



Overcoming Legal and Policy Barriers to Serving Minors Experiencing Homelessness



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AGENDA

01. Introduction

02. Minors Experiencing Homelessness: Key Issues + Challenges

03. Minor Consent Laws: Strategies For Success

04. Drafting Minor Consent Laws: Questions To Consider

05. Host Homes For Minors: Legal Issues And Considerations

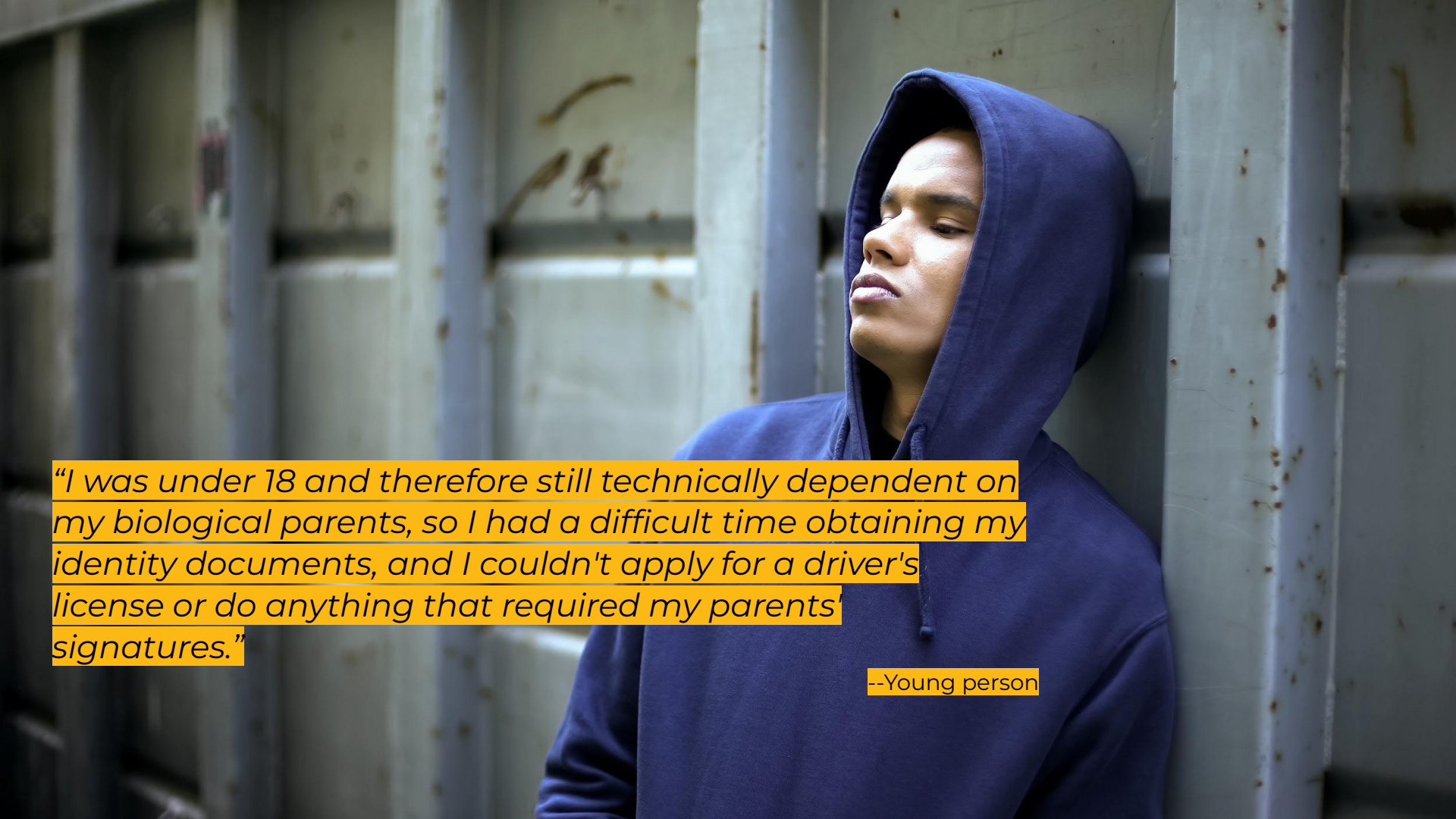
06. Working Towards Equity Through Policy + Organizational Change

THIS TOOLKIT AIMS TO PROVIDE COMMUNITIES WITH RESOURCES ON:

- Key issues and challenges for minors experiencing homelessness;
- Strategies and lessons learned from advocacy for state minor consent to services laws (including questions to consider);
- Legal issues and considerations relevant to host homes for minors;
- Working towards equity while serving minors;
- Child welfare and youth homelessness; and
- Additional legal and policy issues.



