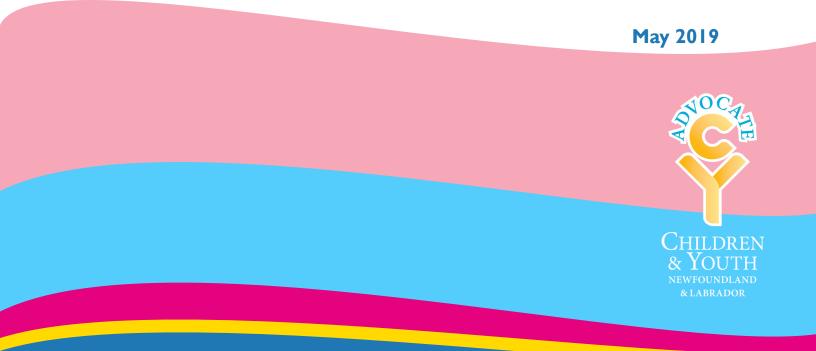
Office of the Child and Youth Advocate Special Report on **Trans Youth** in Newfoundland and Labrador



"To every child - I dream of a world where you can laugh, dance, sing, learn, live in peace and be happy." - Malala Yousafzai

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Advocate's Message

I believe it is important to listen to the perspectives of young people, because they are our experts and they have a right to be heard. I wish to thank the young people who participated in this project and for placing trust in us. Youth understand issues and have life experiences which many adults can miss – even wellmeaning adults. So I thought it would be important to engage young people who have direct experience with gender diversity, and specifically transgender issues. And I thought it would be valuable to use my Office to help them elevate their veices, and to help breaden an



help them elevate their voices, and to help broaden an understanding.

In reading this report, you will hear courageous voices. You will see examples of what inclusion, support and respect can look like. You will see the value of partnerships and supportive relationships and how they can create a safe and respectful space for them. And you will undoubtedly conclude that this is not the reality for many young people in this province who struggle to deal with this issue in their families, schools, and communities. Many trans young people experience a very harsh response in their efforts to find their place in the world.

I also truly appreciate that there are amazing family members, community advocates and professionals who are actively supporting young people on this journey. I salute you because you have chosen to take the path less travelled and mapped. You believe with passion and conviction that we can do better to support young people, in all their wonderful and rich diversity, in Newfoundland and Labrador.

I hope that we come to a place where young people are accepted for who they are, and receive the respect and support they have a right to. My Office will continue to stand with them, will explore and exhaust every means of helping them receive fair and responsive services, and will challenge discrimination they face. I hope the Government of Newfoundland and Labrador will lead by example and place the needs of these young people firmly on its agenda. Leadership by example will set a tone for inclusive thinking and action throughout the province.

Jacqueline Later Karn 2

Jacqueline Lake Kavanagh Child and Youth Advocate

A Special Report on Trans Youth in Newfoundland and Labrador

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A Special Report on Trans Youth in Newfoundland and Labrador

Introduction

The struggles of many gender diverse young people in Newfoundland and Labrador have become clear over the past year with numerous media reports documenting incidents which show the discrimination these young people face. It can range from lack of inclusion and opportunity to outright hostility and violence. We also know this from direct experience in our advocacy work with young people and their allies. And sadly, this experience is not unique to this province.

To explore this issue for trans youth, we invited young people to participate in focus groups where they could discuss their perspectives and experiences, as well as their ideas for positive change. We offered them an opportunity to meet with their peers and trusted advocates, and to share their stories and experiences. We provided a commitment to their anonymity so they could speak in safety and comfort and without worrying about backlash. We indicated we wanted to provide an opportunity for them to put forward their experiences and ideas in a public document to help build awareness and empower them as advocates for change. After all, they are the experts.

These focus groups occurred on the Avalon Peninsula, and although some participants came from other parts of the province, this project does not represent a broad provincial consultation. We also acknowledge that many of the participants live in supportive home environments and that this is not the reality for many trans youth. However, based on our advocacy experience, we know these issues are real for many other youth throughout the province. This report is intended to open up this discussion in a meaningful and respectful way. We want to continue to hear from other young people. And we hope that many more people and organizations will carry it forward to ensure a more respectful and inclusive society for all people, including our young citizens.

