THE UNINTENDED CONSEQUENCES OF PUBLIC POLICY THAT AFFECT CHILDREN OF INCARCERATED MOTHERS

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ABSTRACT

The Adoption and Safe Families Act (ASFA) enacted by Congress and signed into law by former President Bill Clinton on November 19, 1997, attempted to correct problems inherent in the foster care system. It however, created adverse consequences for incarcerated mothers and their children. Pal suggests that policies are supposed to provide internal, vertical and horizontal consistencies (1997, p. 13). Drawing on Pal’s notion of policy consistency, this research examines legislation, statistics and case studies to explore and elaborate on the outcome of ASFA on children of incarcerated mothers.

The United States represents a series of ideals to each individual. To some, it means freedom, liberty and equality. For others it means the ideal democracy, the right to be heard as an individual, the pursuit of happiness and liberty for all. Do these same ideals hold true for mothers who are incarcerated? What about their children? Can society punish mothers for their crimes without creating long-term effects for their children? This research examines the Adoption and Safe Families Act (ASFA) and draws on data from policy analyses that intersect with ASFA, such as the Higher Education Reauthorization Act (HEA), and the Lifetime Welfare Ban Provision, to create adverse outcomes for children of incarcerated mothers. Some may view incarcerated mothers as offenders against societal norms, but they also go against traditional family values. Research findings for this population are limited, and are primarily based on small-scale studies or on surveys of prisoners (Simmons 2002, p.10; Johnson & Waldfogel, 2002, p.1). The research consistently, shows that often mothers are the sole providers and upon their incarceration their children are either placed with relatives or sent to foster homes (Drummond, 2000, p.43; Moore, 2000, p.1). Before this current research delves into the public policy analysis, it is imperative to understand the framework and the history of welfare reform. In 1974 Walter Mondale was influential in the promotion for the Child Abuse and Prevention Act. This act was responsible for supplying federal monies to various programs to combat child neglect and child abuse. An outcome of this act is our current Child Protective Services, a division within a child welfare agency that administers a narrow set of services (Moore, 2000, p. 1). In 1997 former President, Bill Clinton passed the
Adoption and Safe Families Act, which seeks to identify issues inherent in the foster care system and to provide realistic and stable solutions.

Moore's (2000) article stipulates the following:

*President Clinton’s initiative is to double by 2002 the number of children in foster care who are adopted or otherwise permanently placed... The drive of this initiative is to offer cash “bonuses” to states for every child they have adopted out of foster care, with the goal of doubling their adoptions by 2002, and sustaining that for each subsequent year (p. 1-2).*

In addition, President Clinton also requested an initiative entitled, Adoption 2002, also referred to as incentive bonuses. Since these acts and initiatives came into being, the welfare system in general and the child welfare system specifically, have changed drastically in terms of how the agencies operate. Moore (2000) suggests that the goal of these incentives is to provide:

*Technical assistance that supports the goal of encouraging more adoptions out of the foster care system; the development of best practice guidelines for expediting the termination of parental rights; the development of special units and expertise in moving children toward adoption as a permanent goal; the development of programs that place children into pre-adoptive placements without waiting for termination of parental rights p. 3).*

In this situation everyone involved in the child’s life directly or indirectly wins, except the birth parents, according to the termination rights granted under ASFA.

**Conceptual Framework**

Dye, defines public policy simply as “what governments chose to do or not to do” (1976, p. 1; 1987, p. 2). For Sharp (1994), public policy “is a set of government objectives and programmatic initiatives that evolve over time” (p. ix). America has never been marvelously enlightened in its politics toward low-income people, especially when they are people of color, and even more specifically when they are women and children of color. The complications are in understanding the history and in particular the far-reaching ramifications of the 1996 welfare reform law (Edelman, 2002, p. 5). As noted by Waters (1997), “Politicians are unaware or do not truly understand how the legislation they mandate/advocate for, impacts the lives of the many people they govern, they are doomed to continue to pass more laws that create more problems than they solve” (p. 1-2). Delgado and Gordon (2002), argue that President Clinton’s welfare reform codified in legislation the transformation of a system originally designed to provide economic support into one whose purpose is social control” (p. 25). Public polices that affect the poor and people of color have abandoned their original mission of providing economic support to keep children and their mothers out of poverty and
the criminal justice system (Delgado & Gordon, 2002, p. 48). By doing so, we see these women and children become victims of the system. Omission of people of color and those who experience a low socioeconomic status reinforces the status quo. We do not want the status quo to remain stagnant, but we want it to transform to better fit the needs of all its members and not be bias and discriminate on any basis. Pal (1997) notes that the intricacies of government means that never do they have the luxury of simply addressing one problem; instead, multiple issues require attention simultaneously (p. 3). Quite often these problems are in different sectors of the government. One problem cannot be dealt with while others are solved; consequently the solutions implemented often create other problems also requiring solutions. Although policies rarely address a single problem, Pal suggests that policies should be consistent across all elements. Programs and activities undertaken should be logically related and policies in one area should not contradict policies in other areas. According to Pal, (1997, p. 12) because governments address clusters of entangled problems that have contradictory solutions, policies should have internal, vertical and horizontal consistency. However, horizontal consistency is most important because the underlying philosophy of government cuts across all policy fields (Pal, 1997, p. 9). The problem, however, is that within the real world because of the sheer sprawl of government and the existence of multiple jurisdictions, there are so many actors with some influence over the policy process, (in this case some actors would be the Child Welfare agency and the Criminal Justice system) and so many agencies with relatively autonomous control of their policy fields, that is not unusual to have contradictory outcomes (Pal, 1997, p. 11).

Policy analysis then is a specific form of inquiry. Pal (1997) suggests that the first stage of evaluation is to seek an authoritative source for the policy statement, then to search the relevant documents for problem definition; goals and instruments to make sense of the articulated policy statement then look for supporting rationale in terms of problem definitions. Definition of the problem is the central element of a policy statement. As Pal points out, the irony is that while problem definition is crucial to understanding the rationale for a policy, and is intricately bound to policy goals, rarely is it articulated in great detail in a policy statement itself (1997, p.7). Hence, most policy goals are “fuzzy” and the real goals or policy might be quite different from the stated goals. For Pal, “Analyzing policy is akin to trying to recreate the maps people used on a journey by studying the path they took to get to their destination” (1997, p. 2).

What happens when issues coalesce and are dealt with within a complex web of governmental bureaucracies that operate by different enabling legislations, or public policy goals? To examine this phenomenon, this researcher looked at the Adoption and Safe Families Act and assessed it in terms of Pal’s notion of consistency. This researcher used the following objectives and research questions to analyze the findings:
• What is the intent of the policies established to control the problems?
• Do these policies fulfill their objectives? If not, why not?
• Are the policies accomplishing their goals?
• What are the consequences, and who is primarily affected by the policies?
• What, if any, are the possible solutions?

