Overcoming Legal and Policy Barriers to Serving Minors Experiencing Homelessness: A Collection of Resources for Youth Advocates
State law requires that youth shelters obtain parental consent within 24 hours in order for youth to stay in the program. Many young people run away from abusive situations at home and try to enter a shelter. The parents must be notified, and when shelter staff call Child Protective Services because of reports of abuse/neglect, they do not respond or it’s ‘screened out.’ The young person is then forced to return to the abusive home or run away again.

-Service Provider for Youth
WELCOME LETTER

Dear Colleague,

Every year, 4.2 million youth and young adults experience homelessness on their own--700,000 are ages 13 to 17, and 3.5 million are young adults ages 18 to 25. Serving these young people and helping them avoid or quickly exit homelessness is critical and is often incredibly challenging due to their legal status as minors. Our organizations, the American Bar Association Commission on Homelessness and Poverty (ABA) and National Network for Youth (NN4Y), have seen this issue repeatedly in our joint and separate work.

In 2020 we launched a dedicated effort to learn more about legal issues surrounding unaccompanied minors experiencing homelessness. This project was intended to guide both organizations’ ongoing work and advocacy and develop resources that can help the field better prevent and end homelessness among minors.

During the initial months of the project, we collected information from attorneys, service providers, and other advocates across the country. This information-gathering period confirmed what both organizations had seen in their previous work: that a young person’s status as a minor created significant barriers in many jurisdictions to accessing shelter and other services needed to avoid homelessness. In many cases, this is due to parental consent requirements around staying in shelters, accessing health care, or obtaining identification and other documents.

We heard from many youth service agencies that these issues were often created or reinforced by their state’s law on minor consent and other issues. However, when providers and advocates were able to advocate for state policy change, they could better serve the youth in their community.

This toolkit aims to provide communities with resources to address many of the identified challenges, including:

• An overview of the key issues and challenges for minors experiencing homelessness.
• Collected strategies and lessons learned from successful efforts to pass state laws allowing minors to consent to shelter and housing, health care, and other services.
• Questions to consider when drafting minor consent laws.
• An overview of legal issues and considerations relevant to using host homes for minors.
• How advocates can work towards equality while helping minors experiencing homelessness.
• Additional resources from ABA, NN4Y, partner organizations, and other national and local groups related to legal concerns for minors experiencing homelessness.

This work is only a start. We will continue to work with communities across the country to address these issues to ensure that no young person has to experience homelessness. Age should not be a barrier to avoiding or quickly exiting homelessness. We hope that the information shared here will help you in our efforts on behalf of young people and invite you to connect with us to partner on this work.

Sincerely,

Kelly Russo
Director, Commission on Homelessness and Poverty
American Bar Association

Darla Bardine
Executive Director
National Network for Youth

© 2022 NN4Y + ABA Commission on Homelessness & Poverty
MINORS EXPERIENCING HOMELESSNESS: KEY ISSUES AND CHALLENGES

ACCESS TO SERVICES WITHOUT PARENTAL CONSENT

In most states, the default assumption is that providers must have parental permission to allow minors to access shelter and other homelessness services (although there may be exceptions/alternate processes for stays of less than 24-48 hours, or if a parent cannot be located). Additionally, states have differing laws on when and under what circumstances minors may access health care without parental permission. Still, unaccompanied minors (especially at younger ages) face challenges in accessing needed care in many places. Finally, barriers to accessing public benefits and identification documents can also prevent youth from exiting homelessness.

LACK OF APPROPRIATE HOUSING OPTIONS AND INTERVENTIONS

Many housing models or housing interventions are not well-suited to or legally available to minors. For example, offering housing vouchers or subsidies or using approaches like rapid rehousing may not be helpful to minors, who generally cannot legally sign leases and may need to focus on their education rather than working full-time to afford rent.¹ Minors need opportunities to live in families (when that is their preference) and to learn the skills they need to live independently as adults. Host homes have been identified as a good potential solution for serving youth experiencing homelessness in a family environment. Still, many programs find it difficult or impossible to serve minors due to legal, liability, or licensing restrictions.

CHILD WELFARE SYSTEM ISSUES

Family conflict is perhaps the most significant driver of youth homelessness, which means that potential or past child welfare involvement is often an issue for minors experiencing homelessness.² This can look different in different jurisdictions, depending on local child welfare policies and practices. Child welfare systems are sometimes seen as the default or appropriate place for minors facing family conflict or homelessness. Still, these agencies may not be successfully serving most youth who do not have housing for several reasons:

• Young people may avoid child welfare involvement, even if that means becoming homeless, because of past negative experiences they or their peers have had with that system.
• Young people’s experiences leading to homelessness may not meet legal definitions of abuse or neglect.
• Service systems may simply be overtaxed and unable to serve all youth who need them or to respond promptly to abuse or neglect allegations; some advocates also report that their local child welfare agencies avoid bringing older youth into care (even when they meet legal requirements) because they are considered harder to serve or place.

Providers also noted that a parent may not consent to medical or mental health treatment for their child if they fear child abuse or neglect charges based on the injury or issues raised.

BIAS, DISCRIMINATION, AND LACK OF EQUITY

Young people of color and LGBTQ+ youth are disproportionately likely to experience homelessness. Although individuals of any age experiencing homelessness may face bias and discrimination based on their race, ethnicity, national origin or immigration status, sexual orientation, or gender identity/expression, minors’ legal status may compound these issues.

For example, a young person who was kicked out of...
their parent’s home because they are LGBTQ+ could be barred from accessing shelter or medical care because those same parents refuse to consent to it. If all Native American youth are ejected from shelters more frequently (as at least one community found to be the case), those Native American youth who are minors may be at even greater subsequent risk for the challenges outlined above.