For the purposes of this report, readers can understand trans/transgender to mean people whose gender identities or expression differ from the sex or gender they were assigned at birth.

Role of the Child and Youth Advocate

Newfoundland and Labrador's Child and Youth Advocate is an independent officer of the Legislature. She is mandated under the **Child and Youth Advocate Act** to represent the rights, and interests of children and youth. She may conduct investigations and systemic reviews, provide individual advocacy services, and educate the public to advocate for the rights of young people. She may make recommendations to government, its agencies or communities about laws, policies and practices affecting the rights of children and youth.

What Guides Our Work?

The advocacy work of the Office of the Child and Youth Advocate is guided by the United Nations Convention on the Rights of the Child (UNCRC). Canada ratified the UNCRC in 1991 with letters of support from all provinces and territories. It is the most universally accepted human rights treaty in the world. These children's human rights are expected to be incorporated into laws, policies and practices throughout the country. The UNCRC has four overall guiding principles, and a host of specific rights within those principles. The four principles are:

- 1. Non-discrimination all rights apply to all children without exception
- 2. Best interests of the child the primary consideration in all actions concerning children
- 3. Life, survival and development advancing the child's survival and development to the maximum degree possible
- 4. Participation children's views should be considered and given due weight in matters affecting them



Several children's rights within the United Nations Convention on the Rights of the Child are relevant to this discussion on trans youth issues:

- >> Article 2 addresses the right to be free from bias and discrimination
- Article 3 requires adults to make decisions in the best interests of the child
- Article 4 expects governments to make sure children's rights are respected and protected
- Article 12 reflects the right of young people to give their opinion and for adults to listen
- Article 16 speaks of the right to privacy
- Article 19 references the right to protection from being hurt or mistreated, both in body and mind
- Article 24 identifies the right to the best health care possible
- Articles 28 and 29 call for quality education for children where talents and abilities are supported and children can learn to live peacefully and with respect for other people
- Article 39 involves help for physical and emotional recovery where there has been maltreatment

What Did We Do?

We conducted two separate group discussion sessions with youth in late summer 2018 in order to understand more about the concerns of trans youth throughout Newfoundland and Labrador. The first discussion session was conducted at Camp Eclipse, a 2SLBGTQ⁺ leadership summer camp for youth between 16 and 24 years of age. Ten youth participated, and the session was organized and facilitated by Tj Jones, facilitator of the Trans Youth Group and a mentor at Camp Eclipse. The second discussion session was held with members of the Trans Youth Group, a peer support group for trans, two-spirit, and gender diverse youth between the ages of 12 and 18 years. Eight young people participated in this second session, which was also facilitated by Tj Jones.

In both sessions, we asked trans youth the following questions:

- >> Can you tell me about your experiences with:
 - doctors, medical staff, and psychiatry?
 - school administration and teachers?
 - social programs?
- >> What have these experiences been like for you?
- >> What is working and what do you like?
- >> What is not working and what do you not like?
- >> What are some of the challenges and barriers?
- What do you think might help to remove these barriers or help you feel safer in these spaces?
- What would you like to see changed/made different to make these spaces/ responses better/safer for trans young people?
- If you could design these services/responses with youth in mind, what would these look like and what do you think your experience would be like?

Each discussion session was audiorecorded and transcribed by a professional transcriptionist. The transcripts from these sessions form the basis of this report. All identifying details have been removed. Each participant signed a consent form explaining the purpose of the sessions. Parental consent was collected for youth under the age of 16.



What Challenges Do Trans Youth Experience?

I. School

a. Names

At school, one of the most pressing concerns among trans youth is having their names respected, correctly recorded, and used consistently. Young people told us that they experience widespread inconsistency in name policies and practices from school to school. Correct name and pronoun use for transgender youth is vitally important. Recent research has shown that consistent use of trans youth's chosen name in multiple contexts (e.g. school, family, medical settings) is associated with improved mental health and reduced depression, including a 29% decrease in suicidal ideation and a 56% decrease in suicidal behaviour (Russell et al., 2018, p. 505).

