Issue Brief on the Education of Unaccompanied Homeless Youth

Unaccompanied, Unidentified and Uncounted: Developing Strategies to Meet the Needs of America's Homeless Youth

Prepared by:

Massachusetts Appleseed Center for Law and Justice
Boston, MA

and

Appleseed
Washington, D.C.

February 15, 2012

Acknowledgements

We extend our sincerest thanks to our pro bono partners for their collaborative effort and support—Baker & McKenzie; Ballard Spahr LLP; Steptoe & Johnson LLP; and Wilmer Cutler Pickering Hale and Dorr LLP. They each devoted many intense hours to prepare the research that fueled and framed this brief. We also wish to thank Ballard Spahr LLP for its generosity in printing this report.

We also thank the State Coordinators in Arkansas, California, Florida, Georgia, Kansas, Kentucky, Massachusetts, Michigan, Mississippi, Nevada, New Hampshire, North Carolina, Ohio, Pennsylvania, Texas and Wisconsin for their responsive and helpful feedback during the early research phase of this brief.

Appleseed Mission

A nonprofit network of seventeen public interest justice centers in the United States and Mexico, Appleseed is dedicated to building a society in which opportunities are genuine, access to the law is universal and equal and government advances the public interest. Appleseed uncovers and corrects injustices and barriers to opportunity through legal, legislative and market-based structural reform.

Working with our pro bono network, we identify and examine social injustices, make specific recommendations and advocate for effective solutions to deep-seated structural problems. Together, Appleseed and Appleseed Centers form a network for positive change, building a society that provides each individual access to justice and a genuine opportunity to lead a full and productive life.

As an Appleseed Center, Massachusetts Appleseed Center for Law and Justice promotes equal rights and opportunities for Massachusetts residents by developing and advocating for systemic solutions to social justice issues.

For More Information

Visit our website for more information about the Massachusetts Appleseed Center and its work on the education of homeless youth (www.massappleseed.org) and Appleseed (www.appleseednetwork.org).

Massachusetts Appleseed Center for Law and Justice, Inc.
44 School Street, Suite 415 | Boston, MA 02108
Office: 617.482.8686 | Email: massappleseed@appleseednetwork.org

Appleseed
727 15th Street, NW, Suite 1100 | Washington, D.C. 20005
Office: 202.347.7960 | Email: EDarden@Appleseednetwork.org

TABLE OF CONTENTS

INTRODUCTION

Unaccompanied homeless youth appear to be one of the fastest growing and most vulnerable segments of the larger homeless population, but flawed information-gathering by government entities makes it impossible to be sure.[1] This issue brief examines reasons why the plight of unaccompanied homeless youth is not fully captured through current models of identification and data collection, and how this failure of information adversely affects society's ability to help this vulnerable population. While points made and conclusions drawn are applicable nationwide, the Commonwealth of Massachusetts is the touchstone for many of the examples.

Who are "unaccompanied homeless youth"?

An unaccompanied homeless youth is defined as someone (1) younger than twenty-two years old, (2) who is acting day-to-day without guidance of a parent or guardian, and (3) living without shelter or a fixed, regular night-time residence where he or she receives appropriate care and supervision.[2] Counting only a subset of this population, the under-eighteen population, in 2008, as many as 1.6 million U.S. youth experienced homelessness annually.[3]

Why are unaccompanied homeless youth vulnerable?

This population faces unique barriers to education, housing and healthcare services.[4] By definition, the population is homeless and lacking any adult support. They are constantly on the move, and as a result, it is almost impossible for them to be academically successful in school.

In addition, because of the lack of adult financial support, and with limited opportunities to earn income legally,[5] these youth sometimes resort to criminal behavior or bartering sex acts to secure basic necessities like food, clothing and shelter. As a result, homeless youth are at a greater risk for death, arrest or sexually transmitted diseases.[6]

The potential health risks do not end there: unaccompanied homeless youth also face increased health risks due to irregular sleep and dietary patterns,[7] higher rates of major depression and post-traumatic stress disorder (three times that of their housed peers)[8] and increased vulnerability to victimization.[9] Massachusetts statistics reveal that unaccompanied homeless youth are more inclined to use drugs and alcohol and more likely to experience sexual contact against their will than are their housed and parent-protected peers.[10]

Notwithstanding these very real problems affecting unaccompanied homeless youth, existing state and federally funded programs for homeless families and adults do not typically provide services to them. One reason for this lack of services is that current methodologies used to count unaccompanied homeless youth do not capture the true scope of the problem. Varying definitions of what constitutes a "homeless youth" create confusion and uncertainty and often exclude unaccompanied youth. The invisibility of being unidentified and uncounted means genuine needs frequently go unmet. Solutions for unaccompanied homeless youth require "targeted innovation."[11]

How can we affect positive change for this population?