Bias and discrimination that can lead to youth of color experiencing homelessness start well before a young person ever encounters a potential landlord or employer. This is because youth of color experience school suspensions and expulsions at much higher rates (beginning as early as preschool) and experience legal system involvement, including incarceration, at dramatically higher rates than their white peers. Families of color also disproportionately experience child welfare system involvement, meaning that the harms of two of the primary "feeder systems" for youth homelessness are falling disproportionately on youth of color.

LEGAL REPRESENTATION CHALLENGES

Some legal services organizations cannot represent unaccompanied minors due to funding restrictions or parental consent requirements. Attorneys who can represent minors also report challenges forming an attorney-client relationship due to minors’ inability to contract for services. Young people’s legal rights and entitlements may also be controlled by parents or guardians even when they are on their own, limiting their ability to access services and benefits. For young people with disabilities, whose parents/guardians may have a power of attorney, this can create additional barriers and risk of financial abuse if young people are not educated on their rights and given access to legal advocacy.

LACK OF RESOURCES

Lack of adequate funding and other resources is a challenge for all homelessness service provision, but the fact that homelessness among minors is so "hidden" can make it impossible to describe the scope of the problem and advocate for needed funding. Public and private funders may also believe that the child welfare system is already serving all minors experiencing homelessness apart from their families. Unfortunately, this is not the case.

"[When I experienced homelessness as a teenager] there were more people willing to help, and I had school to go to for part of the day to be safe and eat, but I was more vulnerable to sexual violence and drugs [than as a young adult]."

- Young person who experienced homelessness as a minor

HOW COMMON ARE MINOR CONSENT LAWS?

As of May 2021, 31 states and the District of Columbia had laws allowing minors living on their own to consent to their health care in at least some circumstances, according to a legislative review by SchoolHouse Connection (SHC). Eight states had statutes allowing minors to consent to shelter services, and three allowed unaccompanied 16- and 17-year-olds to contract for housing as of October 2020.

(Updated information from SHC can be accessed on their website.)
STATE MINOR CONSENT TO SERVICES LAWS: STRATEGIES FOR SUCCESS

Requirements for parental consent can keep youth from accessing services and supports to meet basic needs such as housing, food, or health care. Several states have addressed this barrier by passing laws waiving consent requirements for youth experiencing homelessness (or for all youth who meet age or other criteria). The specifics and history of these laws vary by state, but in our discussions with advocates and other stakeholders about numerous state consent laws, several common themes emerged. These successful strategies and lessons learned are summarized below.

SHARE POWER WITH YOUTH THROUGHOUT THE PROCESS

Youth should be at the discussion table from the beginning. Input from young people with relevant experience should guide what you are advocating for, and young people should be partners in your advocacy efforts.

The NN4Y Youth-Adult Partnerships Toolkit found on the NN4Y website is designed to guide youth service organizations to becoming better advocates for youth at risk of or experiencing homelessness. That toolkit provides resources and strategies for those hoping to begin their youth-adult partnership work and those seeking to deepen their work.

In almost every state we interviewed, youth were involved in a variety of ways, including:

- Helping advocates, policymakers, and others understand the barriers that lead to youth homelessness (or make it difficult to overcome).
- Identifying possible solutions.
- Sharing their stories in meetings with legislators or testifying in public hearings to help policymakers truly understand why action was vital for young people experiencing homelessness and their larger communities.

LAY THE GROUNDWORK

Legislators are more likely to support changing existing policies if they understand the issue. This is easier when they learn from individuals or organizations they view as experts on the topic and with personal or lived experience in the issues needing review. Advocates and providers have strengthened their relationships with policymakers and laid the groundwork for minor consent laws by:

- Inviting state and local officials to visit their programs.
- Arranging for young people to meet with policymakers (in-district or at their capitol offices).

COMING TOGETHER FOR POLICY CHANGE

SchoolHouse Connection (SHC), a national non-profit organization working to overcome homelessness through education, has helped advocates develop new or improved minor consent laws in numerous states.

SHC’s process for supporting state policy reform on youth and family homelessness includes facilitating policy roundtables in which young people, providers, education stakeholders and others discuss policy barriers facing young people experiencing homelessness, and develop plans for changing those policies. SHC then often continues to support local advocates until their bill is passed, including providing expert testimony and advising on legislative language.

In Maine, providers and youth recognized access to medical care without parental consent as a major issue. (Maine law did allow for access to care after 60 days of homelessness, but minors often had significant needs before then.) Working through a process where they had to name the biggest barriers they faced and which laws they could change if they chose helped create momentum to address the issue.
• Inviting legislative staff to participate in policy summits or other events.
• Testifying or writing letters in support of other laws relevant to youth homelessness.
• Hosting legislative briefings or distributing fact sheets or other materials on issues related to youth homelessness.

Once you have legislators who are educated about the issue, they may become your biggest allies (even if initially skeptical). They can support you by introducing or signing onto legislation, hosting hearings, directing bills to supportive subcommittees, and even providing guidance on how to persuade their peers.

Be prepared to put the time into answering questions. Several advocates shared that they provided significant “hands-on” support to legislative staff once legislators were on board with the minor consent concept, such as drafting or editing language, bringing in subject matter experts, or providing data or testimony.

ENGAGE A WIDE RANGE OF STAKEHOLDERS--AND AS MANY PROVIDERS AS POSSIBLE

Although legislators may assume that you, as an advocate or provider for youth experiencing homelessness, would support a minor consent law, it is important to engage directly, and to encourage others to do so as well. As one provider explained: “Not a lot of people show up to legislative offices for many matters, so if you have 15 providers sharing stories about how this would affect their clients and their professional opinion about why this was good, that has a lot of impact.”