Federal and provincial human rights legislation speaks to protections against discrimination based on sexual orientation, gender identity and gender expression. The Safe and Caring Schools Policy of Newfoundland and Labrador unequivocally supports an individual's right to self-identification. The Safe and Caring Schools' Guidelines for LBGTQ Inclusive Practices specify that staff should: "2.2 Consult with the student to determine the most appropriate way to reference the student's gender identity, gender expression, name and related pronoun in the school environment." And "2.3 Staff and peers consistently use a student's chosen name and pronouns in ways the student has requested in day to day interactions." (Education and Early Childhood Development NL, 2016, p. 9). However, many youth told us that they are being misnamed and misgendered by staff and students.

Young people describe the PowerSchool system, which produces the list of names for class attendance, as being a particularly problematic source of misnaming. They report being told that no changes can be made to their name in PowerSchool because of the requirement of using legal name for report cards. This poses an even more significant barrier for young people who are prevented from obtaining a legal name change due to a lack of parental support. However, some schools have found simple, creative solutions for students whose affirmed name does not (yet) match their legal name.

"My high school, my [legal] name wasn't changed or anything. What they did do is they changed my name in PowerSchool just so I could like, log-in, look at my grades. ...So on attendance it was [correct name] ...but then for report cards obviously because of legality stuff they'd have to change it back. ...They were able to understand my name is not changed yet but that doesn't mean I should still have to face my deadname and be in an uncomfortable situation... I was able to deal with that on my own without having my [dead] name broadcasted to every student in the classroom because it's on the attendance."

"I changed my name legally last year. .. [But] my deadname was on my... public exams. ...I go into my exams and my deadname is right there on my desk in front of me. I'm like, what's going on?...That threw me way right off. ... It is very distracting. It causes a lot of anxiety and I was trying to write essays for my English exam and it was just glaring at me. ...It was really not good. So I feel like there needs to be priority given to allowing a student to feel safe in a school and allowing them to feel comfortable."

"It was hard for me to apply to MUN because my legal name was different than the one that was on my records at the school district. So they then could not access my records because there was no one with my name and my MCP number. Because my MCP number was for [correct name]. At the school district it was for my deadname. ... They were like, 'Well, we don't know if we can let you in because we can't access your records.' ... They changed it in PowerSchool which took way too long anyway, and then even after we changed the PowerSchool it was never changed on my official file." "[I would recommend] someone either in the school system or school district who's a point of contact to help people with all their different needs, whether it's name changes or reporting incidents, all these things having one specific person who's able to point you in the direction."

Young people explain, however, that even after a legal name change, problems can persist when clear processes do not exist to ensure the name is changed on all educational records.

Similarly, a report from Trans Pulse Ontario revealed that 58% of trans Ontarians are unable to get academic transcripts or records with the correct name and pronoun (Bauer & Scheim, 2015, p. 3). This lack of clear and efficient name change processes for all school records can have serious consequences for trans youth's experiences at school and in accessing higher education.

b.Washrooms

Access to safe washrooms at school is a matter of human rights. However, trans youth describe considerable challenges in accessing safe washroom facilities. In some cases, youth are being prevented by teachers or administrators from using the washroom that corresponds with their gender. In other cases, students have requested gender-neutral washrooms but these are not always safe or accessible spaces. We know that washroom use is an ongoing concern for many trans youth and adults, with the majority of trans people (57% in the TransPulse Ontario study and 59% in the United States Transgender Survey) avoiding public washrooms because of fear of transphobic harassment and violence (Bauer & Scheim, 2015, p. 5, James et al., 2016, p. 15).



In students' words, this means:

"having mandated gender-neutral bathrooms in school and having enough to accommodate all the students in that school, because having one on one floor does not work when you have like a thousand students in the school"

"[not] having it located in the office where you have to get the key and then out yourself by accessing that bathroom because you have to pass by administration."

"having it actually be accessible"

Research from the United States shows that 1 in 3 trans people has avoided food or water because of fears of public washrooms, and 8% have developed a kidney or urinary tract infection because of public washroom avoidance (James et al., 2016, p. 15).

c. Curriculum

Trans youth also talk about feeling like trans people do not exist in the subjects they learn about at school. They emphasize the importance of being able to see themselves reflected in the curriculum. Young people describe the fundamental importance of simply having the language to describe their own existence:

"if you don't have the language for something, how can you talk about what it is?"