RATIONALE

The purpose of this study was to examine public policy inconsistencies by looking at public policy intent versus public policy outcome. This study will contribute to the limited body of knowledge about public policies that affect children of incarcerated mothers. Although other studies have explored the risk factors of what happens to children whose mothers are incarcerated, including Simmons in California Research Bureau: Children of Incarcerated Parents (2002), Drummond in Mothers in Prison (2000) and Waters in Confronting the Realities of a Public Policy Gone Wrong (1997), the literature does not indicate the correlation between the actual policies that govern this specific population and the different provisions that come after. Although the previously mentioned studies proved their individual intent, there is a limited body of research that focuses on collective entities working vigorously and diligently to alleviate the myriad of issues that arise for this population such as foster care placement or parental termination. Most importantly, this study will contribute to public policy strategies that affect this under examined population. Hopefully it will also get the various entities that make policy mandates that affect these children and their mothers to start talking and provide more provisions that are consistent and provide solutions for the problems that the children endure.

LITERATURE REVIEW

The Bureau of Justice Statistics (BJS), in a special report entitled Incarcerated Parents and Their Children (2002), reports that since 1991 the number of minor children with a parent in state or federal prison increased from 936,500 to 1,498,800 in 1999. Similarly, twenty-two percent of all minor children with a parent in prison were under five years of age (p. 1). BJS also reported that, at midyear 2005, there were 2,186,230 persons incarcerated in U.S. prisons and jails; of the incarcerated women, an average of 7 in 10 has an average of 2.11 minor children below the age of 18. Approximately sixty-four percent of women in state prisons and eighty-four percent of women in federal prisons who had young children lived with those children prior to entering prison (Greenfeld & Snell, 1999; Luke, 2002; Johnson & Waldfogel, 2002; LaLonde & George, 2002). The most recent U.S. Department of Justice statistics indicate that, on any given day, there are approximately 84,000 women in
federal and state prisons, and nearly 70,000 additional women incarcerated in county jails (Greenfeld & Snell, 2000; Beck & Karberg, 2000; Rafter, 1990).

**Crimes Committed by Mothers**

According to Mauer (2003), “Nearly two thirds of the nation’s prisoners are African Americans or Latinos” (p. 1-2). Minority women represent the fastest growing segment of incarcerated females, most of who have been convicted on drug-related offenses (LaLonde & George, 2002, p. 2). According to a 1987 national study by the American Correctional Association, the average adult female offender is a minority between the ages of 25 and 29 who, before her arrest, was a single parent living with one to three children (Simmons, p. 7; Luke, 2002). In 1998 there were more than a quarter million female drug arrests, accounting for about eighteen percent of all arrests for drug law violations. These drug arrest rates in 1998 were 1 for every 538 juvenile females in the resident population and 1 for every 426 adult female residents (Greenfeld & Snell, 1999; Simmons, 2000; Drummond, 2000).

**Mothers in Prison**

LaLonde and George accurately describe the current increase in the prison population, specifically of incarcerated women. According to their study, the rates of incarceration of women in the U.S. began to climb dramatically in the 1980’s. This dramatic increase highlights the difference between the male and female prison population. The difference is that these women are usually custodial prior to incarceration; a woman goes to prison there are often children left behind. This change in the U.S. population has taken place with little to no understanding of the long-term effects on this ability to function as a parent, or the consequences for their children (2002, p. 1-3). LaLonde and George quote Greenfeld and Snell’s research (2000) as reporting, that women incarcerated in federal and state prisons or in county jails are mothers to about 250,000 children (Greenfeld & Snell, 2000; LaLonde & George, 2002). The high percentage of mothers who were sole providers/caregivers upon incarceration resulted in their children being required to live with other relatives or being placed in foster care. Ten percent of mothers and two percent of fathers reported a child now living in a foster home or setting (Mumola, 2000). In a study conducted by Mumola, the findings indicated that, “Fathers cite their child’s/children’s mother as the sole caregiver prior to incarceration” (2000).

**What Happens to the Children?**

What happens to the children of incarcerated mothers? What, if any, is the relationship between the mother’s incarceration and the likelihood of the child becoming a juvenile delinquent or being placed in foster care? Limited research has been done in regards to the effects on children who have been the victims of parental incarceration. The existing research, suggests that many of these children may suffer from multiple psychological problems,
including trauma, anxiety, shame and fear. It is noted by Luke that, these children are six times more likely to end up in prison themselves (2002, p. 933). The children of incarcerated parents are at high risk than other children for a number of negative behaviors that can lead to, an absent of positive intervention, to school failure, delinquency and intergenerational incarceration. The personal and social costs to the children are high (Simmons, 2002; LaLonde & George, 2002; Drummond, 2002; Moses, 2000). According to Drummond children with incarcerated mothers are more likely to refuse to eat, may wet their beds and do poorly in school (2000, p. 42).

STATEMENT OF THE PROBLEM
The findings demonstrate that in its attempt to correct problems inherent in the foster-care system, it created adverse consequences for children because of the intersection of the:

- Adoption and Safe Families Act (1997)
- Federal “One Strike”: Eviction Policy

METHOD
For the purpose of presentation, this section is divided into the following sections: Definition of Terms, Data Analysis, Case Studies, and Evaluation and Theory Construction.

This paper will evaluate the level of consistency between the Adoption and Safe Families Act, the Lifetime Welfare Ban, and the Higher Education Reauthorization Act, amongst incarcerated mothers and their children, looking at the policy intent versus its outcome. Central to the comprehension of the breadth of this research, is the definition of terms shown in Table 1.

Table 1. Definition of Terms
The Adoption and Safe Families Act (ASFA) of 1997 accelerates the termination of parental rights and prevents individuals with certain convictions from becoming foster or adoptive parents. By 1999, every state had passed legislation that mirrors or is tougher than this federal standard.

The Child Protective Services (CPS) division within a child welfare agency administers a more narrow set of services, such as receiving and responding to child abuse and neglect allegations and providing initial services to stabilize a family.

The Department of Family Services (DFS) is a section of the CPS division that provides assistance to families.

The Higher Education Act (HEA) prohibits anyone with a drug conviction from receiving federal financial aid for post-secondary education.

The Lifetime Welfare Ban Provision, Section 115 of the 1996 Welfare Reform Act, provides that persons convicted of a state or federal felony offense for using or selling drugs are subject to a lifetime ban on receiving cash assistance and food stamps from the government.
The researcher collected and reviewed over 25 scholarly articles, case studies, and books, and collected classes of data and studies to discern patterns and to formulate principles that might guide future action for public policy provisions for children of incarcerated mothers.