MAKE SURE YOU KNOW WHERE EVERYONE STANDS

Advocates in multiple states were surprised by last-minute opposition from groups they had included in the process and/or had previously good relationships with. Educating your coalition—including sharing relevant data and hearing from young people who’ve experienced homelessness—can help.

Try to get written support from all relevant stakeholders, even if they haven't been as engaged in the process. Although some groups or agencies may decline to provide this type of support, it will give you a sense of where you may need to prepare for possible opposition.

If a key stakeholder does not engage in meetings or respond to drafts, rather than just assuming they are not engaging due to capacity issues, it is probably worth setting up a meeting to learn where they stand or if they have concerns. This can avoid a situation where you only learn of their concerns when they testify against your bill at a hearing.

USE RESEARCH AND EXPERTS TO MAKE YOUR CASE (INCLUDING THE WISDOM OF YOUTH WITH LIVED EXPERTISE)

Using local data, social science research and best practices can persuade legislators on almost any issue. In particular, for consent laws, it can be important to help policymakers understand the impact on youth’s lives of these policies.

For example, young people or providers sharing examples of why youth may need prompt access to health care

HOW MANY MINORS ARE EXPERIENCING HOMELESSNESS IN YOUR COMMUNITY?

“Point-In-Time” counts and other surveys routinely undercount the number of youth experiencing homelessness in a jurisdiction, particularly for minors, making it difficult to “make the case” for focusing on this population. Using school-related sources can be more useful as they may capture more accurate numbers for minors (although they will still likely be an undercount, given that many youth experiencing homelessness are disconnected from school). If your state publishes results from the Youth Risk Behavior Survey, that may be the best source of data, since many states have specific questions regarding homelessness experiences.
when they experience homelessness (e.g., no longer having access to medication to treat chronic conditions after being kicked out of their home) can be important to bring legislators on board.

In addition to young people who shared their lived expertise based on their own experiences of homelessness, several states had national experts testify to their legislature about proposed minor consent laws, and most used both national and local data to show the prevalence and negative impacts of youth homelessness. In some states, local lawyers and/or lobbyists also helped with the legislative drafting and garnering support.

BE PROACTIVE ABOUT ADDRESSING OPPOSITION

Responding as quickly as possible to your opponents or common concerns about minor consent laws can prevent last-minute challenges. Don’t expect to win everyone over, though, or give up more than you are willing to—numerous states have passed minor consent laws without unanimous support.

In one state, advocates had heard concerns that traffickers would use shelters to victimize minors. Professionals who worked closely with youth experiencing homelessness knew that what increases trafficking risk is when youth have no alternatives but to stay with people trying to exploit and harm them, so they worked with anti-trafficking groups to share that knowledge with decision-makers.

For Maine’s medical consent law, doctors were concerned about liability for treating minors without parental consent, so a narrow liability provision was added to the bill (exempting providers for liability based on the minors’ age, but not based on the quality of the care provided). Advocates for the bill reached out to the hospital association in advance to share language and get input, so there was no objection when the hearings on the law started.

In some states, youth homelessness providers themselves had some concerns, requiring the bill proponents to understand what the issues were and to try to address them.

ADDRESS CHILD WELFARE INVOLVEMENT

One of the most common questions about minor consent to shelter laws is when youth will enter a shelter program and when will child welfare involvement be required instead. Answers to this question will vary according to your local context but plan to think about, discuss, and address this issue from the outset. Recognize that you may need to engage in zealous advocacy to ensure that all youth who would benefit from accessing homelessness services can do so.

The child welfare/youth homelessness relationship can be different in different places, so understand what’s happening locally and be ready to share this context as necessary.

- Are youth avoiding homelessness services because they are afraid that they will be placed in foster care absent their parents’ consent to access shelter?
- Is the child welfare agency screening out youth based on their age or lack of physical abuse (even though other maltreatment may be occurring)?
- Is kicking out a young person (or refusing to let them come home) considered neglect under your state’s child welfare statute, and if so, how does the child welfare agency typically respond when that is reported?

In numerous states, child welfare agencies opposed minor consent laws for various reasons, but in Minnesota, the state’s consent to services law was actually introduced by the Department of Human Services (after DHS and multiple other state agencies had worked on the issue, and with input from youth homelessness providers). (Note that Minnesota’s law allows youth to access a range of services but is more limited than other states’ minor consent laws regarding shelter because parents retain custody rights and can compel youth to return home absent any concerns about maltreatment.)

UNDERSTAND THE IMPACT OF OTHER LAWS AND REGULATIONS

The policy context of your state may dictate how you need to address consent laws, or you may need to be prepared for questions or opposition based on specific laws or regulations that would be impacted by removing parental consent requirements. Additionally, if concerns that are raised are already addressed by existing law, pointing to those statutes can keep your process from being slowed down unnecessarily.

Multiple states found that a short bill (e.g., 1-3 sentences) was easier to pass and were able to do this, in part, because many of the elements that would be needed were already present in other state statutes (e.g., the
TRY TO KEEP YOUR LAW AS INCLUSIVE AS POSSIBLE

Ensure that any draft language or recommendations that you produce are worded so that the greatest number of youth can benefit while recognizing (and preparing for) the possibility that policymakers or other stakeholders may want to limit who can be served or how services are accessed. For example:

- Advocates in some states have pushed back against including a minimum age so that providers can use their discretion in who to serve (consider pointing to the federal Basic Center Programs, which serve “youth up to age 18.”)
- Stakeholders in other states have questioned whether there needed to be a limit on the amount of time youth can consent to shelter. Advocates countered this by reminding them that although the intent of shelter programs was to connect young people to better situations as quickly as possible, they are also a “last resort” for most youth, meaning that the alternative could be staying on the street or with someone the youth considers to be unsafe. Advocates reframed the conversation to urge investment in alternative permanent housing options for youth, rather than limiting shelter stays.