"[sometimes people think] that it's 'oh, well my friend told me about it so now I'm trans. It's like, no actually, it's just my friend gave me the language to talk about this feeling that I had."

Young people also told us that they want to learn about biology, history, sexuality, consent and prevention of sexual violence in a matter-of-fact and inclusive way.

"the current sex education curriculum is garbage. ...There's no consistency and a lot of times the values that whoever was teaching are brought into the course... I don't think any of us had a teacher for sex ed or for health that was actually trained in that field."

"And when I say inclusive, I don't mean one day we talk about what LGBT stands for and then you move on. ...Actually...talk about all the things that pertain to sex education but talking abouteveryone, talking about the different kinds of sex, let's have safe sex."

A parent in the TransKidsNL study (2018) described it this way: "[The] NL school curriculum needs a major overhaul... I am ashamed at how we treat bodies, gender, sexuality in this province. ...Education & acceptance is the key to facing transgender issues in an accepting and loving way" (Temple Newhook et al., 2018).

d. Lack of Understanding

Finally, the most common theme underlying the difficulties described by trans youth is a profound lack of understanding of gender diversity among many teachers and administrators. This can mean an isolating experience for young people, and can make it difficult for a young person to feel safe enough to let others know about their identity.

"Out of the 200 people in my school that graduated with me, I was the only out trans person."

"there aren't a lot of people that have come out in [my] school, mostly because...[whispers] It's going to be rough."

Young people say that from their perspective, schools rarely seek training on gender diversity until a student comes forward to transition at school. As a result, trans youth are put in the position of having to educate their own teachers and to wait through the learning process of staff.

"I'm kind of glad that I did come out while I was in school because it gave teachers an idea of what to do... There was a [trans] student that came in the next year. I left Grade 12, [the new trans student] came in at the youngest grade and [the school] was able to get everything ready for him right away, versus having to go slower like they did with me. ...It's not fun to be the person. ...[But] I got [the school] ready for the little ones that are coming in."

Young people talk about the need for widespread, consistent professional education and professional development training on gender diversity for all teachers and administrators, preferably by a trainer with lived trans experience. Young people told us that they need their teachers, at all levels, to have at least a basic understanding of gender diversity. They recommended that gender diversity training should begin at the Bachelor of Education level, and continue through regular professional development, for primary-elementary and secondary teachers alike.

"there's no point in putting resources into one school. I feel like it needs to be done for the whole school system for the whole province."

"you need to have a PD day that ...[is] mandatory for all the staff."

"substitute teachers definitely need to be brought into those PD days because they're usually only for permanent staff...but it's really pointless if you're only going to have it for the core people who are there because you have such an interchange of people coming in."

"[I would recommend] university level having LGBTQ-specific training and education for education students, because...if you're doing your BEd for K to 6, there's zero mention of any LGBTQ topics because [people believe] there's no gay [or trans] kids under 13."

2. Medical

Gender diversity is a normal, healthy part of human diversity, and being transgender is not a medical problem. Thus, not all trans youth will want to medically transition, and for those who do, there is no one "correct" way to transition. However, research tells us that once a young person has made an informed decision to medically transition, it can be a matter of life and death. From the time the decision to medically transition is made until a trans person is able to access transition-related care, they are at a greatly increased risk of attempting suicide (Bauer et al., 2015). Regardless of transitioning, it is extremely important for trans young people to access accepting, informed and non-judgmental medical services, and these can often be extremely difficult to locate and access.

a.Access

Access to medical services is often very difficult for trans youth. First and foremost, youth are often dependent on parents or guardians to facilitate their access to care. Additionally, youth may need time to process their own feelings about gender before they feel safe and comfortable to share these thoughts with parents or guardians.

Most of the young people who participated in this study were able to access gender-affirming medical care. In this way, they may differ significantly from the broader population of trans youth throughout the province in at least two important ways:

One important characteristic of the young people we spoke with is that they were largely an urban, Northeast Avalon sample. We know that it is much more difficult for trans youth to access health care in areas of the province outside of the greater St. John's area. In the TransKidsNL study, families described lengthy wait times and considerable travel requirements to access urgent care: One parent explained that "[m]ost supports are not available in our community so it means travelling to larger centres 2+ hours from home." (Temple Newhook et al., 2018).