This issue brief discusses several major issues associated with unaccompanied homeless youth and urgent reforms needed in the legal, policy and regulatory regime designed to serve them. The opportunity for positive change lies in addressing these issues in federal and state law, along with the persuasive guidance of government regulation, coupled with state and local policy and practice. Appleseed believes that these vulnerable youth will be safer and more stable if we transform laws, regulations and policies to be more targeted. We are not the first to point out shortcomings in capturing information about and providing services to unaccompanied homeless youth.[12] For instance, in 2008, the National Association for the Education of Homeless Children and Youth published an excellent report titled, "Using What We Know: Supporting the Education of Unaccompanied Homeless Youth." The report covers a wide range of issues, including Item #6 of the Executive Summary, which says, "[i]mprovements in child welfare policies and practices to reduce the number of youth in the child welfare system who are homeless, and to make supportive services accessible to unaccompanied youth, are essential for youth to achieve their educational goals."[13] Our report echoes and builds upon our colleagues' excellent work.

Our brief consists of a menu of findings and recommendations meant to spur advocacy, additional research, and ultimately, meaningful improvements in the lives of these children. Our goal is to inspire and empower lawmakers, policy drafters, service-providers and advocates to use this information and these recommendations to develop a suite of reforms that improve the support structure for unaccompanied homeless youth around the nation.

I. Good Policy Begins with Good Data

A. Current Estimates of Unaccompanied Youth Population Vary Dramatically

Data collection is a critical first step in identifying the number of unaccompanied homeless youth and the scope and nature of the issues they face. Armed with an understanding of the problem, we can develop solutions for stable education and housing that will form the basis for giving these youth every opportunity to become fully engaged, contributing citizens.

> "Unaccompanied homeless youth defy existing models for identifying homeless adults and traditional data collection methods, both of which are designed to measure chronic or ongoing homelessness."

A national count concluded that "[a]pproximately 2.3 to 3.5 million Americans experience homelessness at least once annually."[14] More than 1.5 million American children experience homelessness while living with their families each year.[15] Also, "approximately 575,000 to 1.6 million unaccompanied homeless youth are on the streets and in shelters annually in the United States."[16]

Schools are a primary venue to identify homeless children and unaccompanied homeless youth. But even there, state estimates vary greatly as to the number of unaccompanied homeless youth enrolled in public school and receiving education. For example, in Arizona, the National Center on Family Homelessness (NCFH) counted 2,800 unaccompanied homeless youth,[17] while the Arizona Department of Education documented only 431 youth as being unaccompanied homeless youth, about fifteen percent of NCFH's count.[18] In Massachusetts, public schools identified 13,090 homeless youth and 735 unaccompanied homeless youth in grades PK-12 during the 2009-10 school year.[19] Compare that with the Center for Disease Control and Prevention's Youth Risk Behavior Survey (YRBS), which reported an estimated 12,500 self-identified homeless high school students and 5,900 self-identified unaccompanied homeless high school students in Massachusetts in the spring of 2009.[20] Extrapolating from the YRBS results, the

Massachusetts Department of Elementary and Secondary Education reported that an estimated 50,000 homeless students were enrolled in Massachusetts public schools in 2009. The same sort of conflicting numbers can be seen in other states.

The variation in these statistics demonstrates the need to focus on identification, service and advocacy efforts for homeless children generally, and for unaccompanied homeless youth in particular. The challenge of identifying and counting is even greater for unaccompanied homeless youth aged eighteen to twenty-two who are unlikely to attend a public school.

B. Current, Ineffective Data Collection Models Act as Barriers to Identifying Unaccompanied Homeless Youth

Unaccompanied homeless youth defy existing models for identifying homeless adults and traditional data collection methods, both of which are designed to measure chronic or ongoing homelessness. Because homelessness of unaccompanied youth is more sporadic, the population is severely underestimated. [22]

The Point-in-Time (PIT) method is common for counting homeless populations. PIT is used by many states and agencies, including the U.S. Department of Housing and Urban Development (HUD). This strategy involves counting sheltered and unsheltered homeless persons in a single twenty-four hour period. The approach proves inadequate when seeking to gauge the extent of unaccompanied homeless youth for at least the following two reasons: (1) unaccompanied homeless youth are mobile with a fluctuating population,[23] and (2) an unaccompanied youth can be homeless for anywhere from one night to his entire adolescence.[24]

Furthermore, PIT counts are commonly used in shelters,[25] where unaccompanied youth are almost certain to be underrepresented. Shelters are designed with adults or families in mind and unaccompanied youth do not fit that expectation. Many adult shelters simply do not accept youth. In those that do, youthful behavior is unappreciated and homeless youth are often victimized. Young people are also reluctant to use youth shelters for fear of being reported to state agencies or law enforcement.

According to HUD's 2011 guidance on using PIT, the counts are used to measure the nation's progress toward eliminating homelessness in ten years.[26] Because PIT counts are used to measure the nation's progress toward the country's stated goal of eliminating homelessness before the end of this decade, policymakers may have a falsely rosy view of how well we are serving unaccompanied homeless youth.

We are not the first to make this finding. The National Alliance to End Homelessness and the National Network For Youth has a 2010 toolkit called, "Counting Homeless Youth."[27] The toolkit notes that, "[t]oo often, PIT counts fail to account for unaccompanied youth age twenty-four or under who are homeless. As a result, the extent of homelessness within communities is inaccurately portrayed and local plans to end homelessness neglect the needs of unaccompanied youth."[28]

II. Current Policies and Laws Might Discourage Unaccompanied Homeless Youth from Receiving Services

As described below, state laws and policies can inadvertently create a barrier to identifying unaccompanied homeless youth and providing them with vital services.