BE READY FOR A LONG PROCESS

Several minor consent bills did not pass during the first legislative session they were introduced. However, the education that took place and relationships that were developed or deepened during that first session helped set the stage for later reforms.

If you cannot achieve your ultimate goal on your first attempt, consider advocating for something that will help put you in a better starting position for the next legislative session. This could include a workgroup to address the issue (with key agencies/partners required to be included) or a study to answer any open questions that blocked your progress the first time.

Advocates supporting Utah’s minor consent bill held a “Youth Day on the Hill” just before the legislative session started, with over 90 youth attendees. The bill’s sponsor, Representative Elizabeth Weight, talked about her bill and how they could get involved, and a professional storyteller came in and helped youth tell their story. It was an empowering experience for youth, and meaningful for the advocates as well.
MINOR CONSENT LAWS: QUESTIONS TO CONSIDER WHEN PROPOSING POLICY CHANGES

If you determine that a new (or amended) minor consent law is the best way to meet the needs of minors in your state and community, specifics of the proposed law should be guided by local needs and input—including from young people with lived experience of homelessness. The following questions can guide you in developing a law that reaches your goals (and avoids unintended consequences):

WHAT DO YOU WANT MINORS TO BE ABLE TO CONSENT TO?

- Physical health care?
- Behavioral health care?
- Shelter?
- Contracts (e.g., for housing, car, or services)?
- Obtaining identification documents?
- All services related to basic needs?

WHAT WILL "CONSENT" MEAN?

- In writing, recorded, affirmed by a witness?
- Is there a required amount of information that the youth must receive before acting?
- Must the youth agree to specific language of consent?

DO YOU NEED TO ADDRESS LIABILITY OR OVERSIGHT?

- Will you limit liability for medical, residential, or other providers? (Note that it should be worded narrowly if this is necessary to address liability for working with minors, not general liability for malpractice, negligent service provision, etc.)
- Do there need to be any oversight mechanisms to ensure that your law is implemented as intended?

WHO WILL THE NEW LAW APPLY TO?

- What ages?
- If the consent requirement is waived only for youth experiencing homelessness, how will that be defined?
- Who will decide if the youth meets the definition? (e.g., homelessness provider or school McKinney Vento liaison can designate)

WILL PARENTS BE NOTIFIED WHEN A MINOR ACCESSES SERVICES?

- Is there a concern that notification will cause youth to avoid services?
- What alternative process should be used if there is a concern about the minor’s safety or the parent cannot be located?

WHAT OTHER LAWS OR REGULATIONS WILL NEED TO BE AMENDED?

- If minors will now access shelter or health care more easily under the new law, should existing funding streams be opened up to allow programs to serve minors?
- Do current youth shelter licensure regulations have rules or guidelines based on the need for parental consent, and if so, how should those be changed?
- Can you anticipate other related barriers to accessing the needed resources or services? (e.g., If you want minors to be able to consent to medical care, can they also apply for health insurance without a parent/guardian?)

DO YOU WANT TO INCLUDE ANY PROVISIONS FOR SPECIAL POPULATIONS (E.G., MINORS WHO ARE PREGNANT OR PARENTING)?

- How will youth qualify?

HOW DETAILED SHOULD YOUR LAW BE?

- Do you need to define terms like “youth experiencing homelessness,” or are these already defined elsewhere in your state’s laws?
- Given the process so far (e.g., strong support or opposition), would a simple (e.g., one or two sentences) bill stand a greater chance of passage?
- If there is general support for the concept, but concerns about implementation, would it be better to include more detail in the bill language?
EMANCIPATION AND GUARDIANSHIP STATUTES

Some states have statutes that allow minors to become legally emancipated from their parents. This can enable young people to consent to many services independently, but advocates working with youth view this as a “tool in the toolbox” that can work well for some youth, but not all. Emancipation may render youth ineligible for some services, and many teens may still benefit from legal protections given to minors. For example, emancipated youth who commit minor legal offenses could be charged in the adult criminal justice system when the youth justice system might be more appropriate and have fewer long-term consequences.

Another legal “tool” that can work for some youth is petitioning a family or probate court for a change in custody or legal guardianship (if the minor has the standing to petition for these). But, again, the accessibility of these options will vary greatly according to state law, and for states with more complicated processes, assistance from legal services or pro bono lawyers may be necessary.

Advocates addressing legal barriers for minors through policy or legislative change should also consider whether expanding these options may be helpful. However, consent laws will often be the best way to increase options for most minors experiencing homelessness.
HOST HOMES FOR MINORS: LEGAL ISSUES AND CONSIDERATIONS

Host homes are a housing model that involves a young person living with a family who provide safe and stable housing for short or long periods (e.g., until the youth graduates from high school). Some programs recruit and train hosts and match them with youth who are strangers to them, while others help support youth in forming or formalizing "hosting" arrangements with individuals they already know.³

Host homes can be a wonderful opportunity for minors who want to live in family settings. They can be more appropriate, comfortable, and supportive for adolescents than congregate care or living independently. They can also be useful solutions for rural areas that do not need a large shelter or for resource-strapped communities as they are much less expensive than other housing options. Unfortunately, host home programs can face significant legal and practical barriers to serving minors, and as a result, many choose only to serve young adults.