The background, development, and current conditions of mothers who are incarcerated and their children are observed, recorded and analyzed for stages of patterns in relation to a number of factors using case studies. The public policies in focus were analyzed to determine whether they followed the prescribed procedures and achieved the stated outcomes for the population. Using Pal's theoretical work of policy consistency, an attempt was made to find or describe principles that explain the contradictions and inconsistencies in current public polices, looking to see if the policies subsequently aid or hinder the population. Using a trend analysis, the researcher predicts or forecasts the future direction of events for incarcerated mothers and their children based on the theory construction. In addition, the researcher suggests possible solutions. This research argues that due to internal, vertical and horizontal inconsistencies in public policies, incarcerated mothers not only do the time, but subsequently their children get punished as well.

**Notion of Policy Consistency**
For women of color, the impact of discrimination is compounded by the intersection of race, class, gender, sexuality and poverty; a history of institutional discrimination, lack of access to social services, and distrust of governmental systems, some of which were created to act as helping institutions for them. Patricia Hill Collins contends that, “Portraying African-American women as stereotypical mammys, matriarchs, welfare recipients, and hot mommas help justify U.S. Black women’s oppression.” The controlling image of the “Welfare Queen” within the social welfare system is just one of the many racially vilified terms we see that is used to describe women of color. A high percentage of incarcerated mothers are generally poor. As a result, they are more likely to rely and depend on these services. Mauer (2003) provides the following scenario:

> Imagine for a moment that in a courtroom somewhere in America a woman named Eleanor Wilson has just been convicted of the sale of crack cocaine to an undercover officer. Ms. Wilson’s attorney was able to arrange a plea bargain for his client in order to avoid a mandatory five-year prison term, and so Ms. Wilson agrees to serve one year in prison. After a brief sentencing hearing, Ms. Wilson is led off to begin to serve her time. Largely unbeknownst to anyone in the courtroom, though, a host of additional “invisible punishments” have also been imposed on Ms. Wilson (p. 1).

As a result of her felony drug conviction (and depending on the state in which she lives), Ms. Wilson is now barred for life from receiving welfare benefits. Ms. Wilson will now lose access to student loans for higher
education, may be barred from living in public housing and will lose her right to vote. If she had a place of residence prior to the conviction, all whom resided there will be evicted for their affiliation with Ms. Wilson. In the scenario created, Ms. Wilson is not an actual person, but her story is very real. Mauer draws our attention to the following: Similar scenarios are played out in courtrooms across the country every day, with both men and women falling victim to undisclosed sanctions beyond their stated sentences. These penalties are not normally mentioned at sentencing, but they arise from an array of policy changes, many adopted by Congress in recent years, which have dramatically escalated the barriers to successful community reintegration by ex-offenders. Many of these penalties have not been incorporated in crime legislation, but instead have emerged through policy change in other areas” (2003, p. 1). If there were more consistent provisions in public policies, including drug legislations, these men, women and their children, would not become victims to these veiled penalties. Table 2 shows a Policy Consistency Chart related to ASFA and the termination of parental rights.

The Adoption and Safe Families Act, is an example of a public policy that creates unintended consequences for this population. One might argue that the intent of ASFA is favorable, yet once this act was mandated it failed to do as it was intended. ASFA accelerates the termination of parental rights and prevents individuals with certain convictions (including drug offences) from becoming foster or adoptive parents. By 1999, every state passed legislation that mirrors or is tougher than this federal standard (Anonymous, 2003, p. 1). Under ASFA, parental rights can be terminated if a child has been in foster care 15 of the last 22 months (Stern, 2004; Simmons, 2000; Luke, 2002). A recent Government Accounting Office (GAO) report finds that the maximum median sentence for female offenders in state and local prisons is 60 months. Luke (2002) quotes scholars, including (Bush-Baskette, 1998; Chiancone, 1997; Garcia-Coll et al., 1998; Locy, 1999; Maher, 1997; Marsicano, 1999; and Synder-Joy and Carlos, 1998), as reporting that mandatory minimum sentencing laws require harsh penalties for low-level drug offenses. Research also indicates that women are not likely to receive reduced sentences for the low level offenses, as they rarely inform on their associates in exchange for sentence reductions. So what about their rights
as parents? Police do not routinely ask at the time of arrest whether their prisoners have children or not, nor do sentencing judges or correctional agencies regularly raise this question. Since no agency collects data about these children and their mothers, it is unclear how many are affected, who they are, or where they live.

If one were to measure the policy in terms of its intent, it is fairly safe to say that ASFA did not do what it was intended to do. ASFA creates adverse consequences for the populations it serves. For example, one of the intended goals is to address the current Child and Neglect Law, ensuring that all children being born have the right to be taken care of according to their basic needs of life by their parents/guardians. Yet, Simmons (2000) concluded that children whose parents have been arrested and incarcerated face unique difficulties. Many have experienced the trauma of sudden separation from their sole caregiver, and most are vulnerable to feelings of fear, anxiety, anger, sadness, depression and guilt. In terms of providing a safe and stable environment for these children, they may be moved from caretaker to caretaker, or stay in the foster care system until they age out at the age of 18. The behavioral consequences can be severe, absent positive intervention—emotional withdrawal, failure in school, delinquency and risk of intergenerational incarceration. These children become collateral casualties, yet they seem to fall through the cracks. ASFA also sought to address a number of issues, such as reducing the number of children in the foster care system and increasing the number of children being adopted. This is not the case for many states, despite the added incentive bonuses being awarded by the federal government for doing so. In fact, due to a lack of consistency between the intent of ASFA and its actual outcome, a number of states have made provisions to the federal law to address the growing need for this population. When adopting Pal’s framework, ASFA does not seem to be aligned with other public policies that affect this population as in the case of the Lifetime Welfare Ban. In 1996, Congress imposed a lifetime ban on the receipt of welfare and food stamp benefits for anyone convicted of a felony drug offense. States can choose to opt out of this provision, so far 10 have, but it applies across the board unless they do so. The Lifetime Welfare Ban Provision outlined its goals as: Any individual with a drug felony conviction is permanently barred from receiving cash benefits or food stamps. Each state can opt out of enforcing this ban, or modify its enforcement. As of March 2002, 21 states had the full ban in place denying people with felony drug convictions welfare benefits for life. Eleven states and the District of Columbia have completely opted out of the ban, and 18 other states have modified the ban either by allowing benefits dependent upon drug treatment, denying benefits only for sales convictions, or by placing a time limit on the ban. (Mauer, 2003, p. 2) Women are disproportionately affected by this provision, since they are the primary recipients of welfare benefits and a greater percentage of female inmates are incarcerated for drug offenses. Since the adoption of the ban in 1996, an estimated 92,000 women (in the 23 states
for which data was obtainable) — more than half of them African American or Latina — have become subject to its provisions (Mauer, 2000, p. 1). This finding suggests that, ASFA disproportionately affects women of color.