A. Mandatory Reporting

Mandatory reporting requirements are an example of one important and fairly common regulation that can inadvertently create a barrier to identification and outreach. Like many states, Massachusetts requires individuals in certain professions, such as teachers, social workers and child advocates, to report any inappropriate interactions involving underage youth. Within forty-eight hours of identifying a youth who may reasonably be deemed a victim of neglect or abuse, the legally obligated "mandatory reporters" must file a report with the state.[29] Further, Massachusetts' state-licensed shelters cannot provide services to underage youth for more than seventy-two hours without parental consent.[30] Similarly, Arkansas,[31] Kansas,[32] and New Hampshire[33] have legislation requiring shelters

"State laws and policies can inadvertently create a barrier to identifying unaccompanied homeless youth and providing them with vital services."

or service agencies to notify parents or guardians of their youth's admission for services within twenty-four to seventy-two hours (as required for funding by the Runaway and Youth Homeless Act). While mandatory reporting and notification requirements are in place to ensure that at-risk youth receive as much state and family support as possible, these regulations can have negative consequences. Many causes can push a youth out of the home, and the reporting requirements, while necessary, may have the unintended consequence of deterring youth who are afraid to return to an unstable home life. Many homeless youth have faced physical or sexual abuse at home and may be fleeing that environment.[34] Homeless youth often have very specific, emotional and physical needs, and seventy-two hours simply may not be enough time for shelters to connect with a youth, determine the hierarchy of needs and tailor appropriate assistance. That is a barrier to self-identification, since unaccompanied youth will not come forward, and if they do, the time limit is not conducive to actually helping them.

"Many causes can push a youth out of the home, and the reporting requirements, while necessary, may have the unintended consequence of deterring youth who are afraid to return to an unstable home life."

B. Criminalization of Runaways

Eleven states, including West Virginia,[35] Kentucky,[36] and Texas,[37] criminalize running away from home.[38] If a youth under the age of eighteen leaves home, the state classifies this as a "status offense." Unaccompanied homeless youth can be taken into police custody without a warrant. In Kansas, for example, unaccompanied homeless youth may be temporarily held in a detention facility for less than six hours, although they are separated from adult prisoners. The youth are held for identification purposes before being transferred to a juvenile facility. [39]

"Many homeless youth have faced physical or sexual abuse at home and may be fleeing that environment."

Treating unaccompanied homeless youth like criminals ignores the record that most youth are otherwise law-abiding, "good kids." Innovative strategies and programs become particularly important to encourage youth to come forward to receive services.

Bridge Over Troubled Waters, a Boston-area program with services for homeless youth, reports that thirty percent of the youth in its programs have never been involved with the Massachusetts Department of Children and Families.[40] That number is more than ninety percent for Rediscovery's Youth Harbors program for unaccompanied, homeless high school students. Clearly, these youth in need are not benefiting from available programs and services.

III. Information Sharing Is Needed to Develop Best Practices for Replication

State agencies, local public schools and service providers are the key to identifying unaccompanied homeless youth. Under the McKinney-Vento Homeless Assistance Act (McKinney-Vento), school districts must identify and educate these youth. However, many states do not consistently implement procedures necessary to identify, enroll and retain homeless students. One reason these weaknesses persist is that even though states receive negative feedback from the U.S. Department of Education during monitoring if they fail to comply with McKinney-Vento, the federal government seldom imposes stiff penalties or effective accountability measures if violations occur. Arkansas, for example, received a finding[41] that it failed to sufficiently review the ongoing needs of homeless youth. The state also received a finding that two of the Local Education Agencies (LEAs) did not properly identify and outreach to homeless youth.[42] Yet, there have been no strong federal accountability measures to follow-up on these shortcomings.

In fairness, the U.S. Department of Education will commonly do a follow-up audit six months later to confirm that a change has been made to an existing practice. The federal agency also can place a condition (restriction) on the state's funding the following year unless the state is able to demonstrate the issue has been resolved.

Widespread non-compliance coupled with light-touch federal enforcement exacerbates educational instability for unaccompanied homeless youth. Potential solutions to these failures, as described and recommended by the U.S. Department of Education, include:

- Increasing school-based training;
- Establishing state-wide coalition; and
- Encouraging inter-agency sharing, discussions and outreach efforts.[43]

Public schools, agencies and organizations encounter different subsets of the unaccompanied homeless youth population, and a young person could benefit from the continuation of services that multiple groups working together would provide. Regular data collection and an understanding of the needs of unaccompanied homeless youth will aid advocates in tracking trends and developing best practices to serve this population.

> "Treating unaccompanied homeless youth like criminals ignores the record that most youth are otherwise law-abiding, 'good kids.'"

Existing systems possess a capacity for intrastate and interstate information sharing. That approach could enhance the ability of service providers, service users and policymakers to address McKinney-Vento issues. The goal of information sharing is two-fold. Within-state information sharing enables programs to collaborate and provide coordinated services across a continuum to create stability. Multi-state information sharing enables nationwide replication of successful strategies. The over-arching goal is to ensure that all unaccompanied homeless youth have access to the education, housing and healthcare that prompts productive citizenship. By sharing information, some of the hurdles faced by unaccompanied youth can be surmounted. Healthcare issues, for example, include such obstacles as parental consent requirements,[44] lack of health insurance, lack of access to pre-scription medication for chronic conditions and perceived barriers arising from confidentiality protections, which may impair communications among educators, agencies and advocates.

