parents, healthcare providers, child welfare professionals, attorneys, and judges across the United States," the statement continued. "Through those efforts, we have been able to educate people about the importance of accepting and affirming a transgender child and help participants better understand the complex social environments transgender children navigate."

Ruttenberg noted that, "This is a system that is completely overrun and underfunded. We have no state budget. People are calling the hotline for all sorts of situations. People who are working within that system are overworked and don't have the necessary training and resources to parse out what needs to happen to help a family. It's also a system driven very much by fear of a child slipping through the cracks. We don't want that to happen but that means you are sweeping in lots of families and children who have no business being a part of that system in the first place."

As far as DCFS hiring investigators who demonstrate an unequivocal bias against marginalized groups of people, Ruttenberg asserted that, "We see lots of folks coming from DCFS who are not equipped to handle their responsibilities. Parents, caregivers and families are the losers in that scenario. It's just awful. You would expect that DCFS officials would have all the training and resources needed to get their job done because their job is so important. In our litigation, we see the same names popping up over and over again and my educated guess is that there's something wrong with how DCFS operates in terms of bringing staff on board, training and retaining them."

Before the discovery of Townsend's Facebook posts or the hearing information provided by the anonymous source, Windy City Times engaged Illinois DCFS in a conference call regarding the agency's trans sensitivity and training.

During the call, DCFS consulting psychologist Dr. Claudia Mosier told Windy City Times, "My first emotional comment is, 'Oh hell no, we're not going to use DCFS to harm rainbow kids/LGBTQ families. Hell no!' We've worked hard in DCFS for years to have solid LGBTQ policies, to protect LGBTQ youth. The idea of using us [whose] job is to protect all kids but, in my heart particularly, our rainbow youth, as a weapon to harm them and to harm LGBTQ families is absolutely horrifying to me."

DCFS Statewide LGBTQ Coordinator Jane Kelly LCSW told Windy City Times that she works with transgender kids in the DCFS system to make sure their identities are respected at all levels. While Windy City Times did not observe Kelly attending any of the hearings, it is seeking verification as to whether or not she is working with the child and family in the case presently under DCFS investigation.

"We are fortunate in Illinois," Mosier asserted. "Besides the support we have from the director of DCFS [George H. Sheldon], the rainbow committee that we have here, besides LGBTQ services, we have strong legislation here in Illinois."

The national office of Lambda Legal told Windy City Times that "existing law protects LGBTQ youth and parents from discrimination in the context of child welfare services."

DCFS detailed the transgender sensitivity training they do have in place, which they indicated reaches all levels of the organization, including social workers and their outsourced agencies.

Illinois DCFS training will be examined in Part Two of the Windy City Times investigation as well as a case that occurred in Los Angeles County in which the mother of a transgender child was investigated twice by DCFS. LA County DCFS also responded to questions about transgender children and their parents as well as the training and transgender sensitivity in which the agency says it engages. Leading psychologists also weigh on the physiological and psychological benefits of a transgender child raised in an affirming home and the consequences to that child if he/she/they are removed and placed in a non-affirming situation.

placed in a non-affirming situation.

Lurie Children's Hospital declined to be interviewed and declined comment for this story.

At time of publishing, the Cook County Guardian's Office had offered no comment for this story.

— Family Defense Center, visit: familydefensecenter.net .

— For the Family Defense Center Guide for Illinois Parents and Other Caregivers on Understanding and Responding to DCFS Abuse and Neglect Investigations in Illinois, visit: familydefensecenter.net/wp-content/uploads/2016/04/Responding-to-Investigations-Manual-FINAL.pdf .

— ACLU of Illinois, visit aclu-il.org .

— National Center for Lesbian Rights, visit: nclrights.org .

— Family Equality Council, visit: familyequality.org .

Supporters of the Chicago family whose transgender child is presently in DCFS custody have launched a fundraiser to assist the family with their legal fees:

www.youcaring.com/familyshieldedproceedsgotolawyerfees-798814 .

See part two here: www.windycitymediagroup.com/lgbt/Can-the-child-welfare-system-handle-trans-children-Part-Two/58759.html .



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