Secondly, given that the young people who participated in this study were either members of a peer support group for trans youth or campers at a gender diverse focused leadership camp, it is likely that most of these participants benefit from some measure of parental support. This means that we did not hear as much from young people who are lacking parental support and affirmation. This is particularly important when discussing access to health care, because we know that young people without parental support are much less likely to be able to access gender-affirming health care. For example, in the TransKidsNL study, young people described a lack of parental support as a key barrier to access necessary care:

"My family doesn't have a lot of money currently and I'm only out to one of my parents, my mom, and she's finding it very difficult to understand this and accept it."

(Temple Newhook et al., 2018)

Young people described the distress of suffering through gender dysphoria without knowing if or when they would be able to access the care they need:

"My chest causes me immense distress. Puberty is really hard because without blockers I just have to bind and be helpless in terms of unwanted growth. I'm concerned with having a lot of unwanted changes continuing and pushing me backwards."

(Temple Newhook et al., 2018).

b. Confidentiality

Many young people describe concerns with confidentiality during health care visits. Specifically, young people are concerned about being able to discuss their gender identity with a health care provider without having a parent present.

"I have a counsellor who asked me my gender identity in front of my mother, when I wasn't out. ...I lied to every single one of them because my mom was next to me. So then I went to like nine or ten sessions with her as who I was not, because I can't bring it up now. ...I only told her [about being transgender] at the tenth time - this is not what I'm here for. Because she thought I was there for anxiety in school." Youth also say that this experience of private questioning in front of parents or in spaces with other people present also extended to questions about other areas of their personal life:

"[My doctor] asked me personal questions when my mom was there. I'm like, I'm not going to answer honestly. She was like, 'Have you ever drank?' 'No.' 'Have you ever done drugs?' 'No.' 'Are you sexually active?' 'No.' ...My mom is right there. The answer is yes to all of them, but I can't tell you that."

"they give you a little questionnaire and it has a bunch of things about how are you feeling today and have you harmed yourself in the past 24 hours or week...and it's really anxiety-inducing especially when you're in an environment where there [are other people present]."

Youth told us that this lack of confidentiality to discuss their concerns sometimes prevented them from feeling comfortable accessing the care they need.

c. Lack of Understanding

Trans youth talked about the importance of having health care providers that they could depend on and trust. However, in many cases, they say they are encountering health care providers who have limited knowledge of gender diversity or the health care needs of trans youth. Young people told us that they sometimes feel they need to be able to educate their own health care providers about gender diversity and about locating supports and resources. Similar concerns were expressed by both parents and youth in the Trans Kids NL study. As one parent described it: "I am an educated person with...university degrees, including a Masters... Even with this, I don't have the knowledge of how to best to help my child move forward. We both feel stuck." (Temple Newhook et al., 2018).

Youth describe their experiences of having their trans identity stereotyped as a mental health condition. Young people told us that they have felt particularly misunderstood and dismissed by psychiatrists.

"People tend to think that being trans is a mental illness, and it's not that...a lot of people think, well, if we can cure that transness, make that go away, then all the other s--- will go away." "[My friend] is really mentally ill and whenever he goes to psychiatrists, they're just like, oh it's about you're trans. He's like, no, it's not, because being trans is the only thing that has improved his quality of life."

Young people also talk about experiencing this lack of knowledge in Emergency settings.

"I ended up in Emerg, actually, for a completely non-trans related issue. I had stomach issues...I'm like, no, can we actually attend to the fact that I'm waiting for my stomach and not talk about transness?"

"I went to the hospital...because I went into an anaphylactic shock... and they didn't know what my meds were. I had to explain that I was on estrogen and spirolactone...They didn't know what spirolactone was... They had no idea. ... Imagine if someone with diabetes went to the hospital and they were like, 'I'm on insulin' and they were like, 'What is insulin?'"