An existing strategy to facilitate improved communications is through the Homeless Management Information Systems (HMIS).[45] HMIS is a database software application to streamline referrals and case management for homeless individuals, improve effectiveness and feedback for service providers and compile important statistics and trends for policymakers. HMIS systems across the country take many forms and can be deployed at the local, regional or state level. Currently, HMIS systems are built to gather data on homeless adults. This type of system needs to be developed and tailored to the unique needs of unaccompanied homeless youth.

States also should also use information-sharing to beef up monitoring of local school districts for McKinney-Vento compliance. Oversight varies widely from state to state. If there was a uniform system for monitoring local districts across the United States, just as there is for the

> "Multiple federal and state definitions of "homeless youth" thwart our ability to provide effective services to the unaccompanied youth population."

U.S. Department of Education in monitoring the states, and those state-level reports were made publicly available, it would be easier to identify common problem areas, and thus direct more training/assistance to that subject.

Another means to accomplish information-sharing on a systemic level is through a state-level task force or commission. The state can assume the critical role of convener, bringing together broad groups of stakeholders, including both state agencies and service providers, to identify and address recurring problems, share strategies and replicate successful programs.[47] In order for such commissions to work effectively, however, the varying definitions of "homeless youth" must be unified.

IV. Existing Federal and State Definitions Fail to Capture the Full Dimension of this Unique Subset of the Homeless Population

Multiple federal and state definitions of "homeless youth" thwart our ability to provide effective services to the unaccompanied youth population. Federal and state agencies use different definitions of youth homelessness that correlate with a particular policy goal and the nature of the services the

particular agency provides. Unfortunately, these multiple definitions fail individually to adequately capture the unique characteristics of unaccompanied homeless youth. As a result, large numbers of unaccompanied homeless youth remain unidentified and ineligible for state and federal services.

The education subtitle of the McKinney-Vento Homeless Assistance Act, which provides education rights to a broad group of youth, uses the most expansive definition of "homeless children and youth." Under the Act, states have specific obligations to serve unaccompanied youth and to ensure that homeless students have access to public school. States are required to ensure that homeless youth are integrated within the general student population.[48] McKinney-Vento defines "homeless children and youth" as those "who lack a fixed, regular, and adequate nighttime residence."[49] This definition includes unaccompanied youth, as well as youth who are doubled-up, "couch surfers"[50] and youth who are living in motels, staying in shelters or awaiting foster case placement. Unaccompanied homeless youth in this context means youth who are "not in the physical custody of a parent or guardian."[51]

By contrast, the Runaway and Homeless Youth Act (RHYA), a federal grant program to fund basic centers,[52] transitional living programs[53] and street outreach programs,[54] uses three separate terms—homeless youth, runaway youth, and street youth—to qualify youth for different services.[55] Under RHYA, "homeless youth" is limited to a young person between sixteen and twenty-one without a relative who can offer a safe housing environment.[56] A "runaway youth" is a youth under eighteen who has left home without the permission of a parent or guardian.[57] A "street youth" is one who is either a runaway or intermittently homeless.[58] RHYA uses a narrower definition to limit program services to target groups. Aspects of the RHYA definitions ascribe "blame" or "fault" to the youth for their life situation. The U.S. Department of Housing and Urban Development (HUD) uses a more restrictive definition that applies more to adults and adults with families. HUD defines a

"[The] definitional disconnect between federal agencies translates into a policy disconnect, and as a result, the goal of the McKinney-Vento policy to create educational stability is compromised."

"homeless person" as someone "who lacks a fixed, regular, and adequate night-time residence," and someone whose primary night-time residence is a shelter, temporary institutional residence or "public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings."[59] Most homeless youth do not fit within this definition because many are doubled-up or *couch surfing*.[60] As a result, unaccompanied homeless youth are ineligible for HUD emergency and transitional housing assistance.

V. Compatible Federal and State Programs are Needed to Focus on the Unique Needs of Unaccompanied Homeless Youth

The different definitions reflect the different federal policy goals and target populations of the respective agencies. But the different definitions lead to problems for state agencies and local service providers trying to access grant money and maneuver through definitions with competing parameters. Under the McKinney-Vento Act, State Education Agencies (SEAs) and Local Education Agencies (LEAs) work to provide unaccompanied homeless youth with meaningful access to public education. Yet, those same youth have no housing options under HUD. This definitional disconnect between federal agencies translates into a policy disconnect, and as a result, the goal of the McKinney-Vento policy to create educational stability is compromised; unaccompanied homeless youth find fewer housing options available and mobility is a constant reality.

Service providers working directly with unaccompanied homeless youth are in the best position to develop successful strategies to start youth on the path to a successful future. "Local providers are the experts—they can triage situations to ensure that the neediest in their community receive priority access to resources."[61] These efforts would be aided by a more uniform definition of the population that both local providers and federal agencies seek to serve, preferably along the lines of the McKinney-Vento definition.

