

Lesson 7 – Sexual Orientation, Gender Identity, and Gender Expression

MEDICAL AND MENTAL HEALTH CARE FOR TRANSGENDER YOUTH

Medical Care

- The defender should inquire if the transgender youth is receiving medical care from a safe, certified and appropriate provider. Some transgender youth may already be in the process of transitioning through surgical procedures or hormone therapy. If the client is already undergoing treatment, the defender may need to advocate for the continuation of treatment if the judge is inclined to detain the youth.¹
- The defender may ask transgender clients whether they would like to receive medical care if they were not receiving it before. The defender should identify the appropriate clinicians, both medical and mental health, and recommend their clients for treatment should their clients desire such services.²
- Medical care for transgender youth should be based on up-to-date, individualized assessments from trained medical practitioners who are familiar with transgender care.³

National Commission on Correctional Health Care

- The National Commission on Correctional Health Care (NCCHC) publishes standards for prisons, jails, and juvenile justice facilities to ensure that inmates are receiving adequate health care, and that issues such as patient confidentiality, discharge planning, qualified health care professionals, medication availability, and delivery and staff training are being addressed.⁴
- The NCCHC gave a Position Statement on transgender inmates that provided in part that: “[p]risons, jails and juvenile justice facilities have a responsibility to ensure the physical and mental health and well-being of transgender people in their custody. Correctional health staff should manage transgender inmates in a manner that respects the biomedical and psychological aspects of a Gender Identity Disorder (GID) diagnosis.”⁵
- The Statement goes on to recommend that correctional facilities manage medical and surgical care for transgender inmates that is developed and approved by expert

¹ Gabrielle Prisco & Jody Marksamer, Presentation: Advocating for Transgender Youth at the 2010 National Juvenile Defender Center Leadership Summit, Wash., D.C. (Oct. 16, 2010).

² *Id.*

³ *Id.*

⁴ NAT’L COMM’N ON CORRECTIONAL HEALTH CARE, <http://www.ncchc.org> (last visited Sept. 11, 2012).

⁵ NAT’L COMM’N ON CORRECTIONAL HEALTH CARE, POSITION STATEMENT, TRANSGENDER HEALTH CARE IN CORRECTIONAL SETTINGS (2009), <http://ncchc.org/resources/statements/transgender.html>.

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American Psychological Association (APA) Policy Statement⁹

- The American Psychological Association policy statement on Transgender, Gender Identity and Gender Expression Non-Discrimination “supports efforts to provide safe and secure educational environments, at all levels of education, as well as foster care environments and juvenile justice programs, that promote an understanding and acceptance of self and in which all youths, including youth of all gender identities and expressions, may be free from discrimination, harassment, violence and abuse.”
- The APA also supports the need for “adequate and necessary” medical and mental health care treatment, including gender transition treatments for diagnosed and evaluated transgender individuals.
- The APA calls upon public and private insurances to cover these treatments that are necessary to transgender medical care.
- The policy statement also supports access to such gender transition treatment in institutional settings, including access to appropriate health care services and gender identity therapeutic treatment.

⁹ See AM. PSYCHOL. ASS’N, AM/ PSYCHOL. ASS’N COUNCIL OF REPRESENTATIVES, POLICY STATEMENT ON TRANSGENDER, GENDER IDENTITY, AND GENDER EXPRESSION NON-DISCRIMINATION (2008), <http://www.apa.org/about/policy/transgender.aspx>.