Issues identified by host home programs include:

- Concerns about liability or challenges obtaining insurance, which can be greater for minors;
- Issues relating to parental consent, similar to those discussed earlier in this toolkit;
- Concerns that host families could face criminal prosecution in states that have laws against "harboring" runaways;
- Challenges for host families whose leases have restrictions on the number of people who can live in an apartment;
- State licensing requirements may limit their ability to operate in ways that would best serve youth (e.g., by allowing youth only a 21-day stay); and
- Potential host families not passing overly restrictive background checks. Most host home programs do checks on anyone 18 or older in the home to ensure youth safety. If hosts are required to meet the same standards as child welfare foster parents, this can rule out individuals whose past illegal acts are unrelated to an ability to care safely for youth.

Some programs address these challenges by only serving minors with parental consent or licensing host families as foster parents. Unfortunately, this can limit the number of youth who can be served. It may also limit who is

LEGAL ADVOCACY TO MAKE HOST HOMES WORK

Some host home programs have addressed the challenges described by collaborating with legal services or pro bono attorneys. Ways that lawyers can work with service providers or host families/youth to prevent or overcome barriers include:

- Identifying specific state laws and how they may affect a host/guest relationship;
- Identifying and overcoming issues involving state laws that prosecute non-legal guardians “harboring a runaway” or challenges that arise when a legal guardian is unavailable to sign for or assist the minor (e.g., determining when a Delegation of Parental Authority is necessary);
- Identifying and advising around issues involving background checks / criminal records;
- Identifying and providing support around issues involving lease violations, low-income housing tax credits, and occupancy limits;
- Assisting youth with addressing legal barriers to obtaining benefits, insurance, and access to permanent housing, education, or employment;
- Helping youth and hosts overcome barriers and preserve informal relationships (e.g., help apply for benefits if finances are an issue, help expunge past charges, so background checks are clear, negotiate with landlords);
- Coordinating with child welfare and other social services agencies to ensure wrap-around services for the youth; or
- Serving as an informal mediator for conflict resolution.
willing to serve as hosts since many families will be hesitant to be involved with the child welfare system or may not meet foster care licensing requirements.

Some host home programs partner with legal services or pro bono lawyers to address these issues. This approach can be particularly helpful in situations where a young person is already staying with "chosen family" or others they know and trust, but needs assistance in making the arrangement "above the table" (e.g., negotiating a change in lease terms), according to Jacqueline White, Executive Director of CloseKnit. White's organization supports youth and their chosen family in forming and sustaining informal hosting relationships and works closely with their local legal services organization, Mid-Minnesota Legal Aid (MMLA). In addition, one of MMLA's attorneys serves as a member of CloseKnit's board. White notes that while "known" hosts are the best situation for youth, these informal relationships create more legal barriers that must be addressed to protect both the youth and hosts.

In some cases, advocating for a change in law, policy, or regulations may be necessary to overcome barriers. For example, in Washington State, Ryan's House for Youth, a successful host home program, was told that they were a "child-placing agency." To continue serving youth, they needed to have all of their hosts become licensed foster families. Ryan's House's then-director, Lori Cavender, met with the Department of Social and Health Services leadership and realized that new legislation was the best solution. She met with two other host home programs doing similar work and discussed what they wanted to see in the legislation. As a result, the state now has legislation recognizing host homes (meaning that they are not considered child welfare placements). The relevant law includes requirements to do background checks on hosts and provide youth and host families with case management, which Ryan's House and the other programs were already doing. (The law also required parents to "sign youth in" to host homes every six months; advocates are currently working to have that requirement repealed.)

Cavender, who also later led Washington State's Host Home Coalition, suggests that best practices for host home programs include:

- Allowing the youth and host family to choose matches (supporting "known" matches whenever possible, and helping youth brainstorm other options if their first choice will not work, before turning to "stranger" hosts);
- Doing home visits to make sure the home is safe and the young person has their own space;
- Protecting your organization by obtaining general liability and E & O insurance, plus professional liability insurance for staff, and ensuring that hosts have home and car insurance;
- Helping families meet whatever needs they have to be successful hosts, whether that means getting a bed for a young person or helping obtain TANF benefits.

She also notes that it's important to ensure legislators understand and see the value in host homes, explaining "many programs are doing good work with very little money and are able to solve the homeless problems in their areas, but legislators need to see that."

Our host home program is a better fit for many youth than a child welfare placement because we do more frequent check-ins with the kids and have more continuity of relationships (due to less turnover). Our program was built to support all of a youth’s needs from clothing to medical care to mentorships, whereas child welfare is just looking at safety. In our program the youth and host decide on the match, while in child welfare, the youth has no say, so they often run away.

-Service Provider for Youth
WORKING TOWARDS EQUITY THROUGH POLICY AND ORGANIZATIONAL CHANGE

The systems and programs that serve minors should help youth avoid experiencing homelessness but can often be sources of the biases and inequities that lead to disparities. Advocates and providers have tackled this in different ways.

**USING LEGISLATION TO TACKLE DISPARITIES: NEVADA’S SB 354**

In Nevada, advocates recognized the need for changes in school discipline policy to ensure that youth of color, and youth experiencing homelessness and foster care (who are disproportionately youth of color), could avoid disparities in suspensions and expulsions and access restorative justice and other supports appropriately.

The Las Vegas My Brother’s Keeper Alliance, Nevada Homeless Alliance, and SchoolHouse Connection were primary driving forces for the legislation, with support from the Children’s Advocacy Alliance and Nevada Partnership for Homeless Youth. Supporters of the law point to the cross-cutting collaboration among different youth-focused sectors as one reason that it will be able to serve multiple populations of youth that overlap significantly. These groups will continue to work together on implementation of the law, to ensure it has the greatest possible impact.