One positive federal policy development is that the Child Abuse Prevention and Treatment Act (CAPTA) reauthorization of 2010 included a requirement for programs and services funded under Title I of CAPTA to address the needs of unaccompanied homeless youth.[62]

VI. How We Discuss Unaccompanied Youth Matters

How we customize policy and programs to meet the unique and unmet needs of this population is different from crafting services for homeless families and youth that are together. Discussion in

developing policy, therefore, must be more precise and sensitive to the differences. For example, to suggest that homeless youth "choose" not to stay in a shelter is frequently an inaccurate statement. As discussed above, homeless youth face barriers to staying in shelters that adults do not encounter. When describing the difficulty in counting the number of unaccompanied homeless youth, however, HUD has stated that when conducting a shelter count, these youth "often choose not to use homeless residential services."[63] Youth are "pushed" from home for a variety of reasons; their actions do not reflect a choice to frivolously leave their home life, nor does their absence from a shelter reflect a desire to live on the streets. Further, HUD has stated that unaccompanied youth "may hide from providers and the police during a community's street count because they are minors."[64] HUD's statement suggests that this subset of the homeless population affirmatively makes decisions about their homeless status, rather than acknowledging the harsh realities that might await them back home or the harsh law enforcement consequences that may ensue should they not "hide." Such a pejorative approach also ignores the potential negative consequences of reporting requirements, status offenses and other well-meaning official acts that too often yield unintended results. As we shift the language used to describe this population of youth to "push-outs" or in some cases "youngsters fleeing an untenable home life," as opposed to "runaways," we reframe the issue, acknowledge their unique, unmet needs and take the most important step towards creating solutions.

Conclusions

Our research from data and interviews leads to the following conclusions:

1. Too many homeless youth are unidentified by the government as having a need and are uncounted.
2. Due to being unaccompanied and homeless, an untold number of youth across the nation are not receiving the benefits of public education, health care and public services for which they are eligible.
3. Because of their particular circumstances, unaccompanied homeless youth defy existing models of identification and data collection. Data from better sources (not just an overriding reliance on point-in-time) is needed to develop good policy.
4. Laws and public policy, such as mandatory reporting requirements and homelessness as a status offense, discourage unaccompanied youth from stepping forward and accessing services.
5. Information-sharing is needed to ascertain best practices for replication.
6. Some definitions in federal law fail to capture the full dimensions of this unique subset of the homeless population, creating confusion and uncertainty and blocking access to important services.

7. Federal and/or state system changes are needed to focus on the unique needs of unaccompanied homeless youth.
8. Leadership is needed to make counting and serving unaccompanied homeless youths a priority and to bring stakeholders together.
9. Language matters because it drives how we think about these youth and thus how we develop public policy and laws that support them.

Policy Recommendations

Our findings suggest the following areas for law and policy advocacy and further research.

State Governments Should . . .

1. Facilitate information sharing among service providers regionally through state agencies to create stability and coordinate services across programs.
2. Reconsider the policy goals underlying the strict mandatory reporting requirements and engage in deeper research as to whether the negative consequences of mandatory reporting time limits and other aspects outweigh their benefits.
3. Eliminate homelessness as a status offense that merits criminal jail time and other punitive measures.
4. Create a "safe harbor" provision to allow licensed service providers to triage and address the immediate needs of unaccompanied homeless youth. One example is to waive customary parent consent requirements for medical treatment.
5. Develop temporary shelter and transitional housing that is appropriate and tailored to the needs of unaccompanied homeless youth.
6. Train school personnel to conduct identification and outreach.
7. Work to reconcile the discrepancy between federal and state agency definitions of homelessness, which too often prevent homeless youth from accessing needed services.

The U.S. Government Should . . .

8. Develop a new definition of homelessness that fits unaccompanied homeless youth, or at a minimum, move away from some of the restrictive or pejorative language contained in the Runaway and Homeless Youth Act and the HUD definitions.

9. Consider the unique needs of unaccompanied homeless youth in connection with all federal and social benefit programs, as was done successfully in CPTA in 2010.
10. Consider how privacy protections embodied in multiple laws may have unintended consequences or may be misinterpreted to the detriment of those seeking to help unaccompanied homeless youth and issue guidance or clarifications as warranted.
11. Facilitate information sharing nationwide to replicate best practices.
12. Require data collection about unaccompanied homeless youth for all school districts, not just those that receive federal McKinney-Vento funding.
13. Create a uniform system for state monitoring of local districts and assure that state-level reports are publicly available in an easily accessible place.
14. Conduct targeted research to determine the key barriers that unaccompanied homeless youth encounter in receiving basic healthcare such as dental, routine medical screenings, emergency care, mental health and more.
15. Impose meaningful sanctions for failure to comply with McKinney-Vento.

Advocates for Homeless Youth Should . . .

16. Identify common trends vexing unaccompanied homeless youth and provide information and solutions for policymakers.
17. Raise awareness among school personnel, law enforcement, legislative leaders and the public that unaccompanied homeless youth are often pushed from their home by untenable circumstances, and are therefore different from "runaways."
15. Reframe the discussion about this population of youth and how they are referred to in the public and policy dialogue.
16. Take an interdisciplinary approach, where possible, to get unaccompanied homeless youth all the services they need, either directly or through referrals. For example, temporary shelters should get youth enrolled in available medical insurance programs and ensure that youth get re-enrolled or stay in school as appropriate.

