**The GAL’s Guide to Advocating for LGBTQ+ Children and Teens in Family Court Cases**

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**What does it mean to be a marginalized group?**

As defined by the Office of the United Nations High Commissioner for Human Rights and the European Union Agency for Fundamental Rights (FRA), marginalized groups are

**“**Different groups of people within a given culture, context and history at risk of being subjected to multiple discrimination due to the interplay of different personal characteristics or grounds, such as sex, gender, age, ethnicity, religion or belief, health status, disability, sexual orientation, gender identity, education or income, or living in various geographic localities.”[[1]](#footnote-1)

Those in marginalized groups experience inequalities in access to rights, education, employment, health care, housing, protection against violence, and justice. Those of us who are called upon to advocate for those in marginalized groups need to understand and be empathetic to the inequalities, discrimination, and fears our clients and wards face daily. We need to recognize and address our own privilege and biases in order to be true allies.

**SC Code § 63-3-80 (in part):**

(A) The responsibilities and duties of a guardian ad litem include, but are not limited to:  
(1) representing the best interest of the child;  
(2) conducting an independent, balanced, and impartial investigation to determine the facts relevant to the situation of the child and the family.  
 (f) considering the wishes of the child, if appropriate;  
(3) advocating for the child's best interest by making specific and clear suggestions, when necessary, for evaluation, services, and treatment for the child and the child's family.

**The GAL’s Guide:**

1. Examine your own privilege and biases.
   1. Recognize that it is okay to be uncomfortable at times – that means you are growing.
   2. We do not choose our sexuality, we just are who we are.
2. Learn the difference between sexual orientation and gender identity.
   1. Sexual Orientation: The scientifically accurate term for any person’s enduring physical, romantic and/ or emotional attraction to another person.
   2. Gender Identity: A person's internal, deeply held knowledge of their own gender.
3. Respect and Protect. Do your very best to not “out” someone.
   1. Check your allyship. If your vocal support or protection of someone will out them to a stranger, choose another approach.
   2. Honor your ward. If they have shared their truth with you, and have told you with whom and where they are safe to be themselves, honor and protect those boundaries.
4. Do not make assumptions about a person’s sexual orientation or gender identity based on their personal expression.
   1. Gender expression is not the same as gender identity, and gender identity does not dictate sexual orientation.
   2. Start with “What are your pronouns?” and go from there!
5. Our pronouns are our pronouns. Our names are our names. We are not our “preferred” selves, we are ourselves.
   1. As with sexual orientation and gender identity, if your ward has shared that they are only using their name and pronouns in certain safe spaces, honor that and protect those boundaries.
   2. Practice using the singular they – Shakespeare did it for years, and we can too!
6. If you make a mistake, apologize and move on!
7. Be a visible advocate.
   1. An advocate doesn’t have to be covered head to toe in rainbows to clearly be an advocate. Perhaps a pronoun or gender identity lapel pin? For all of the Doctor Who fans, David Tennant has been donning a nonbinary lapel pin on the interview circuit lately – simple and effective.
   2. Show up at a school’s GSA meeting, stand on the sideline at a PRIDE Parade, or jump on a float! Or speak for a gender non-conforming kid in court and explain the importance of gender affirming care.
8. Challenge myths and stereotypes. Speak up when anyone denigrates another group of people. Do not allow others around you to use harmful language or slurs.
9. Ensure the safety of your ward.
   1. Listen, Act, Investigate
   2. SC Code § 63-3-80 (B) A guardian ad litem may submit briefs, memoranda, affidavits, or other documents on behalf of the child. A guardian ad litem may also submit affidavits at the temporary hearing. Any report or recommendation of a guardian ad litem must be submitted in a manner consistent with the South Carolina Rules of Evidence and other state law.
10. Research and be aware of local, SC, and national resources.
    1. WPATH, the World Professional Association for Transgender Health has recently published their Standards of Care Version 8 (SOC 8) which is available for free download.
    2. The AMA, American Academy of Pediatrics, and American Association of Clinical Endocrinologists, among others, offer resources for advocates for gender diverse youth.
11. Be aware of the laws and proposed legislation impacting LGBTQIA+ youth.
12. Participate in specific training related to working with LGBTQIA+ youth as well as young people in any marginalized group.
    1. As you acknowledge your biases, educate yourself.
    2. Reach out to local organizations and resources for offerings in your area. Many LGBTQIA+ groups and organizations offer public events, trainings, and meetings to educate and provide resources to the community.

**The Pillars of Allyship:**

1. Ask questions
2. Listen with empathy
3. Show up
4. Speak up, but not speak for

**Q & A**

**Resources**

Condon Family Law & Mediation: condonfamilylaw.com

We Are Family (WAF): wearefamilycharleston.org, waf.org

Alliance for Full Acceptance (AFFA): [www.affa-sc.org](http://www.affa-sc.org)

The National LGBTW+ Bar Association: lgbtbar.org

National Center for Transgender Equality: transequality.org

Lambda Legal: www.lambdalegal.org

GLAAD: www.glaad.org

Glossary of Terms: glaad.org/reference/terms

Glossary of Trans Terms: glaad.org/reference/trans-terms

National Center for Lesbian Rights: [www.nclrights.org](http://www.nclrights.org)

WPATH World Professional Association for Transgender Health: wpath.org

Standards of Care: www.wpath.org/publications/soc

Advocates for Youth: advocatesforyouth.org

The Trevor Project: thetrevorproject.org

Human Rights Campaign: HRC.org

PFLAG: pflag.org

GLSEN: [www.glsen.org](http://www.glsen.org)

Gender Benders (Upstate): genderbenders.org

It Gets Better Project: itgetsbetter.org

European Union Agency for Fundamental Rights (FRA) and the Office of the United Nations High Commissioner for Human Rights (UN OHCHR): eige.europa.eu

1. https://eige.europa.eu/taxonomy/term/1280 [↑](#footnote-ref-1)