

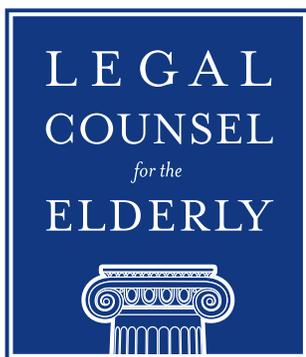
# ENHANCING THE LGBT FRIENDLINESS OF YOUR NON-PROFIT



LEGAL  
COUNSEL  
*for the*  
ELDERLY



This manual provides information on how non-profit organizations can better position themselves to serve clients who are lesbian, gay, bisexual or transgender (LGBT).



For 40 years, Legal Counsel for the Elderly (LCE) has championed the dignity and rights of Washington, D.C.'s elderly by providing free legal and social work services to those in need — empowering, defending and protecting vulnerable seniors.

LCE handles cases for Washington, D.C. residents who are age 60 and older and handles most types of civil legal matters. Where we cannot help directly, we refer clients to someone who can.

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# ENHANCING THE LGBT FRIENDLINESS OF YOUR NON-PROFIT

## Introduction/Washington LGBT Aging Coalition<sup>1</sup>

The Washington DC LGBT Aging Coalition was a time-limited, goal-directed group that gathered to address the unique needs of LGBT elders in the District of Columbia. In December of 2010 elder advocates met at AARP's national headquarters to discuss the needs of District LGBT elders. Members included LGBT elders, representatives from the DC State Office of AARP, AARP Legal Counsel for the Elderly (LCE), the DC Office on Aging, LGBT organizations (DC Prime Timers, SAGE Metro DC, US Helping US, Whitman Walker Clinic), senior social service agencies, and managers of residential facilities. The Coalition's mission was: "to leverage the collective resource capacity of our members and participants in order to improve the quality of life of LGBT aging adults in the District of Columbia."

To support its mission, the Coalition created the following sub-committees: **Seal of Approval** (to conduct an environmental scan of existing standards and requirements for LGBT friendliness); **Communications** (to increase awareness of current gay-friendly services); Logistics (to procure meeting space, create minutes, notify of meetings); and **Research** (obtain demographic information on DC 50+ LGBT residents). As the Coalition progressed, they focused as a group more heavily on the Seal of Approval Committee work as a discrete way to tackle the problem of making social work, legal and assisted living environments LGBT friendly.

Subsequent to the Coalition meetings, there have been extensive changes in the legal landscape for LGBT couples. In 2013, the Supreme Court held in *United States v. Windsor* that the exclusion of a same-sex partner from the federal definition of "spouse" violated the United States Constitution.<sup>2</sup> Following that decision, the federal government has revised its regulations to permit same-sex couples in states that recognize same-sex marriage to receive federal spousal benefits such as Social Security spousal benefits and death benefits. The number of states choosing to recognize same-sex unions is expanding, and many courts have struck down state laws that prohibit recognition of same-sex marriages. In this era of expanding legal rights for same-sex couples, providers need to ensure that their practices do not subject LGBT individuals to any discrimination or stigma.



1 A special thank you to Bill Amt, Wes Morrison and Ron Swanda, members of the LGBT Aging Coalition, for their written contributions to this brochure.

2 133 S.Ct. 2675 (2013).

## Importance of creating an LGBT friendly non-profit organization

The LGBT Aging Coalition created these materials to share with other organizations the information they learned within Coalition discussions, information-sharing e-mails, and community presentations. The manual is designed to help organizations develop best practices to serve LGBT community elders in a culturally competent and non-discriminatory manner.

According to recent statistics, from five to ten percent of the U.S. population is lesbian, gay, bisexual or transgendered (LGBT), with LGBT elders more likely to be poor.<sup>3</sup> As people age and need more in-home assistance with their activities of daily living, the providers who assist elders at home need to ensure a high quality of services. This includes recognizing that LGBT elders experience unique challenges to accessing financial or estate planning, housing, health care and home health care services, employment, and community supports that reduce isolation.