Together, we can understand the scope of the problems of unaccompanied homeless youth, ensure their safety and more effectively link them to services such as housing, schooling and health care, so that they may reach their potential as full participating citizens in U.S. society.

End Notes

[1] *See* Ann M. Aviles De Bradley, *Unaccompanied Homeless Youth: Intersections of Homelessness, School Experiences and Educational Policy,* 32 CHILD & YOUTH SERVICES 155 (2011) (identifying common themes facing homeless youth through qualitative studies).

[2] This definition is derived from the three federal definitions of homeless as used by the U.S. Department of Housing and Urban Development and found in the McKinney-Vento Homeless Assistance Act and the Runaway and Homeless Youth Act. As this policy brief will demonstrate, the various, existing definitions of "homeless youth" fail to capture the full dimension of this unique subset of homeless children. The definition used throughout the brief, Appleseed believes, therefore identifies and addresses the specific needs of unaccompanied homeless youth, which will allow for a more accurate identification and service delivery model for this population.

[3] *See* NAT'L COALITION FOR THE HOMELESS, NCH FACT SHEET (2008), *available at* http://www.nationalhomeless.org/factsheets/youth.html.

[4] The National Healthcare for the Homeless Council includes in its "Children, Youth and Homeless - 2011 Policy Statement," as the second of eight recommendations that policymakers should "[e]nsure state laws allow health centers to treat unaccompanied homeless youth. The document focuses primarily on issues of parental consent. Children, Youth, and Homelessness–2011 Policy Statement, http://www.nhchc.org/wp-content/uploads/2011/09/Children2011.pdf (last visited Feb. 1, 2012).

[5] *See* Joanne O'Sullivan Oliveira & Pamela J. Burke, *Lost in the Shuffle: Culture of Homeless Adolescents,* 35 PEDIATRIC NURSING 154, 154-55 (2009); Kimberly Tyler & Katherine Johnson, *Trading Sex: Voluntary or Coerced? The Experiences of Homeless Youth,* 43 J. OF SEX RES. 208, 214-16 (2006) (examining the "choice" involved in exchanging sex for necessities).

[6] *See* U.S. INTERAGENCY COUNCIL ON HOMELESSNESS, OPENING DOORS: FEDERAL STRATEGIC PLAN TO PREVENT AND END HOMELESSNESS 15 (2010), *available at* http://www.usich.gov/PDF/OpeningDoors_2010_FSPPreventEndHomeless.pdf.

[7] *See* JAN MOORE, NAT'L CTR. FOR HOMELESS EDUC., UNACCOMPANIED AND HOMELESS YOUTH REVIEW OF LITERATURE (1995-2005), at 10 (2005), *available at* http://center.serve.org/nche/downloads/uy_lit_review.pdf.

[8] *See* NAT'L COALITION FOR THE HOMELESS, HOMELESS YOUTH: NCH FACT SHEET #13, at 2 (2007), *available at* http://www.nationalhomeless.org/publications/facts/youth.pdf.

[9] *See* MOORE, *supra* note 7, at 11.

[10] *See* MASS. DEP'T OF ELEMENTARY & SECONDARY EDUC., MASS. DEP'T OF PUB. HEALTH, & THE CTR. FOR DISEASE CONTROL AND PREVENTION, COMPARISON OF HOMELESS STUDENT DATA: YOUTH RISK BEHAVIOR SURVEY AND SCHOOL DISTRICT ENROLLMENT DATA (2010).

[11] Nat'l Alliance to End Homelessness, About Homelessness: Snapshot of Homelessness, http://www.endhomelessness.org/section/about_homelessness/snapshot_of_homelessness (last visited Feb. 1, 2012).

[12] *See* Nat'l Association for the Education of Homeless Children and Youth, http://naehcy.org/dl/uwwk_youth.pdf

[13] THE NAT'L ASSOCIATION FOR THE EDUCATION OF HOMELESS CHILDREN AND YOUTH, USING WHAT WE KNOW: SUPPORTING THE EDUCATION OF UNACCOMPANIED HOMELESS YOUTH (2008), *available at* http://www.naehcy.org/dl/uwwk_youth.pdf.

[14] *See* THE NAT'L CTR. ON FAMILY HOMELESSNESS, AMERICA'S YOUNGEST OUTCASTS: STATE REPORT CARD ON CHILD HOMELESSNESS 2 (2009), *available at* http://www.homelesschildrenamerica.org/findings.php.

[15] *Id.* at 8.

[16] *Id.* at 2.

[17] *See* THE NAT'L CTR. ON FAM. HOMELESSNESS, ARIZONA REPORT, *available at* http://www.homelesschildrenamerica.org/pdf/report_cards/long/az_long.pdf.

[18] DEP'T OF ECON. SEC., HOMELESSNESS IN ARIZONA: EFFORTS TO PREVENT AND ALLEVIATE HOMELESSNESS 2010 ANNUAL REPORT 17 (2010), *available at* http://www.nlihc.org/doc/repository/AZ-AnnualReport_2010.pdf.