This policy punishes the mothers and therefore directly has detrimental consequences for their children. If the mother is unable to provide food, clothing and shelter for her children, they will likely end up in the foster care system. ASFA was created to address the current child and neglect law, however if a mother is prevented from providing the basic necessities for her offspring, then is the policy truly accomplishing its intended goals? It is accomplishing its articulated goal of not providing the services to the mothers for themselves and their families. However, are the consequences of the policy unjustifiable? The inconsistencies of policies such as this one, and those of the Lifetime Welfare Ban Provision are that they create other social issues with racial undertones and biases towards this population. Within the past few years, many states have also begun testing newborns for drugs and terminating parental rights at childbirth if the baby tests positive. Such policies have a significant racial and class bias. According to Mauer:

There is overwhelming evidence that hospitals subject poor women and newborns of color to these practices at disproportionately higher rates. One positive drug test can send a child into foster care and force a mother to fulfill a reunification procedure that is often complex and onerous...Ten states — including New York, Michigan and Ohio — have elected to opt out of the welfare ban, and 21 others now provide exemptions, including those for persons participating in treatment programs (2003, p. 3).

In 1998 Congress passed an amendment to the Higher Education Act (HEA) that denies federal financial aid to students with drug convictions. Ostensibly designed to discourage drug use, the measure is likely to affect disproportionately low-income students who hope to attend college. Under the law, a student who has been convicted of any offense under any federal or state law involving the possession or sale of a controlled substance is not eligible to receive any grants, loans, or work assistance. In the 2001-02 school year, 48,000 applicants were denied aid under this provision. The prohibition on student loans for higher education, for example, is less likely to present a barrier to college for a convicted drug user from a middle-income family than for a student in a low-income family. Whether intended or not, these penalties exacerbate the racial disparities that pervade the criminal justice system (Mauer, 2003, p. 2-3).

Upon release from incarceration, a mother would attempt to reunify her family, if she has been incarcerated longer than 15 months and her child is in the foster care system, her parental rights are terminated. Job opportunities are slim because she has been jailed and served time, in addition, she may not receive federal assistance. If she is fortunate enough to not be a victim of the previously described scenario, she is considered lucky. If she attempts
to obtain or further her higher education, she may not receive financial assistance to do so. One might ask where the chance for rehabilitation is, if these women cannot find assistance to aid them. The combined impact of these policies is both irrational and counterproductive. Since many of the prohibitions apply only to drug offenders, they create a situation whereby a three-time armed robber can be released from prison and immediately qualify for welfare benefits and public housing benefits that would be denied to a single mother who engaged in a one-time drug sale (Mauer, 2003, p. 2). According to the Drug Policy Alliance of April 2003, the federal “One-Strike” conviction policy allows public housing agencies or Section 8 landlords to evict a tenant or any guest or “other person under the tenant’s control” who is involved in “drug-related criminal activity” on or off public housing premises. The invisible punishments of crime policy serve no legitimate function in the justice system, but substantial barriers to former offenders attempting to re-establish themselves in the community, and more importantly it creates issues for their children. Public policies, such as ASFA, seek to provide stable, nurturing homes for children and prevent children from being lost in foster care drift. This policy highlights the effort creating permanency for children, primarily by freeing them for adoption through the termination of their birth parents’ rights. These policies examined here are not acting in tandem to create admirable solutions for these families.

**Discussion**

In response to the previously stated research questions, ASFA and other policies such as the Higher Education Act and the One Strike Eviction Policy were intended to address and limit the number of individuals who have been convicted of a drug-related offense from receiving services. These policies fulfill their outlined objectives, however in doing so they create unintended consequences of social ills that require the creation of newer provisions to address these adverse effects. As a result of these inconsistent policy provisions, both children and mothers are collateral casualties. The implications of adopting Pal’s theoretical framework would provide more realistic and favorable solutions for policy makers and those the policies affect. There are several benefits of creating consistent provisions for public policies that directly impact incarcerated mothers and their children. For example, if governmental agencies and policy makers adopted Pal’s framework, it would be instrumental in localizing risk factors within specific public policy legislation. In addition, these very entities would be able to tailor and coordinate services and laws to be more consistent for the children of incarcerated mothers. Also, it would diminish the amount of taxpayers dollars spent annually on incarceration and the foster care system. More importantly, this would be an opportunity to eliminate full termination of parental rights and promote rehabilitation strategies for mothers. Lastly, this coordination would make adjustments for reunification after incarceration and foster care
stay of both mother and child, promoting and reinforcing cohesive family units rather than separation.

To address the issue of maternal incarceration and the children involved, this research makes three distinct, though interrelated critical recommendations. First, child welfare policies seek to address the needs of families. In particular, they address families in which children have been neglected/abused according to the agency definitions. More importantly, they desire to ensure that the children have permanent homes. Research indicates the importance of a bond/relationship between a mother and a child. With that said child welfare policies should be revisited and addressed accordingly. There needs to be a redefinition of concepts such as neglect, abuse, permanency and termination rights. Looking at permanency, parental rights should not be completely terminated, uprooting children from one family life and placing them with a new family. In addition, termination rights should be redefined and redirected. If parental rights are being terminated for 15 out of 22 months, when mothers are incarcerated for longer periods of time, something is wrong with termination policies and that should be addressed. By doing that, the policies would be geared towards mother/child bonding rather than termination and adoption. Termination policy suggests that these women need to pull themselves up by their bootstraps; many of these don’t even own boots or if they do, they don’t have straps, they have strings. A call for re-definition would also decrease the potential long-term cost that is typically spent in this area. Most importantly, it is imperative to make sure that the language is understood by those who are impacted. Research indicates that mothers are unaware of policy terminologies and definitions because of a lack of education or ambiguity of the policy; As a result, these women unknowingly sign over custody of their children and are unable to get them back. An additional recommendation of this research is that, there needs to be balanced and consistent policies. Nothing is ever perfect, but at least this will provide an opportunity/attempt to be fair across the board. New circumstances arises everyday, however it is this researchers hope that policies and their provisions will be able to address the needs of this population. The foundations of the U.S. are not set up to assist all people, as a collective. Instead we find individual care being promoted more, we need to mobilize power to change the child welfare and criminal justice system, make them more accountable. There is an urgent need for departments and agencies that will address the complexity of the people they serve. In addition, all entities responsible for making policies that affect this population, needs to dialogue. However, the dialogue needs to be focused on change and not be dialogue for dialogue’s sake. When dialogue occurs, adopting Pal’s notion of policy consistency will provide improved choices for women and their children and tackle other predicaments realistically, providing real solutions. As a result, opportunities and privileges will not be restricted or limited for this population in the future. The final recommendation for this research is to create well balanced, consistent and researched parent resources.
resources whether it be counseling for the mothers and or their children, programs such as Kinship Care, Safe Haven Centers/Programs or Girl’s Scouts Beyond Bars, these resources must meet the three before mentioned criterion to be successful and provide desired outcomes for the population. These resources cannot just offer a quick fix, instead the long term benefits need to be truly weighed in the beginning and provide options for mothers and children. According to Luke (2003):

*Previous research indicates that a positive relationship with a parent is the most important form or resilience that protects children from the kinds of negative outcomes that are common among children of incarcerated mothers. If prison parenting programs are successful in maintaining that relationship, they could save society vast amounts of money. The importance of such research is that it provides consistent and balanced assistance for these families. More importantly, it can be used to inform agencies and communities about the ineffectiveness or effectiveness of programs and funds geared towards this group* (p. 943-944).