LGBT elders are less likely to have a spouse/partner and children as supports and instead have greater reliance on friends (family of choice) and formal community supports; 80% of LGBT elders age without a partner vs. 40% of overall older adult population, and 90% of LGBT elders don't have children vs. 20% of the overall older adult population.<sup>4</sup> As a result, LGBT elders may be particularly vulnerable to fraud, abuse, and neglect. Also, they may be more reluctant to reach out to organizations for help due to past and present homophobia and discriminatory policies and practices, either intentional or unintentional, by individuals, organizations, and government. Moreover, they have to cope with homophobic assumptions and stereotypes. Many LGBT elders are closeted and uncomfortable about self-disclosing their sexual orientation or gender identity. They often have more health issues, including HIV/AIDS, fewer financial resources and less financial security. They are half as likely to have health insurance.<sup>5</sup>

Organizations that represent elders, whether they are legal services or social work agencies, strive to reach out to as many of their prospective clients as possible. In order to meet the needs of all constituents, programs need to recognize that LGBT elders comprise a significant portion of their client base. As many older LGBT community members are closeted, reaching out to them is a particular challenge. These materials offer practical insight to organizations who strive to be inclusive to the LGBT community. LGBT elders are five times less likely to access aging services than straight elders.<sup>6</sup> By providing culturally competent services, providers can encourage LGBT individuals to obtain the services they need to age with dignity and good care.



3 Jaime Grant, NGLTF Policy Institute, "Outing Age, 2010: Public Policy Issues Affecting LGBT Elders", 24-36, [http://www.thetaskforce.org/downloads/reports/reports/outingage\\_final.pdf](http://www.thetaskforce.org/downloads/reports/reports/outingage_final.pdf) (viewed January 24, 2012).

4 "The Issue: Older Adults," by Give A Damn Campaign, [www.wegiveadamn.org/issues/older-people/](http://www.wegiveadamn.org/issues/older-people/).

5 "Invisible and Overlooked," by Jessica Bennett, Newsweek, September 18, 2008.

6 Id.

## DC Human rights law—Requirement to be LGBT friendly

As human service providers our concern and compassion for other people motivate us to have an inclusive practice. While some state laws explicitly exclude LGBT individuals, District of Columbia law supports the complete inclusion of the LGBT community. Readers from other jurisdictions should consult their local human rights law for guidance. D.C. law prohibits discrimination against LGBT individuals. The District of Columbia Human Rights Act, found at 2 DC Code § 1401.01 provides:



It is the intent of the Council of the District of Columbia, in enacting this chapter, to secure an end in the District of Columbia to discrimination for any reason other than that of individual merit, including, but not limited to, discrimination by reason of race, color, religion, national origin, sex, age, marital status, personal appearance, **sexual orientation**, gender identity or expression familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, and place of residence or business. (emphasis added).

District funded agencies are prohibited from discriminating against individuals on the basis of sexual orientation.

DC Code § 2-1401.02 defines the key terms relating to discrimination. “Gender Identity or expression” (12A) means a gender-related identity, appearance, expression, or behavior of an individual, regardless of the individual’s assigned sex at birth. Moreover, discrimination on the basis of marital status is prohibited; “Marital status” (17) means the state of being married, in a domestic partnership, single, divorced, separated, or widowed and the usual conditions associated therewith, including pregnancy or parenthood. “Sexual orientation” (28) means male or female homosexuality, heterosexuality and bisexuality, by preference or practice.

Many times our clients can suffer multiple levels of discrimination. For instance, minority LGBT elders have experienced life-long social and economic discrimination—racism in addition to ageism and homophobia. Aging services often only are available in English, with very few social service agencies offering bilingual staff. Accompanying racial discrimination are higher poverty rates, greater risk for chronic health problems like diabetes and heart disease and less access to quality health care. Up until recently, same-sex couples were not eligible for Social Security’s spousal and survivor benefits provided to married straight couples, resulting in loss of potential income. Similarly, prior to the recent changes, Medicaid would protect the home and assets of married straight couples if one spouse has to go on Medicaid to pay for LTC but did not offer such protections from impoverishment to same-sex couples. While these policies have recently been changed, LGBT elders may have experienced many years of reduced financial support due to the prior policies. For that reason, it is critical to counter the entrenched discrimination with affirmative change in practices.