[19] MASS. DEP'T OF ELEMENTARY & SECONDARY EDUC., HOMELESS STUDENT PROGRAM DATA 2009-2010 (2010) (on file with author).

[20] MASS. DEP'T OF ELEMENTARY & SECONDARY EDUC., HOMELESSNESS IN MASSACHUSETTS PUBLIC SCHOOLS: 2009 YOUTH RISK BEHAVIOR SURVEY SUMMARY (2009), *available at* http://www.doe.mass.edu/mv/Survey2009.pdf.

[21] *Id.*

[22] *See* NAT'L COALITION FOR THE HOMELESS, HOW MANY PEOPLE EXPERIENCE HOMELESSNESS?, *available at* http://www.nationalhomeless.org/factsheets/How_Many.pdf.

[23] *See* MOORE, *supra* note 7, at 4.

[24] *See* Alma C. Molino, *Characteristics of Help-Seeking Street Youth and Non-Street Youth,* NAT. SYMPOSIUM ON HOMELESSNESS RES., at 7-6, 7-7 (2007), *available at* http://aspe.hhs.gov/hsp/homelessness/symposium07/molino/report.pdf.

[25] *See* U.S. Dep't of Housing & Urban Dev., *Homeless Data Exchange,* slide 8 (Jan. 11, 2011), http://hudhdx.info/Default.aspx#pit (last visited Feb. 1, 2012); U.S. Dep't of Housing & Urban Dev., *The 2011 Point-in-Time Count of Homeless People,* slide 8 (Jan. 11, 2011), http://www.hudhre.info/documents/2011PITWebinar.pdf (last visited Feb. 1, 2012) (noting that HUD counts include sheltered unaccompanied children).

[26] Guidance for Counting Unaccompanied Homeless Children, http://www.hudhre.info/documents/2011PITYouthGuidance.pdf ("During 2011 Point-in-Time Counts of Homeless People On a national level, federal agencies and the U.S. Interagency Council on Homelessness have jointly endorsed a national strategic goal of preventing and ending homelessness among children, youth, and families in 10 years. The federal government is increasingly using HUD's PIT data and the longitudinal data collected by Homeless Management Information Systems (HMIS) as the primary sources to understand changes in homeless trends and track progress in eliminating homelessness.").

[27] National Alliance to End Homelessness – Counting Homeless Youth, http://www.endhomelessness.org/content/article/detail/3475 (last visited Feb. 1, 2012).

[28] NAT'L ALLIANCE TO END HOMELESSNESS & NAT'L NETWORK FOR YOUTH, COUNTING HOMELESS YOUTH 1 (2010), *available at* http://www.endhomelessness.org/files/3475_file_Counting_Homeless_Youth_11.2010_Guide.pdf.

[29] *See* MASS. GEN. LAWS ch. 119, § 51A (2010).

[30] *See id.* § 23(a)(7).

[31] *See* ARK. CODE ANN. § 9-28-401 (2010); CHILD WELFARE AGENCY REVIEW BOARD & ARKANSAS DEPARTMENT OF HEALTH AND HUMAN SERVICES, MINIMUM LICENSING STANDARDS FOR CHILD WELFARE AGENCIES, § 100.11(5), *available at* http://www.arkansas.gov/dhs/chilnfam/PUB-04%20(Final)%20Aug%2014,06.pdf (noting that in the case of an emergency placement, Arkansas requires that the child placement agency obtain written authority for the placement from either a parent, guardian, or court within 72 hours).

[32] *See* KAN STAT. ANN. § 38-2242(b)(2) (2011) (stating that protective custody is a short-term remedy, and "[n]o child shall be held in protective custody for more than 72 hours, excluding Saturdays, Sundays, legal holidays, and days on which the office of the clerk of the court is not accessible, unless within the 72-hour period a determination is made as to the necessity for temporary custody in a temporary custody hearing").

[33] *See* N.H. REV. STAT. ANN. § 170-E:27-a (2011) (Homeless youth shelters must attempt to notify a youth's guardian of the youth's admission for services within 72 hours, unless compelling reasons exist not to notify the youth's guardian. If a youth's guardian cannot be reached, the shelter must notify the New Hampshire Department of Health and Human Services within 30 days).

[34] *See* NAT'L COALITION FOR THE HOMELESS, NCH FACT SHEET, *supra* note 3.

[35] W. VA. CODE ANN. § 49-1-4 (2)(J)(15) (2010).

[36] *See* KRS. STAT. ANN. §§ 630.020, 630.030 (2011).

[37] TEX. FAM. CODE ANN. § 51.03(b)(3) (2010) (defining "delinquent conduct" for a child as "the voluntary absence of a child from the child's home without the consent of the child's parent or guardian for a substantial length of time or without intent to return.").

[38] Nat'l Association for the Education of Homeless Youth–Unaccompanied Youth Toolkit for High School Counselors and McKinney-Vento Liaison, Protocol for Enrolling Unaccompanied Youth in School: Whom Do We Call?, http://naehcy.org/dl/tk/hs/2_enroll.doc (last visited Feb. 1, 2012). The full list is: AL, GA, ID, KY, MO, NE, SC, TX, UT, WV and WY.

[39] *See* KAN. STAT. ANN. § 38-2332(b)-(d) (2011).