**SB 354 would:**

- Disaggregate data on school discipline (including suspensions and expulsions) among different groups of students, including youth of color and youth experiencing homelessness, and report and publish that data in specified ways.
- Provide academic and behavioral support to students excluded from school for more than two days.
- Determine if students are experiencing homelessness before removing them for more than one school day.

**SB 354 also:**

- Extends school discipline protections to youth experiencing homelessness and foster care, including establishing that students experiencing homelessness or foster care may only be suspended or expelled if a determination is made that the behavior leading to disciplinary action “was not caused by homelessness or being in foster care.”
- Requires the Nevada Department of Education (NDE), as part of its existing accountability system, to recognize public schools that reduce the frequency of suspension/expulsion.
- Requires NDE to “develop a statewide framework for restorative justice.”

**ACHIEVING EQUITY FROM WITHIN: YOUTH IN NEED, MISSOURI**

Youth In Need, a youth services provider serving five Missouri counties, has made numerous changes to organizational policy and practice to foster diversity, equity, and inclusion. This has included:

**Investing in training and outside expertise:** Youth In Need has contracted with external consultants to conduct equity, diversity, and inclusion training for staff concerning race, sexual orientation and gender identity, and ability. Currently, all new staff complete a two-hour diversity training upon hiring and then a full day training within a few months. In addition, all supervisors complete racial equity, diversity, and inclusion training, and additional ongoing training is available to all staff. Youth In Need also commissioned an organizational audit involving reviewing organizational policies, human resources data and conducting focus groups.

“You have to recognize that it’s a long haul; you can’t just have a diversity training and go on your way. We’re never going to find all of the solutions—there’s so much systemic racism in all of our communities that we aren’t going to solve all the problems, but we can recognize and address our own biases. It’s very much a journey, not a single solution.”

- Erin Strohbehn, Senior Director of Youth Programs and Quality, Youth In Need
Working to change the organizational environment and culture: Youth In Need developed a diversity statement, which is posted throughout their sites. All staff and residents in their transitional housing programs sign the statement, and the organization addresses any inappropriate behaviors. In addition, they engage in monthly “caucuses” to discuss race, equity, and current issues.

In response to the audit, Youth In Need changed their human resources policies to be more equitable in hiring, requiring diversity in the interview pool when reviewing job applications and offering health benefits that include coverage of gender transition-related services.

The organization also changed its leave policies to be more culturally competent. For example, the bereavement leave policy now recognizes a broader definition of “family.” Additionally, they allow all staff a set number of days to observe any holiday they celebrate, rather than just giving all staff off for specific holidays and allowing them to “trade” or use leave time for other observances.

Reviewing and responding to data: Youth In Need reviews aggregate client data, analyzing outcomes by race, gender, and other demographics, to determine which populations are experiencing the greatest success and what they can do to ensure equitable positive outcomes.

Youth In Need’s work to achieve equity is ongoing, and their strategic plan includes steps to address the findings of their audit, such as addressing pay equity. The organization’s service area ranges from St. Louis to more rural parts of Missouri, and perspectives on diversity vary in different places, providing different opportunities to grow. Erin Strohbehn, Youth In Need’s Senior Director of Youth Programs and Quality, explains that their efforts are still “very much a journey” and not always easy, explaining, “we’ve figured out where we are broken and are working to fix it.” Strohbehn views the organization’s equity work as an essential part of showing staff and clients that they are valued. “In our homelessness (and foster care) programs, our African American and LGBTQ+ clients outnumber their white, straight [and cisgender] peers. It’s important for them to see that we are working to change,” she says, adding, “We can’t show that we care about [our clients and staff] if we aren’t showing that we care about people of color, people of all abilities. It’s important that we show our young people that they matter so that they can take that with them into adulthood.”

YOUTH IN NEED’S DIVERSITY STATEMENT

“Believing in the power of potential, Diversity is intentionally embracing and valuing the differences and similarities, both visible and invisible, that make us who we are - One Community. Together our attitudes, actions, policies and physical environment are vital to ensure that all feel comfortable, respected and included regardless of race, sex, gender identity or expression, age, income, faith, ability, political affiliation, sexual orientation or cultural background.”
STRATEGIC CONSULTATION & TECHNICAL ASSISTANCE

NATIONAL NETWORK FOR YOUTH (NN4Y)

NN4Y provides a host of onsite and virtual individual and small-group consulting services. While consulting topics evolve continuously to focus on hot issues and trends, current areas of expertise span:

- Cross-system collaboration
- Development of shared community goals
- Strategies to strengthen youth voice
- Youth advisory boards
- Youth homelessness demonstration program funding
- Community needs assessment
- Policy advocacy strategy development
- How to use data to make program decisions
- Continuous quality improvement

Contact info@nn4youth.org for more information.

AMERICAN BAR ASSOCIATION

Homeless Youth Legal Network (HYLN) holds virtual and in person roundtables across the country bringing advocates (educators, service providers, pro bono attorneys, public defenders and prosecutors, law enforcement, legislators, and most importantly youth) together for discussions on accessing legal services for youth experiencing homelessness. After each roundtable, conversations continue locally, and HYLN remains involved, providing technical assistance and resources on an as-needed basis. Advocates interested in learning how to organize a roundtable in their communities or who want to learn more about HYLN can visit ambar.org/hyln and join their listserv or request technical assistance by emailing hyln@americanbar.org.

SCHOOLHOUSE CONNECTION

The Building Teams for Change Community of Practice “provides adult and youth partners throughout the country with state legislative advocacy substantive training along with a community of professionals.” Participants meet every other month, and can also request additional technical assistance from SchoolHouse Connection as needed. Interested advocates can visit https://schoolhouseconnection.org/policy-advocacy/state-policy/ or join the community Facebook page at https://www.facebook.com/groups/1183951775359274/.