Overcoming Legal and Policy Barriers to Serving Minors Experiencing Homelessness: A Collection of Resources for Youth Advocates

A young person with short dark hair, wearing a blue hoodie, is leaning against a grey metal structure. They are looking upwards and to the left with a thoughtful expression. The background is slightly blurred, showing more of the metal structure.

"I was under 18 and therefore still technically dependent on my biological parents, so I had a difficult time obtaining my identity documents, and I couldn't apply for a driver's license or do anything that required my parents' signatures."

--Young person

MINORS EXPERIENCING HOMELESSNESS: KEY ISSUES AND CHALLENGES

- Access to services without parental consent
- Lack of appropriate housing options and interventions
- Child welfare system issues
- Bias, discrimination, and lack of equity
- Legal representation challenges
- Lack of resources



HOW COMMON ARE MINOR CONSENT LAWS?

As of May 2022, 34 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.



STATE MINOR CONSENT LAWS: STRATEGIES FOR SUCCESS

Share power with youth throughout the process

Youth should be leading the discussion 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.

Lay the groundwork

Decision-makers are more likely to support the needed changes for youth experiencing homelessness if the changes are championed or suggested by individuals or organizations they view as experts and with personal or lived experience in the issues.

Engage a wide range of stakeholders--and as many providers as possible

Youth homelessness providers or agencies are often the expected proponents of minor consent laws, but it's important to broaden the coalition to include school, agencies, faith communities, and related professionals (health care providers, associations, civic groups...).

Make sure you know where everyone stands

Educating your coalition--including sharing relevant data and hearing from young people who've experienced homelessness--can help.

Use research and real stories 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.

STATE MINOR CONSENT LAWS: STRATEGIES FOR SUCCESS

Be proactive about addressing opposition

Be ready for the organizations and arguments that will work against you. Prepare your bill sponsors and witnesses.

Address child welfare involvement

One of the most common questions about minor consent to shelter laws is when youth enter a shelter program and when will child welfare involvement be required instead.

Understand the politics

The friendliest legislator might not be the best bill sponsor. Work with the party in power, build an inclusive coalition, and prepare for the hot-button politics that could derail your bill.

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.

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.

COMING TOGETHER FOR POLICY CHANGE

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 providers trying to serve them, and develop plans for changing those policies.

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.



MINOR CONSENT LAWS: QUESTIONS TO CONSIDER WHEN PROPOSING POLICY CHANGES

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?
- Do there need to be any oversight mechanisms to ensure that your law is implemented as intended?

MINOR CONSENT LAWS: QUESTIONS TO CONSIDER WHEN PROPOSING POLICY CHANGES

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?

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?

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?