[40] *An Act Providing Housing and Support Services for Unaccompanied Homeless Youth: Hearing on H.B. 1862 Before the J. Comm. on Children, Families & Persons with Disabilities,* 2011 Leg., 187th Sess. 1 (Mass. 2011) (statement of Mark Evans, Director of Clinical Services, Bridge Over Troubled Waters).

[41] A finding is a compliance issue that has a required corrective action by a State Education Agency, which includes a written report the U.S. Department of Education.

[42] ARK. DEP'T OF EDUC., ARKANSAS MCKINNEY VENTO COMPLIANCE 26 (2010), *available at* www2.ed.gov/admins/lead/account/monitoring/reports10/arrpt.doc.

[43] NAT'L CENTER FOR HOMELESS EDUCATION, SUMMARY OF TITLE X, PART C (MCKINNEY-VENTO) PROGRAM MONITORING RESULTS (FY 2003 TO FY 2008), at D1-7, 8 (2010), *available at* http://center.serve.org/nche/downloads/handbook2/d1_results.pdf (noting the compliance issues and recommendations made by the U.S. Department of Education).

[44] The National Healthcare for the Homeless Council reports that seventeen states already allow for unaccompanied youth living apart from their parents to consent to medical care. They are: Alaska, Arizona, Arkansas, California, Colorado, Indiana, Kentucky, Maine, Massachusetts, Minnesota, Montana, Nevada, Oklahoma, Oregon, South Carolina, Texas, and Wyoming.

[45] HUD requires all recipients of McKinney-Vento funds to participate in HMIS. *See* U.S. Dep't of Hous. & Urban Dev., *Introduction to Homeless Management Information Systems (HMIS)* (Feb. 24, 2006), http://www.hmis.info/Resources/741/Introduction-to-HMIS.aspx (last visited Feb. 1, 2012). HMIS systems across the country take many forms and may be at the local, region or state level. For example, a successful regional HMIS is the Regional Task Force on the Homeless, which runs the San Diego County and City HMIS and works with San Diego State University's Institute of Public Health to un-duplicate data and report it to HUD. The data is also made available to participating service providers. Massachusetts also has a statewide collaborative, the Statewide Homeless Operations Research Environment (SHORE), run by the Department of Transitional Assistance (DTA). All HUD-funded and DTA-funded providers must use SHORE. Currently, one hundred sixty providers contribute to it.

[46] *See id.*

[47] At the national level, advocacy organizations focused on youth homelessness, such as the National Alliance to End Homelessness and the National Association for the Education of Homeless Children and Youth, are also well-positioned as resources for sharing best practices. *See* Nat'l Alliance to End Homelessness, http://www.endhomelessness.org/ (last visited Feb. 1, 2012); Nat'l Assoc. for the Education of Homeless Children and Youth, http://www.naehcy.org/ (last visited Feb. 1, 2012).

[48] *See* Nat'l Alliance to End Homelessness, http://www.endhomelessness.org/ (last visited Feb. 1, 2012); Nat'l Assoc. for the Education of Homeless Children and Youth, http://www.naehcy.org/ (last visited Feb. 1, 2012).

[49] 42 U.S.C. § 11434a(2)(A) (2006).

[50] *See* NAT'L ASS'N FOR THE EDUC. OF HOMELESS CHILDREN & YOUTH, FACT CHECK: UPDATING HUD'S DEFINITION OF HOMELESSNESS IN THE REAUTHORIZATION OF THE HUD MCKINNEY-VENTO ACT PROGRAMS 1, *available at* http://www.naehcy.org/dl/defmyth.pdf.

[51] *Id.* § 11434a(6).

[52] Basic Centers are designed to allow unaccompanied youth find safe shelter and services, reunification with their families, or alternative placements.

[53] Transitional living centers are intended for youth ages sixteen through twenty-one to receive up to eighteen months of stable housing and training for transitional to self-supportive adulthood.

[54] The street outreach program is designed to educate homeless youth about shelters and opportunities for help.

[55] *See* 42 U.S.C. § 5732a (2006).

[56] *Id.*

[57] *Id.*

[58] *Id.*

[59] *Id.* § 11302.

[60] A cheap form of lodging where one stays on a rotating series of acquaintances' couches in lieu of a permanent address.

[61] *See* NAT'L ASS'N FOR THE EDUC. OF HOMELESS CHILDREN & YOUTH, *supra* note 50, at 2.

[62] *See* U.S. Department of Health and Human Services' Information Memorandum of February 15, 2011. http://www.acf.hhs.gov/programs/cb/laws_policies/policy/im/2011/im1102.htm.

[63] THE U.S. DEP'T OF HOUSING AND URBAN DEVELOPMENT, GUIDANCE FOR COUNTING UNACCOMPANIED HOMELESS CHILDREN DURING 2011 POINT-IN-TIME COUNTS OF HOMELESS PEOPLE 2, *available at* http://www.hudhre.info/documents/2011PITYouth.

[64] *Id.*

Notes

Notes

Notes

There is a lot that happens around the world we cannot control. We cannot stop earthquakes, we cannot prevent droughts, and we cannot prevent all conflict, but when we know where the hungry, the homeless and the sick exist, then we can help.

Jan Schakowsky,
U.S. Representative