[The thing that most helped me exit homelessness was] turning 18 and being able to sign my own lease and provide myself a stable home. Being in control of my own situation really.

-Young person who experienced homelessness as a minor
ONLINE RESOURCES

COMPILATIONS OF LAWS AND POLICIES

**Alone Without A Home: A National Review of State Laws Affecting Unaccompanied Youth**

**State Index on Youth Homelessness**
True Colors United, National Homelessness Law Center: [https://www.youthstateindex.com/](https://www.youthstateindex.com/)

**State Laws on Minor Consent for Housing and Related Services**
SchoolHouse Connection: [https://schoolhouseconnection.org/state-laws-on-minor-consent-for-housing-and-related-services/](https://schoolhouseconnection.org/state-laws-on-minor-consent-for-housing-and-related-services/)

**State Laws to Support Youth Experiencing Homelessness**
SchoolHouse Connection: [https://schoolhouseconnection.org/state-laws-to-support-youth-experiencing-homelessness/](https://schoolhouseconnection.org/state-laws-to-support-youth-experiencing-homelessness/)

**Youth Homelessness Overview**

RESOURCES FOR LAWYERS, ADVOCATES, AND YOUTH

**Access to Justice for Youth Experiencing Homelessness: Meeting the Legal Needs of Youth to Prevent or End Youth Homelessness**
American Bar Association Homeless Youth Legal Network: [https://www.americanbar.org/content/dam/aba/administrative/homelessness_poverty/miscellaneous-and-events/access-to-justice-youth-experiencing-homelessness-report.pdf](https://www.americanbar.org/content/dam/aba/administrative/homelessness_poverty/miscellaneous-and-events/access-to-justice-youth-experiencing-homelessness-report.pdf)

**Access to Identification**
National Network for Youth: [https://nn4youth.org/resources/topics/access-to-id/](https://nn4youth.org/resources/topics/access-to-id/)

**Financial Abuse of Individuals with Disabilities**

Homeless Youth Handbooks

**Proving I Exist: Strategies for Assisting Youth in Obtaining Identification Documents**
Laura Kolb and Jenny Pokempner: [https://docs.google.com/document/d/1HFErIALRTRCyZ9jsWMFlcfdt-RLARGpW/edit#](https://docs.google.com/document/d/1HFErIALRTRCyZ9jsWMFlcfdt-RLARGpW/edit#)

HOST HOMES

**Host Homes Handbook: A Resource Guide for Host Home Programs**
Point Source Youth: [https://static1.squarespace.com/static/553bd8dfe4b06d949518334e/t/5b9018d68a922d130c-0cf55b/1536170201241/Host_Home_Handbook_%28free+download%29.pdf](https://static1.squarespace.com/static/553bd8dfe4b06d949518334e/t/5b9018d68a922d130c-0cf55b/1536170201241/Host_Home_Handbook_%28free+download%29.pdf)

**Host Home Program Toolkit**
Avenues for Youth: [https://avenuesforyouth.org/hosthometoolkit/](https://avenuesforyouth.org/hosthometoolkit/)
RESOURCES ON EQUITY AND SPECIFIC POPULATIONS OF YOUTH

LGBTQ+ Youth Homelessness
National Network for Youth: https://nn4youth.org/lgbtq-homeless-youth/

True Colors Learning Community: https://truecolorsunited.org/our-work/training-education/were-at-a-critical-moment-to-end-youth-homelessness/

At the Intersections: A Collaborative Resource on LGBTQ Youth Homelessness

Missed Opportunities: LGBTQ Youth Homelessness In America

On Our Own: A Survival Guide for Independent LGBTQ Youth
The Human Rights Campaign Foundation, Time Out Youth Center, True Colors Fund: https://assets2.hrc.org/files/assets/resources/HRC-OnOurOwn-LGBTQYouth.pdf

Youth of Color Disproportionately Impacted by Housing Instability
Sarah Berger Gonzalez Matthew Morton Sonali Patel Bryan Samuels. Chicago, IL: Chapin Hall at the University: https://www.chapinhall.org/research/youth-of-color-disproportionately-impacted-by-housing-instability/

Oakland-Berkeley-Alameda County Continuum of Care
Supporting Partnerships for Anti-Racist Communities

Host Homes For Youth & Young Adults: Washington State Best Practices Manual

Five Questions with Jo Zimmer: Expanding Access to Host Homes for Unaccompanied Youth
Jo Zimmer, MPAE, owner of Beyond-the-Box Strategies: https://schoolhouseconnection.org/five-questions-with-jo-zimmer-expanding-access-to-host-homes-for-unaccompanied-youth/

School-Based Host Homes Guidebook

Messy And Magical: A Closer Look at The GLBT Host Home Program
Raquel (Rocki) Simões & Khalid Adam: https://homelesshub.ca/sites/default/files/5.2_GLBT_Host_Home.pdf

No One Can Thrive Alone: Exploring the Host Home Option

Research and Recommendations on Host Home Programs
Center for Social Innovation:  

Changing the Conversation: Ending Youth Homelessness with Equitable Strategies  

Collaborating for Change  
Coalition for Juvenile Justice: https://juvjustice.org/homelessness

Educating Students Experiencing Homelessness, Fifth Edition  
American Bar Association, SchoolHouse Connection  

The Family First Prevention Services Act: Implications for Addressing Youth Homelessness  

Missed Opportunities: Youth Homelessness in Rural America  

Missed Opportunities: Pathways from Foster Care to Youth Homelessness in America  
Dworsky, A., Gitlow, E., Horwitz, B., & Samuels, G.M. (2019). Chicago, IL: Chapin Hall at the University of Chicago:  

Planning to Prevent Homelessness: Ensuring Lifelong Housing Stability for Youth Involved with the Child Welfare and Juvenile Justice Systems  

LOCAL EXAMPLES OF POLICIES, ORDERS, ADVOCACY REPORTS, ETC.