More questions to consider in the toolkit

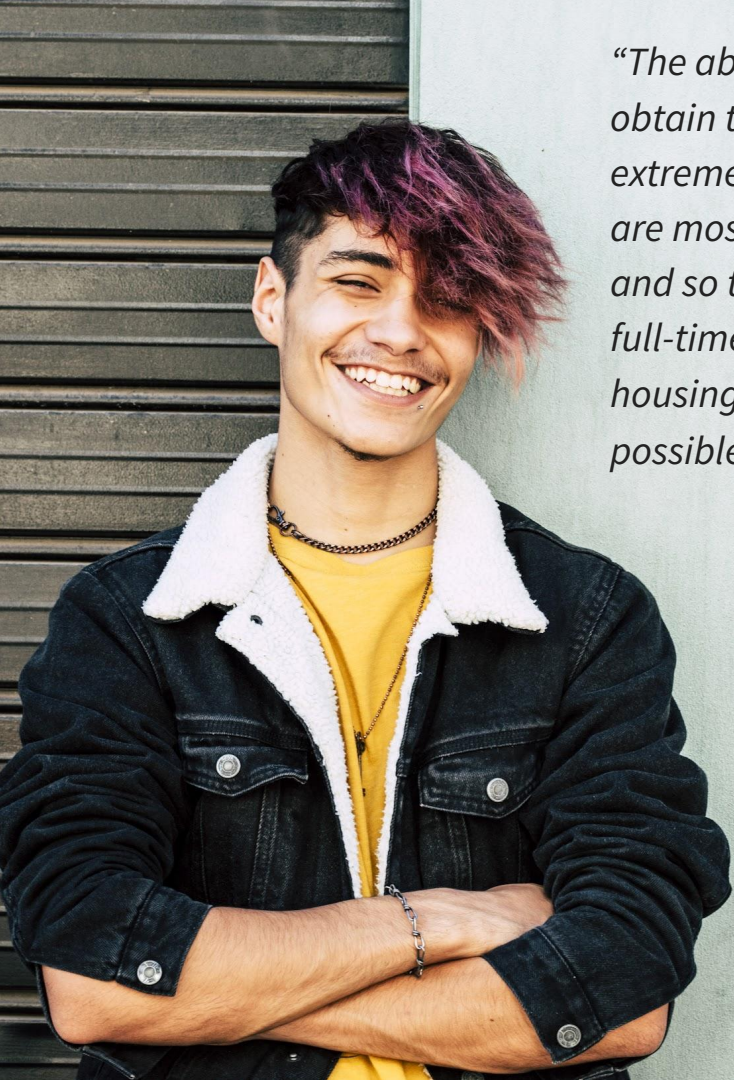
DIRECT SERVICES LENS: WASHINGTON

HOW TO SUPPORT POLICY CHANGE

- On-the-ground expertise that understands how policy changes will unfold in the community. Example: WA's UGA bill and Minor Guardianships in 2021 and clean-up bill in 2022.
- Trusting relationships with young people who will benefit from policy changes right now. Example: WA's SSB 5883 Informed Consent for Health Care for Unaccompanied Minors passed in 2022.
- Areas Washington needs change: (1) Consent to shelter, including with chosen family. (2) More places for unaccompanied minors to stay.

WORKING OVER, UNDER, THROUGH CURRENT LAWS

- Without parental consent, petition courts to authorize placement: dependency, CHINS, guardianships, and emancipation (and Protection Orders)
- Private dependency petitions in jurisdictions where CPS is non-responsive to unaccompanied adolescents.
- Working around HUD definitions of homelessness for unaccompanied minors to access housing navigators, attorneys, mental health services (through the Youth Engagement Team) and Host Homes. This is an equity issue.



“The ability for an under 18 to obtain their own housing is extremely limited. They also are most often still in school and so the ability to just get a full-time job and manage housing is not necessarily possible.”

–Service Provider for Youth

HOST HOMES FOR MINORS: LEGAL ISSUES AND CONSIDERATIONS

LEGAL ADVOCACY TO MAKE HOST HOMES WORK

- Identifying specific state laws and how they may affect a host/guest relationship;
- Identifying and overcoming issues involving state laws on “harboring runaways”;
- 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
- Coordinating with other agencies to ensure wrap-around services for the youth; or
- Serving as an informal mediator for conflict resolution.

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.

**WORKING TOWARDS EQUITY THROUGH POLICY
AND ORGANIZATIONAL CHANGE**

WORKING TOWARDS EQUITY THROUGH POLICY AND ORGANIZATIONAL CHANGE

USING LEGISLATION TO TACKLE DISPARITIES: NEVADA'S SB 354

Supported by a broad coalition of partners, SB 354 will:

- Disaggregate data on school discipline 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.
- Extend school discipline protections to youth experiencing homelessness and foster care;
- Require Nevada Department of Education (NDE) public schools to reduce the frequency of suspension/expulsion.
- Require 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:
- Working to change the organizational environment
- and culture:
- Reviewing and responding to data

“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**

ALSO INCLUDED IN THE TOOLKIT:

- Appendix on child welfare and youth homelessness system collaboration;
- Information about consultation and TA available from ABA, NN4Y, SHC
- Additional resources including
 - Compilations of laws and policies
 - Resources on host homes
 - Resources on equity and specific populations
 - Local examples



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I AM HERE: ID AND VITAL DOCUMENT