## Criteria/checklist for LGBT friendliness

Prior to the involvement of the larger Coalition, the Seal of Approval Committee drafted criteria to judge the LGBT-friendliness of organizations and facilities that serve District Elders. The Seal of Approval Committee researched criteria from other organizations to create criteria for District of Columbia agencies to be LGBT-friendly. The four main categories for the criteria are:<sup>7</sup>

- 1. Non-discrimination policy/marketing methods (i.e. LGBT-friendly office policy);**
- 2. Clients (i.e. materials and forms clients receive);**
- 3. Staff (i.e. LGBT or LGBT friendly staff, partner benefits); and**
- 4. Training (i.e. level, depth).**

### A. Non-discrimination policy/Marketing

Organizations engaging in best practices will have written non-discrimination policies which include sexual orientation and sexual identity for staff and clients and the policies should be posted prominently throughout the agency in languages used by employees and clients. The agency should have a process for maintaining records of reported anti-LGBT incidents and the manner in which they were resolved, and have an ombudsperson for addressing the complaints. A culturally competent provider will collect data on the number of LGBT persons served, as best as is practicable given client desire for privacy, and train staff regarding how to collect data sensitively. Observance of Gay Pride Day and/or Coming Out Day, public sponsorship of or active participation in LGBT events, and including sexual orientation and gender identity tolerance in program evaluation provide great opportunities to promote a more LGBT friendly environment. For instance, Legal Counsel for the Elderly and AARP DC participated in the District of Columbia's gay pride activities, including tabling and outreach.

### B. Treatment of Clients

Providers should review marketing materials and pictures within the facility to ensure inclusiveness of the LGBT community. Organizations can use inclusive language in intakes, forms, and other in-person contact, for instance the use of "spouse/partner/significant other." Needs assessments may include sexuality, gender and sexual orientation information, when clients choose to provide this information. Staff should strive to express a welcoming attitude to all LGBT partners.

### C. Staff

To achieve best practices, staff should participate in new employee and ongoing training regarding inclusiveness for sexual orientation and sexual identity. LGBT friendly organizations provide the same benefits to LGBT couples as to non LGBT couples (health ben-

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<sup>7</sup> The Seal of Approval Committee drafted their criteria based on SAMHSA (DHHS Publication No. (SMA) 01-3498) and Services & Advocacy for GLBT Elders. "No Need to Fear, No Need to Hide: A Training Program about Inclusion and Understanding of Lesbian, Gay, Bisexual, and Transgender Elders" (2004).

efits, sick leave policy, FMLA, bereavement policy). Moreover, children of LGBT couples receive the same health coverage, child care, family leave, etc. as heterosexual couples. Organizations should ensure that LGBT spouses and partners are welcomed at all agency events, and offer LGBT interest groups as practicable given the size of the organization.

Other recommendations are to have members of the staff and board who are openly LGBT, build coalitions with LGBT organizations, and actively recruit LGBT volunteers by advertising for volunteers within LGBT organizations, for example gay lawyer organizations and LGBT organizations at universities. At Legal Counsel for the Elderly we recruited volunteers from a local LGBT organization, Burgundy Crescent Volunteers, to help with our in-home work with chronic hoarders. By engaging LGBT volunteers for our clients, we hope to increase the number of self-identifying clients.

#### D. Training

Attributes of good training programs include coverage of broad cultural and legal issues when working with LGBT clients and specific issues germane to LGBT residents. The training should also include role plays on the subject of staff competence and ways staff can manage their biases and respect the LGBT clients. New hire/on boarding/orientation training should include local demographics and rights of LGBT people and a zero tolerance discrimination policy. The trainer should be an LGBT community member and provide insight into LGBT client situations via relevant case examples.

Annual training will include the ethical and legal obligation to provide non-discriminatory services to LGBT clients and non-discriminatory treatment of LGBT colleagues/staff. Training should include awareness of non-discrimination and harassment policies and consequences of actions and sensitivity to the need for confidentiality in dealing with LGBT clients

The Seal of Approval committee explored trainings in more detail with the goal of creating a list of approved LGBT sensitivity trainings, members' giving trainings. The committee also identified the need for volunteers to enhance the LGBT friendliness of senior service organizations. The Committee has converted the criteria into a rating scale with different variations depending on the type of organization undergoing review. In March of 2012, the Seal of Approval Committee presented their work and findings at the American Society on Aging Conference with the goal of increasing awareness of the issue among service providers and other community members and engaging their input to improve the criteria and rating scale.