**Limitations**

This study was limited by certain conditions that were beyond the researcher’s control. Despite the escalating numbers of incarcerated mothers entering and exiting prison, very little scholarly information is available about this population. In particular, relatively little is known about their economic prospects, their ability to function as parents, or the consequences that prison and their lives leading up to incarceration has for their children and each of their lives after incarceration. This study was also been limited because there are few case studies published on the specific population considered in this study. In response, some of the data was compared to national statistics to find out things such as the psychological impact on the children, and at what percentage do they themselves end up in the criminal justice or child welfare system. However, due to the limited availability of data and because once the mothers are arrested or released, agencies do not ask questions about their family lives or conduct any follow up, it is difficult for this researcher to offer concrete data. The case studies utilized only focused on specific geographical locations and the norms and mores of each location varies from state to state and country to country. As a result, the findings cannot be generalized to all individuals who are in this population.

The study has also been limited by gaps in the literature, suggesting that due to the lack of research, much is not know about the population pre and post-incarceration. In addition, the children’s mothers are being incarcerated for drug-related activities. The researcher was not able to look at current drug policies and how they affect this population. Finally, the study was restricted due to the limited amount of time given to complete this project; the researcher was unable to conduct a lengthy review of the literature.
CONCLUSION

The researcher's personal, professional and volunteer career is reflective of working first hand with children of incarcerated mothers. The researcher has witnessed the negative impact of not having one's mother's present in one's life. There is an urgent need for qualified people to obtain social work skills and credentials, so as to intervene in the lives of troubled youth. The researcher hopes to add that, despite the frequent production of public policies, it is not implausible that children of incarcerated mothers are still enduring the same issues and concerns today, as yesterday. The concern for the lack of data that draws/showcases a direct correlation between the public policy and the future of its targets is what drove the researcher to pursue this study.

Prominent research in this field suggests that there has been a significant increase in the number of women in the prison system over the last decade. These women are being incarcerated for drug related crimes and activities. It is imperative to understand the profile of these incarcerate women, these mothers. Research indicates that incarcerated women are typically minorities within the age range of 25-29. These women are the sole providers of their house-holds. Such house-holds typically include 1-3 children under the age of 18. Looking at their socioeconomic status in terms of a hierarchy it reveals that these women are the bottom of the scale and have little to no economic skills. Lastly, these mothers are victims of sexual and substance abuse. Upon incarceration there are additional punishments beyond the court appointed sentence, where both children and mothers suffer. Arresting individuals and agencies do not question, these mothers about their home situations. This results in their children being shuffled off to live with extended family or to an already overwhelmed foster care system. Many states do not recognize extended family relationships as proper foster care which results in a lack of financial assistance for these units. As a result of these mothers being incarcerated for drug related offenses these women endure lengthy prison sentences. Termination Policy under the 1997, Adoption and Safe Families Act, suggests that if a child is in the foster care system for 15 out of 22 months, parental rights are automatically terminated.

Using the theoretical framework from Pal, it suggests that policies should have internal, vertical and horizontal consistency. That is, policies should be consistent across all elements. Programs and activities undertaken should be logically related and policies in one area should not contradict policies in other areas. Public policies and their provisions that affect this population should be consistent and correlated, rather than contradictory. As a result of governmental intricacies and policy inconsistencies of our government, can society legitimately punish mothers for their crimes without creating long term effects for their children? The results of this research should be used to devise a means for society to legitimately punish the mothers for their crimes without punishing their children. Moreover, it is imperative for the agencies
working with this population to create policies which are implemented consistently across bureaucratic divides.

The Corrections System lacks a tradition of tracking inmates’ children into account in any formal manner. But now that the fastest growing segment of the prison population is single mothers with multiple children it is important to better understand the consequences of this practice. Future research might consider juxtaposing the nexus between drug legislation and the Adoption and Safe Families Act and how those create unintended consequences for the children. Future research may also consider speaking to children within this population, through interviews and surveys in order to acquire a more in depth insight of the problem to come up with realistic solutions.
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UNDERSTANDING A LATINO QUEER IDENTITY AND ITS POLICY IMPLICATIONS FOR HIGHER EDUCATION

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ABSTRACT

This exploratory study uses the qualitative method of content analysis to examine past literature focused on a Latino Queer identity and/or the notions of Queer identity in higher education. The research analyzes secondary data and discusses: a) Differing notions of “Queer”; b) advances and limitations of Queer Theory; c) differences between a Queer identity and a Latino Queer identity in higher education; d) significance of coming-out in college; and e) educational policy implications that a Latino Queer identity conveys. Understanding a Latino Queer identity allows for a building of new paradigms for the inclusion of categories that had been previously secondary in analyses of social life. This is important within colleges and universities that serve as institutions whose purpose is to foster leadership by encompassing concerns of constituencies and actively deconstructing discriminatory practices.

The Lesbian, Gay, Bisexual, Transgendered, Intersex, Questioning and Ally (LGBTIQA) community is commonly known to have emerged out of the Stonewall Riots of 1969, a moment in history that is known to ignite a prominent gay and lesbian liberation movement, especially among young adults and youth, after a police raid of the Stonewall Inn, a gay bar in New York’s Greenwich Village (Kumashiro, 2001). Out of the riots responding to the police raid came gay pride events and the first gay pride parade directly addressing the constant persecution and harassment in Greenwich Village that led to the breaking point at Stonewall Inn. A new “out and proud” community emerged that provoked not only activists, particularly student activists in their demand for gay rights but also sparked an interest among scholars in the study of homosexuality. Homosexuality or bisexuality has been traced to individuals who have held positions of leadership, philosophers, and artists who have contributed to the culture and knowledge of today, including Julius Caesar, Alexander the Great, Plato, Michelangelo, and Leonardo da Vinci (Mohr, 1994).