In Ontario, 10% of trans people report having care stopped or denied in Emergency rooms when health care providers realized that they were transgender. One in four report being belittled or ridiculed by an emergency care provider for being trans, and one in five report avoiding emergency care when needed (Bauer & Scheim, 2015, p. 3).

3. Social Support Services

As discussed above, most of the young people we spoke with benefitted from some level of parental support. This contrasts with the experiences of many trans youth who do not have the support of their parents and families. These young people may find themselves in the child welfare system or dealing with housing insecurity and homelessness. We know that trans youth, and gender diverse youth overall, experience a higher level of housing insecurity and homelessness than the general population, and that this is largely due to family rejection, violence, and abuse (Abramovich & Shelton, 2017). Young people told us there is a need for gender diverse housing, including group homes and shelters, in both rural and urban Newfoundland and Labrador.

"[we need] a specifically LBGTQ shelter centre."

"[youth] are being shipped into St. John's because Choices is the only one that offers any kind of inclusive policy for trans folks..."

Caregivers and staff in the child welfare system and justice system also need to be well-trained to provide appropriate support and safe environments for trans youth. Our Office is aware of foster home placements where the young person's gender identity does not fit with the belief system of the foster parents. These situations often leave the young person isolated or in conflict in their foster home about their identity. Across Canada, there is a growing awareness when dealing with child welfare and child custody conflicts of the importance of affirmative care for trans youth.

"You still got judges in the judicial system actually giving more custody rights to the parents who aren't affirming... they're doing things like cutting their hair and not...letting them transition."

Finally, young people told us that from their perspective, preventing a young person from transitioning can be a form of child abuse. In a 2015 statement, the Canadian Association of Social Workers called for gender diverse young people to be respected, affirmed as the gender they understand themselves to be. The Association indicated that any professional's efforts to alter a young person's gender identity to conform with society's norms is unethical and is also an abuse of power and authority. Furthermore, it called for social work educators to promote course content on effectively working with gender diverse communities, and to work with other professionals, families, foster families, adoptive families and groups homes to ensure supportive and accepting environments. (CASW, CASWE, 2015).

Recommendations

We believe there are opportunities to move quickly to start improving responses to gender diverse youth. Young people's views were important in helping to develop the following recommendations. These recommendations are intended to be practical and yet offer flexibility for the various organizations to plan and implement their responses.

Recommendation 1:

Memorial University's Faculty of Medicine, Faculty of Nursing, School of Social Work, Centre for Collaborative Health Professional Education and Faculty of Education offer mandatory curriculum content on gender diversity for students.

Recommendation 2:

Regional Health Authorities, school districts, the Department of Education and Early Childhood Development, the Department of Health and Community Services, the Department of Justice and Public Safety, and the Department of Children, Seniors and Social Development offer mandatory professional development and in-service training opportunities on gender diversity for professionals who work with children and youth.

Recommendation 3:

Department of Education and Early Childhood Development review and revise curriculum for K-12 education to incorporate content on gender diversity and to ensure gender diversity is reflected in its materials.

Recommendation 4:

Regional Health Authorities and school districts identify resource personnel to help gender diverse young people and their families navigate their respective systems to provide information and to identify and locate needed resources, supports and information, and to ensure personnel are knowledgeable and supported in this role.

Recommendation 5:

The Department of Children, Seniors and Social Development ensure provincial access for gender diverse young people to shelter space that is safe and accessible.

Conclusion

At the Office of the Child and Youth Advocate, we have advocated individually, spoken publicly, participated in public events, and have developed and distributed awareness materials provincially about gender diversity and inclusion. We are extremely pleased with the response throughout the province to our posters and stickers "This is a Positive Space that Welcomes and Supports Everyone".



With this report, we have amplified the voices of youth who have an important message to share. However we realize this hardly scratches the surface of the work that needs to be done to support trans youth, and to see a more gender inclusive society for gender diverse youth. We all need to do more to ensure the rights of these young people are protected and respected. We call on government departments and institutions, public agencies, community organizations and individual citizens to stand up for these vulnerable young people's rights and show support in meaningful ways. The well-being of these young citizens and their sense of belonging is linked to the well-being and wholeness of our society.

We all need to do more to ensure the rights of these young people are protected and respected.

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