## Outreach to the LGBT Community

An organization's outreach plan should have concrete goals, input, activities and outcomes. The plan should also require quarterly status reports. Examples: one goal can be to open ten new cases involving LGBT clients in the calendar year. The activity is the case intake, and the outcome will be the end of year tally of LGBT case intakes. Another goal could be to perform at least one outreach per month for LGBT elders at an organization that serves the LGBT community. The activity would be visiting government, non-profit, and other agencies that serve LGBT and any resulting intakes for new cases. The measurable outcomes are number of outreaches performed as well as number of new LGBT clients.

Another powerful outreach tool can be the media. The LGBT outreach plan should include a goal to increase your organization's media presence in the LGBT community. Activities can include: identifying media outlets to target; contacting identified media outlets to inquire regarding the process for making appearances/printing ads; and creating/printing brochures and/or flyers that are LGBT friendly. Outcomes can include the number of print ads or media appearances in LGBT settings.

Another critical outreach tool is to recruit volunteers and staff who are LGBT community members. A goal in this area could be to enhance the organization's LGBT volunteer base. Activities could include: recruiting college students, law students, retired volunteers and law firm associates who are members of the LGBT community; identifying law firms who have LGBT associates for pro bono case representation; and identifying contacts at law schools and colleges for LGBT students. Measureable outcomes include number of LGBT volunteers or staff recruited; number of advertisements for pro bono and volunteer assistance placed.



## Resources

### LGBT friendly organizations for elders

<http://www.sageusa.org/>

<http://www.thedccenter.org/> - maintains a directory of over 150 LGBT resources in the District of Columbia region, at <http://www.thedccenter.org/groups.php>, (202) 682-2245

<https://www.facebook.com/centeraging>

<http://www.aarp.org/LCE>

<http://www.primetimersdc.org/>

<http://www.TransEquality.org>

<http://www.whitman-walker.org/>

### Training list

The following non-exclusive list of trainers is of those trainers seen first-hand by committee members:

#### **Denise LeClair Executive Director**

The National Focus of Gender Education & International Foundation for Gender Education

**[denise@ifge.org](mailto:denise@ifge.org)**

**[www.nfge.org](http://www.nfge.org)**

272 Carroll Street NW

(202) 207 8364      (781) 899 2212

#### **Karen Gautney**

**[www.linkedin.com/pub/karen-gautney/17/267/837](http://www.linkedin.com/pub/karen-gautney/17/267/837)**

(703) 283 3227

### Relevant Articles

<http://kap.samhsa.gov/products/manuals/pdfs/lgbt.pdf>

<http://www.ncoa.org/calendar-of-events/a-place-for-everyone.html>

[http://www.reachandteach.com/store/index.php?m=&c=96&l=product\\_list](http://www.reachandteach.com/store/index.php?m=&c=96&l=product_list)

[http://www.calegaladvocates.org/library/folder.321088-070110\\_Legal\\_Assistance\\_for\\_LowIncome\\_LGBT\\_Seniors\\_Planning\\_for\\_Incapacity](http://www.calegaladvocates.org/library/folder.321088-070110_Legal_Assistance_for_LowIncome_LGBT_Seniors_Planning_for_Incapacity)

<http://www.aclu.org/lgbt-rights/lgbt-groups-challenge-medicare-refusal-provide-healthcare-transgender-patients>

<http://www.lgbtagingcenter.org/resources/resource.cfm?r=601>

<http://www.sageusa.org/resources/publications.cfm>

## Conclusion

While there are challenges to providing culturally competent services to LGBT community members, creating a more hospitable environment for them is critical. While the work of the Washington LGBT Aging Coalition was time-limited, their findings inform practice tremendously. Obtaining more accurate statistics of the intersection between poverty and sexual orientation and increasing outreach and education to LGBT organizations are initial steps in the right direction toward a more inclusive services organization.

While expending funds to achieve best practices for LGBT clients is well worth the cost, many of the recommendations herein do not require any additional expense. For example, attending and hosting outreach events that link up to other activities, utilizing inclusive language in intake interviews, inviting elderly LGBT community members to speak at staff meetings, and advertising for LGBT volunteers with universities and law firms can be cost-free. For justice to be equal, all segments of the community need to have the opportunity to participate meaningfully. We, as legal services providers and social service agencies, can play a critical role in making equal access and non-discrimination a reality.



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