However, these historical references to a homosexual identity have largely been conceptualized by a male-centered, Eurocentric idea of what it means to be gay or Queer. Although studies have emerged that look at the gay and lesbian community, the research primarily highlights the health risks of living such a lifestyle. Contemporary structures of what it means to be Queer have mostly been Hollywood-defined to encompass an upper-class, trendy persona, such as those depicted in television series, such as Queer as Folk and Will & Grace. On the rare occasion when the gay and lesbian community is visited with the cross-sectional identity of race and ethnicity, studies narrowly
emphasize the higher risks of being infected with Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome (HIV/AIDS), essentially creating an atmosphere of fear when self-identifying as a Queer person of color. A Stonewall-constructed gay and lesbian community therefore has been formulated that defines certain notions of gay and Queer excluding a diverse set of definitions or constructions of what it means to be Queer and fails to recognize the contributions that a variety of communities have made. For example, when revisiting the important historical reference point of the Stonewall Riots of ’69, much of the anger that initially ignited the outrage is rooted in the bravery of many Latina and African American drag queens that frequented Stonewall in Greenwich Village (Kumashiro, 2001).

Few previous studies have examined the social process of cross-sectional identities encompassing race and sexuality emphasize a cultural deficit model, placing blame on communities of color and regarding racial minorities as too homophobic, or unable to accept different sexual identities (Almaguer, 1991; Garcia, 1998). Although not innocent in reproducing social inequalities along the lines of gender and sexuality even within the Civil Rights struggles of racial minorities, the systematic oppression of LGBTIQA people and the discrimination towards perceived non-heterosexual behavior is perpetuated beyond distinct cultures, and does not solely exist within racial minority communities (Horacio, 2001).

Within the context of higher education, few institutions focus on issues that affect the LGBTIQA student community, hindering these schools to affectively address discriminatory practices that pertain to groups that may identify as Queer and to empower these students to act in resistance. Because education, especially higher education, tends to emphasize its slogan of “building tomorrow’s leaders,” colleges and universities have the responsibility of recognizing and instilling empowerment within this growing student population. What does this mean when attempting to understand a Queer student community? Do traditional ideas of coming-out or revealing one’s sexual orientation incorporate a Latino identity? And what does coming-out as a Latino Queer imply for higher education policies? These questions are considered in this study in order to begin to understand what a Latino Queer identity suggests for higher education policy.

PURPOSE OF STUDY
This research does not strive to outline the experiences of all self-identified Latino Queer students but rather offers resources for colleges and universities to constantly rethink educational practices by understanding how the collective identity of being Latino and Queer expands traditional notions of the role higher education plays. This change would require institutions of higher education to expand notions of leadership to include a Queer consciousness instead of an apathetic Queer community on campus resulting in a silencing of Queer issues. Colleges and universities can then be more
active in offering resources to self-determined communities that struggle for social justice. At the most basic level, this study seeks to influence colleges and universities to begin collecting data on their LGBTIQA student in order to be more inclusive of all its constituencies.

LITERATURE REVIEW

The term “Queer” is commonly used, especially among youth, as an umbrella term encompassing the LGBTIQA community (Kirsch, 2000). “Queer” as an identity has taken many forms. Historically, Queer was used as a derogatory term for those who did not identify themselves as heterosexual. However, just as the term “Chicano” was redefined in the 1960s as a tool for empowerment, much of the upcoming gay and lesbian youth reclaimed the term “Queer” also as a form of empowerment or a way to define themselves (Kirsch, 2000). In this aspect, “Queer” has certain sociopolitical connotations when claimed by those who reject traditional sexual and gender identities and are ‘breaking the rules’ of sex and gender. This usage allows the term to retain a non-normative status but suggests that a person can be heterosexual and Queer or a conforming homosexual can be “non-queer” (Kirsch, 2000).

Queer, for the purposes of this research, encompasses a political sexuality where alliances are made on common grounds as an identity through action and consciousness. Queer in this manner is available for anyone to adopt who is actively involved in the political and social justice agenda against a heteronormative society.

In contrast to Queer, “homosexual” or “gay” are very different terms. These terms tend to describe a specific sexual orientation. Psychologists historically used the term homosexual as a medical condition to describe a mental disorder of people who had homosexual tendencies (Garcia, 1998). The word gay is more commonly used, but is derived and more specifically relates to same-sex attraction between two men. Even with the restrictive definitions of these terms, they are more widely used in popular culture to describe perceived non-heterosexual behavior. Many youth and the popular hip-hop artist Eminem have even claimed the word “gay” as a synonym for “stupid”, when using the term in the phrase “that’s so gay.” Guzman (2006) describes gay as a hegemonic term that has been claimed by a white, male society acting as a gender and racial exclusive character.

Similarly, to describe a form of bias against this marginalized group, homophobia is a commonly used term describing the act or belief that homosexuality is wrong or immoral (Rhoads, 1994). Homophobia however directly relates to a fear of homosexuality and does not encompass other sexual/gender minorities such as bisexuality or transgendered. Homophobia may also be considered as an act or a lashing out against gay or lesbian people but does not critically examine the institutionalized sexual/gender prejudice. The term heterosexism has consequently been adopted to describe the systematic oppression of LGBTIQA people and is not found in the
individual per se but rather as a socially constructed bias that upholds a predisposition to heterosexuality and heterosexual behavior (Rhoads, 1994). This opposition offers its notion of Queer to not only issues related to sexuality but includes issues of gender and desire (Adams, Bell & Griffin, 1997). Structures of heterosexism draft the relationship between homophobia and sexism. Gender roles are maintained, in part, by homophobia because of the fear of being called gay or lesbian when stepping outside of the construction of what it may mean traditionally to be a man or a woman.

The definitions discussed in this paper are critical in understanding what the term Queer may suggest for certain groups and only touches the surface of what Queer students may experience on a daily basis. Knowing the discourse of a community is the beginning to understanding a Latino Queer identity and is important when delving into scholarly work and positioning these terms in academia.

Advances and Limitations of Queer Theory

The definitions and explorations discussed previously in this paper have lead scholars to develop a new theoretical framework of the concept of Queer. Queer theory adopts a social constructionist perspective and posits new ideas that sexuality and gender are neither innate nor natural, but it is limited in exploring other paradigms or questions about what a chosen sexuality conveys (Sullivan, 2003; Kirsch, 2000). The framework debunks the idea of stable genders and sexualities and exploits incoherencies in them, which sustain a normalized heterosexuality (Jagose, 1996). The term Queer theory was formulated in the early 1990s by de Lauretis (1991) but was conceptualized as a by-product of third-wave or lesbian feminism in the ‘70s. It refers to gender and sexuality as more fluid and not fixed on terms such as those spelled out in the acronym LGBT (Lesbian, Gay, Bisexual, or Transgendered). Sexuality and gender can therefore be constantly changing within an individual and these ever-changing dynamics calls for a degrouping of what is commonly known as the “Queer community” without placing all LGBT people into a collective basket.