Standing Court Order from Santa Clara, California  
Available at: https://www.scscourt.org/orders/division/juvdep/41.D.JuvDependency.pdf

Footnotes
As part of their core services, many youth homelessness programs serving minors offer supports that can help youth and families avoid child welfare involvement and foster care placement. For example, Deborah Shore, Executive Director of Sasha Bruce Youthwork, explains that youth entering her program’s minor shelter without child welfare system involvement are offered intensive family counseling. Shelter staff, who have received significant relevant training, work with the youth and family to see what’s been getting in the way of communication and what the family’s “trigger points” are, then work with them on new skills to support their relationship and allow them to live together with less conflict.

Shore notes that a short respite and the opportunity to talk through things can make a difference for many families. However, this isn’t always a permanent fix. To the extent that resources allow, families are also offered follow-up (aftercare) services to continue working on these challenges. In situations where the youth will not be able to return home, staff also support young people in identifying other options (e.g., older siblings or other relatives) and working with the parents to consent to these alternative arrangements.

Like many other youth homelessness programs, Sasha Bruce also contracts with their local child welfare agency to provide emergency shelter care (i.e., to reserve two beds in their minor shelter) for youth in child welfare custody, typically those who are between placements.

In some cases, youth homelessness providers and child welfare systems may also coordinate their work more systematically. The National Network for Youth and ChildFocus publication, The Family First Prevention Services Act: Implications for Addressing Youth Homelessness, highlighted three examples of such efforts, reprinted below. As noted earlier, family conflict is a major cause of youth homelessness, particularly for LGBTQ+ youth. Family Interventions for Youth Experiencing or at Risk of Homelessness, a report from the Urban Institute and Child Trends, reviews research on promising and evidence-based responses.

**APPENDIX A: CHILD WELFARE AND YOUTH HOMELESSNESS**

**BETTER COORDINATION FOR BETTER OUTCOMES**

**ALTERNATIVE RESPONSE MODEL**

In Nashville, the Metro Homeless Impact Division is working with community partners to implement a Federal Youth Homeless Demonstration Program (YHDP) to expand a coordinated approach to prevent and end youth homelessness. Together with the Oasis Center, a local provider to runaway and homeless youth, the local child welfare and housing agencies, the courts and others, the collaborative has used the demonstration grant to build an Alternative Response Model for unaccompanied minors as an alternative to juvenile detention, foster care or shelter placements. Key elements of Alternative Response include a single point of entry for young people experiencing housing instability that can take referrals from all systems; a common assessment approach to determine the best intervention and next steps for the young person; case management and crisis resolution services; host homes designed to shelter young people when they need an immediate place to stay; and case conferencing to help coordinate access to needed services. In addition to promoting positive outcomes for young people and their families, the collaborative also works to ensure that each participating system’s priorities are also addressed.
PROJECT MINOR CONNECT

As in so many other communities, the child welfare and runaway and homeless youth service providers in Hennepin County, Minnesota (Minneapolis) each have different approaches to serving young people who are experiencing homelessness or who are at risk of experiencing homelessness. To address these needs, the Minnesota Department of Human Services, Hennepin County, YMCA, YouthLink and the Youth Law Project collaborated to create Project Minor Connect, a pilot program designed to assist youth ages 15-17 who are at risk of experiencing, experiencing homelessness or who have housing instability. The project provides an individual needs assessment, family group decision making, youth in transition conferences, connections to housing options and family reunification supports, when appropriate. The only time young people are referred to the child welfare agency is when they already have an open foster care case. “We’re trying to provide a more holistic response by coordinating county and community resources,” says Paul Minehart, the program’s coordinator, “just referring them to child welfare isn’t necessarily what they need to achieve stability.”

KING COUNTY’S YOUTH ENGAGEMENT TEAM

In Seattle, the Youth Engagement Team is a promising program that is helping homeless youth navigate their involvement with multiple government systems, including RHY providers, child welfare and juvenile justice. Coordinated by All Home, King County’s homelessness coordinating body, the Youth Engagement Team tackles some of the root causes of youth homelessness, including conflict at home, a history of family homelessness, and legal barriers to stable housing. The holistic support team is comprised of a mental health counselor, housing navigator and lawyer who work with the young person over a six-month period to locate and secure stable housing and to coordinate involvement with other systems so that young people are not needlessly caught among them. Since the program does not supply housing, Youth Engagement Leaders also seek a variety of alternative solutions to house minors, including placements with family friends or working with the child welfare agency to find foster care placements, where appropriate, for the young person.

ACKNOWLEDGMENTS

This resource was written by Lisa Pilnik on behalf of the National Network for Youth (NN4Y) and the American Bar Association Commission on Homelessness and Poverty (ABA CHP) and edited by Darla Bardine of NN4Y and Kelly Russo of ABA CHP. We would like to thank the many individuals who provided their insights and expertise to us during the development of this toolkit, particularly the young people and providers who completed our surveys, Patricia Julianelle, Chris Bicknell, Lori Cavender, Ingrid Lofgren, Tara Rollins, Deborah Shore, Erin Strohbehn, Mallory VanMeeter, and Jacqueline White; we are also indebted to Nia Knighton for her research assistance.

The information contained in this resource is provided for informational purposes only and should not be construed as legal advice on any subject matter.