LEGAL HOTLINE FOR YOUTH

1-833-743-4343

MAY 2022 HOTLINE HOURS

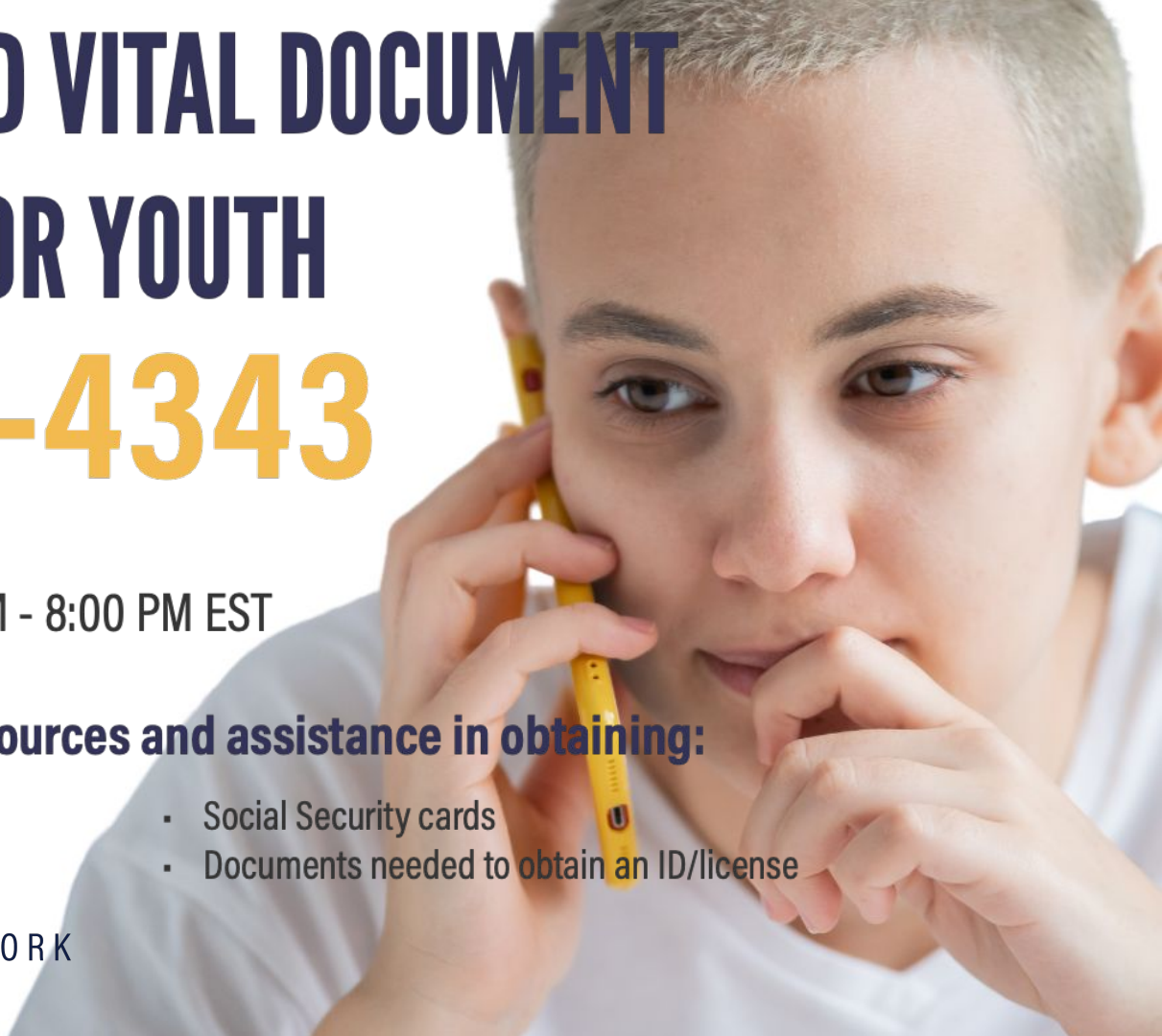
TUESDAYS + THURSDAYS | 12:00 PM - 8:00 PM EST

The free hotline can provide resources and assistance in obtaining:

- State ID cards and licenses
- Birth certificates
- Social Security cards
- Documents needed to obtain an ID/license

**Baker
McKenzie.**

NATIONAL NETWORK
 for **YOUTH**



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NATIONAL NETWORK
 *for* YOUTH

No young person should ever experience homelessness. Yet, each year, an estimated 4.2 MILLION youth and young adults experience homelessness.

NN4Y is dedicated to preventing and eradicating youth homelessness in America.



The Commission on Homelessness and Poverty is committed to educating the bar and the public about homelessness and poverty and the ways in which the legal community and advocates can assist those in need. To achieve this goal, the Commission drafts publications and conducts training sessions across the country to equip the legal community to advocate on behalf of people who are homeless or poor. The Commission also coordinates with national, state and local advocates and organizations to facilitate the exchange of information and resources.