Queer theory has moved beyond ideas of sexuality and gender and is disseminated to define and explain anything that is non-normative. Queer theorists have ‘queered’ all aspects that may not fall into the social norms, even delving into and Queering ‘straight’ sex (Sullivan, 2003). But this broad and widely used definition of Queer theory has received criticism, the first originating from the woman who first coined the term. De Lauretis, barely three years after she introduced the phrase at a 1989 conference in University of California, Santa Cruz, abandoned the term on the grounds that it had been conquered by the mainstream forces and institutions that it was originally used to resist. She now perceives the framework as “devoid of political or critical acumen she once thought it promised” (Jagose, 1996, p. 2).
The desensitizing of the theory is due to its emphasis on individuality and the focus on labels rather than on social change and transformation of the social structure (Kirsch, 2000). Now more than ever we live in a culture that is “oriented towards separating the individual from the social, promoting an ideal that we are all unique, special, unfettered by structural forces outside our control” (Kirsch, 2000, p. 3). This takes concentration off a collective identity that brings alliances on common grounds developed through identity as being or identity through cause. While Queer Theory investigates how sexuality and gender are defined, it does not socially position these terms. Whether innate or socially constructed what does sexuality and gender convey when existing in a shared system of meanings and behaviors? Queer theory does little to answer these questions of overlapping themes and fails to recognize the intersectionality of identities. The stress on individuality and regarding everyone as unique draws separations and segregates what it may mean to be Queer and a person of color.

The Intersectionality of being Latino and Queer
In *Queer Aztlan*, Moraga (1993) describes how she reformulated notions of Queer to encompass Chicano nationalism. Scholars such as Almaguer (1991) have taken a rigid look at examining the Latino Queer community in the U.S. in comparison to the more salient White Queer community. Although he recognizes that there is a difference, Almaguer describes the U.S. Chicano gay identity through the experiences of men in Mexico who have sex with other men, essentially decontextualizing the formation of such a gay identity. Two commonly held misconceptions also arise in his writing about sexuality and “Latino culture:” 1) the Latino family being sexually repressive and rigidly structured around machismo; and (2) religion, in the form of Catholicism, in its blessing of heterosexual unions condemns non-heterosexual practices (Trujillo, 1991; Ramirez, 2003). Although these misconceptions may be argued, it is important not to apply these characteristics as specific to the Latino community, and solely argue that the Latino community is more homophobic than other groups.

Patriarchy and religion cross cultural lines and these oppressive institutions affect other communities as well as the Latino community. “Despite the strong tradition of heteronormativity in the Latino communities, Latinos and Latinas in the U.S. have been a part of the LGBT communities at least since World War II” (Ramirez, 2003, p. 7). Chicana writer, Ana Castillo mentions that, from her experience within the Latino community, sexual talk was common among men and women, at times, even in the presence of young children (Trujillo, 1991). The true geo-political issue is the invisibility of the Latino Queer community (Ramirez, 2003). There is a vibrant Latino Queer community, but the overall Queer community is “overwhelmingly white and devoid of strong Latina and Latino representation” (Ramirez, 2003, p. 9). The rise of the Latino Queer culture was in large part due to Chicanas. Chicanas and Latinas started writing rich literature that discussed
the intersections of race and sexuality (Almaguer, 1991). In the early 1980s, Lesbian feminists began conceptualizing the framework for a Latino Queer identity with the collection of work in This Bridge Called My Back (1983). This is when such discussion began. Two prominent writers during this period were Gloria Anzaldúa and Cherrie Moraga.

Moraga and Bracho conceptualized a Queer Aztlán after realizing the limitations of a Queer Nation and the failure of Chicano Nationalism to accept gay men and lesbians (Moraga, 1986). She describes the metaphysical space of a Queer Aztlán as a sense of belonging. Alfaro also depicts this feeling of being trapped between two worlds in this excerpt from his poem.

**Orphan of Aztlán**

*I am a Queer Chicano
A native in no land
An orphan of Aztlán
The Pocho son of farm worker parents
The Mexicans only want me when I talk about Mexico
But what about Mexican Queers in L.A.?
Queers in L.A.? The Queers only want me, when they need to add color add spice like salsa picante,
on the side
With one foot on each side of the border, not the border between México and the United States, but the border between Chicano and Queer, I search for a home in both yet neither one believes that I exist*

As this poem suggests, students in higher education may feel trapped or unrecognized when deciding which student organization to choose from, whether a Queer organization or a Latino/Chicano organization, each group only seeing a fraction of their Latino Queer identity. Because of this experience, some students feel pressured to hierarchize oppressions and choose to be active within one community only. In his piece *El Chicano y El Joto* (1996), de León describes how his two identities could not be balanced, and that when he finally came-out in college he paid less and less attention to the Chicanismo he had held inside himself.
Many colleges and universities do not give validation to these intersecting identities. Although institutions of higher education have recognized racial issues and even others have addressed Queer issues, they fail to combat the oppressive status of higher education in its complexity in their “inability to acknowledge multiple and intersecting oppressions” (Snider, 1996, p. 2). Often these struggles fall short in recognizing the differences between being Queer, and being a racial minority and Queer. Latino Queer students experience different hurdles or obstacles when formulating an identity than other students might. Some students come to the “…conclusion that not only is sexual orientation not THE defining identity for gay, lesbian, and bisexual people of color in the way it appears to be for many gay, lesbian, and bisexual White people – it may not even be a defining identity for them…” and relegated to lesser importance (Clark, 2005, p. 11). Being Queer for Latinos carries different implications on higher education then being White and Queer carries.

**Latino Queer Identity in Higher Education: Coming-Out in College**

Higher education has served as a pivotal point for many students to “come-out.” The college life often represents independence and entails new social networks. Waiting until college to come-out is still highly prevalent in Queer youth. Although most lesbian and gay adults recognize their affectional orientation to themselves during adolescents, most did not come-out until they entered college (Rhoads, 1994). Coming-out however can be highly subjective as well. Is a student considered “out” if his parents back home do not know, but everyone else does? Certain authors have written on the developmental process of sexual identity, creating a variety of stages involving self-recognition, self-statement, positive self-esteem, etc. that people pass through when coming-out (Garcia, 1998). Although these linear models may recognize a social aspect of how context may affect a person’s state of mind they are too rigid when discussing identity or culture (Garcia, 1998). These models fail to recognize that identity and culture are socially constructed. Sexual identity is not so deterministic, based on biology. Although a social constructionist theory may not highlight where same-sex attractions stem from, a Queer identity is constructed and more fluid. And “rather than assuming that ‘culture’ is something that is always already done and ‘completed,’” it is instead more malleable and open for re-interpretation and contestation (Ramirez, 2003, p. 77).

The coming-out process in itself has largely been constructed from a white, middle-class perspective. The “coming-out” discourse within the gay and lesbian community fails to see race as a factor in revealing sexual orientation (Rhoads, 1994). This factor is problematic because it overlooks the difference between those who are able to come-out in a privileged setting and those who must discount multiple “othered” identities. Snider offers the following on this point:
Rarely does the dominant faction of the lesbian and gay community address the fact that one’s social and cultural positioning and access to privilege prior to coming out directly affect the manner in which one’s coming out is imparted and received… It is assumed, a priori, that being out is beneficial, that being ‘true’ to yourself is vitalizing force (as if there is a unitary self, and it would know the truth presented to it.) Within this discourse, a rigid dichotomy between the ‘true’ self and the repressive/ d self is assumed, and not coming out is seen as a reflection of internalized homophobia (1996, p. 3).

Most scholars recognize that coming-out is an ongoing process as individuals continue meeting new acquaintances that they “come-out” to because of the assumed norm of heterosexuality (Garcia, 1998; Snider, 1996; Rhoads, 1994). Yet it is rarely recognized that “being out” is a status that is afforded primarily to White people. An LGBT identity is easier for white people to put on (Clark, 2005). With multiple oppressed identities for Latinos or other people of color, coming-out may be a more complex decision. Latinos may also have to deal with the burden of having other stigmatized identities, such as linguistic, national origin, religious, and socioeconomic. Higher education administrators need to understand these differences of coming-out in order to be more inclusive of all its Queer students and to facilitate a positive coming-out process for students who desire to be out and create change.

**Methodology**

This study’s methodology takes a comparative content-analytical approach to the literature formulated around the research question to better understand Latino Queer identity and its implications on higher education. An excess of 15 articles and books were reviewed and interpreted that pertained to the areas of study that discussed either Queer identity in higher education or the Latino Queer community in general. The researcher analyzed textual information produced within the last 30 years.

**Discussion**

Education, more specifically higher education has the potential to be a catalyst for the development of active students and act as a conduit for social change. Institutions of education in the past have seen active students challenge their own structures of power. Colleges and universities are being forced to analyze social issues to encompass concerns of constituencies that had been excluded from academic-theory building. Feminist writers, in particular, are altering the foundation that concerns itself with the place of women in society. Other major identities of race, class, and sex, also became central in the inclusion of historically disenfranchised categories. A traditionally White, middle-class charged curriculum has been disputed and the original idea of the ‘college experience’ is disrupted. No longer can we
argue that all students are equally advantaged or privileged and therefore require the same needs.

Even so with the emergence of radical social critiques within the context of higher education, institutions can act as social reproduction agents, reconstituting the dominant cultural patterns (Rhoads, 1994). As we see the cost of college continue to rise, access to student loans and grants is eroding. As a consequence, the gap in educational opportunities between rich and poor has become more evident, transforming quality education into a luxury of the wealthy and, primarily, white. College and university programs that are aimed at increasing diversity and retention rates of marginalized students are portrayed by some as superfluous and are in constant threat of budget cuts. This attack on higher education needs to be challenged but theories that apply themselves to social issues have yet to completely convince the public and university administrators of this necessity.

Sexual minority students, at times, are not included within the theories or discussions that emerge on how to recruit and retain historically disenfranchised communities. While some college and universities acknowledge the presence of Queer students, few institutions gather and maintain data on the number or needs of sexual minority students. Albeit Queer theory has surfaced within an institutional context, the framework came to be when radicalism was viewed as passé. Moreover, its limitations have created apolitical resources that serve the needs of students only at an individual level, such as psychological counseling. As a result, the intersections of a racial or ethnic identity and a sexual minority identity have received minute attention by educational institutions. These two identities have therefore been segregated, not accounting for a student population that identifies both as Queer and as a member of a racial minority group (Wilson, 1996). Institutions of higher education should consider the following:

- PRIDE or LGBTIAQ centers need to take an active role in addressing and existing as a place where students are safe to organize as a collective Queer student voice to challenge heterosexism, racism, sexism, and classism on or around their campus.
- Such centers must take the focus off the individual and become more proactive about looking into the factors that contribute to the prejudice towards differing sexualities.
- Resources need to offer culturally-sensitive information, and not simply translate the text that already exists.
- Queer events on campus need to be outreached to the entire student population rather than to only those students who are “out” or White.
• Campus and classroom curriculum should be more inclusive of different sexualities, offering to students or requiring them to address issues of a heteronormative society.

• Campuses should collect data on their Queer student population and conduct campus climate surveys that concentrate on sexuality. Taking these actions, colleges and universities would allow for an atmosphere where Latino Queer students may be better understood by the institutions that seek to foster leadership within their student population. In return, these campuses would produce quality education that is inclusive of all its constituencies and consequently increase student learning outcomes and retention rates of the population.

LIMITATIONS
Due to the research design, there are number of limitations to be noted. Time did not allow for the research to include human subjects, eliminating the possibility to construct surveys or interviews that would have offered an in depth analysis of the research question. Because there was no statistical analysis of the data, the external validity of the design was jeopardized and findings or discussion therefore cannot be applied to the population. The analysis is also restricted due to the availability of material.

CONCLUSION
The experiences and concerns of Latino Queer students must be validated, recognized, and acted upon by an institution that wishes to foster leadership in its student population, which, in turn, increases rates of retention and academic success for this community. Higher education institutions serve as “producers of cultural discourse, and that ‘knowledge’ embedded into their productions serves as powerful regulatory role for social process” (D’Augelli, 1989, p. 4). This indicates an obligation for colleges and universities to examine historical and contemporary perspectives of “Queer,” understand intersectional identities of Latino and Queer, are aware of differing coming-out processes, and challenge the limitations of Queer theory. Colleges and universities subsequently act consciously to avert the oppressive structures that disenfranchise a Latino Queer identity, and therefore seek to deconstruct them.

Colleges and universities must take a more active role and collect data on their sexual minority population and become conscious about the multiculturalism that exists on their campuses. Many campus PRIDE or LGBT centers do not have reading material in Spanish or offer information about the different coming-out processes. These culturally responsive actions can be taken to facilitate a campus environment more open to fluid and intersecting identities. As a result, Latino Queer students will be able to empower themselves for positive social change within the college context without having to fraction off their identities. Feeling included may improve rates of retention, which
could be more closely examined, and Queer advocacy centers can be more efficient in addressing the entire student body.

In addition to these outcomes that are offered in this exploratory study, the research puts forward an expanding concept of Queer and the social process of Queer Latino students, especially in terms of coming-out and also within the limitations of Queer theory. What is learned from this research is minimal to what actions need to be taken. Inadequate studies have been conducted within academia and rarely do institutions of higher education initiate their own research analyzing the needs of these students. Understanding a Latino Queer identity involves more than what has been discussed in this study. Not only do identities need to be contextualized but also this research opens the doors to an in depth examination with the possibility of different qualitative methods being implemented. With this, higher education can be more inclusive of identities from marginalized communities and implement policy that seeks to eliminate heterosexism. This will not only be beneficial for a Latino Queer community but the college campus on which these actions are taken. Institutions can in turn rise up, with its students, as colleges and universities that stand against all systems of oppression.
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