ALONE WITHOUT A HOME:

A NATIONAL REVIEW OF STATE LAWS AFFECTING UNACCOMPANIED YOUTH

A REPORT BY:

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

NN4Y
National Network for Youth

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EXECUTIVE SUMMARY

Background

Each year, an estimated 4.2 million youth and young adults experience homelessness, 700,000 of whom are minors who are not with a parent or guardian.[1] These youth leave home for a variety of reasons, including severe family conflict, parental abuse or neglect, parental mental health issues, or substance abuse. Some leave home or are forced to leave after divulging a pregnancy or identifying as LGBTQ.

Unaccompanied youth experiencing homelessness face numerous legal barriers that often complicate their attempts to meet their basic needs and prevent them from obtaining assistance from state agencies and service providers who could otherwise help them. Further complicating matters is that many of these laws vary considerably on the state and local levels. This variation creates misinterpretations by service providers and avoidance of services on the part of youth experiencing homelessness (who may fear being taken into state custody or assume they will be turned away). Once homeless, youth become more vulnerable to health challenges, physical harm and abuse, and to involvement in the child welfare, juvenile justice, and criminal justice systems, which may not serve their best interests. In a 2017 survey:

- 29% of youth experiencing homelessness reported having substance abuse problems;[2]
- 69% of youth experiencing homelessness reported mental health difficulties;[3]
- 33% of youth experiencing homelessness had interacted with the foster care system and nearly 50% had been in juvenile detention, jail, or prison;[4] and
- 27% of LGBTQ youth experiencing homelessness reported exchanging sex for basic needs compared to 9% of non-LGBTQ youth, while 62% of LGBTQ youth reported being physically harmed by others while experiencing homelessness compared to 47% of non-LGBTQ youth.[5]

This report reviews the status of current law in 13 key issue areas that affect the lives and future prospects of unaccompanied youth experiencing homelessness in all 50 U.S. states and six territories (unless otherwise noted). The report offers an overview of the range of approaches taken by states since the last update in 2012 and the

1 *Missed Opportunities: Youth Homelessness in America*, Chapin Hall at the University of Chicago 5-6 (2017), http://voicesofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin-Hall-2017.pdf
2 *Id.* at 7.
3 *Id.*
4 *Id.* at 9-10.
5 *Missed Opportunities: LGBTQ Youth Homelessness in America*, Chapin Hall at the University of Chicago 9 (Apr. 2018), http://voicesofyouthcount.org/wp-content/uploads/2018/05/VoYC-LGBTQ-Brief-Chapin-Hall-2018.pdf

relative prevalence of these approaches, revealing significant differences from state to state.

The report also provides recommendations for policy changes in each of the areas, with a view towards strengthening the supports available to unaccompanied youth. While many issues surrounding unaccompanied youth remain controversial, the aim of this report is to recommend steps that can protect the safety, development, health and dignity of youth experiencing homelessness, and thus increase their prospects for positive future outcomes.

Key Findings

Key findings address a wide array of topics and collectively highlight some noteworthy trends:

Many jurisdictions lag behind in implementing changes to federal law that strengthen access to education for youth experiencing homelessness.

- Only 14 jurisdictions (or 25%) have an updated dispute resolution procedure that reflects changes made under the federal Every Student Succeeds Act.
- None of these 14 explicitly protect the privacy rights of homeless students.

Definitions of unaccompanied youth often fail to be inclusive, developmentally appropriate, and non-judgmental.

- The vast majority of jurisdictions (48 jurisdictions or 85%) define 18 as the age at which a person is no longer a child.
- Only a few jurisdictions (7 or 13%) have a definition of "youth" that includes persons over 17 (usually 18-24) for purposes of determining who is eligible for critical supports and services.
- A few jurisdictions (8 or 14%) use words such as "incorrigible," "unruly," "delinquent," "vagrant," "wayward," "undisciplined juveniles," or "status offenders" when describing unaccompanied youth experiencing homelessness.

Punitive approaches to unaccompanied youth are prevalent in many jurisdictions.

- The vast majority of jurisdictions (44 or 79%) allow police to take unaccompanied youth into custody under Child In Need of Supervision, or similar, statutes.
- A small but significant number of jurisdictions define running away (9 or 16%) and truancy (6 or 11%) as status offenses.
- A significant number of jurisdictions (17 or 30%) explicitly make it a crime to "harbor," i.e. to shelter or house—a youth who has run away regardless of the reasons for the young person leaving home.

Many jurisdictions authorize or require provision of health care, education, and other services to unaccompanied youth even in the absence of parental consent.

- A significant number of jurisdictions (22 or 39%) explicitly authorize provision of services to unaccompanied youth without court involvement.
- A majority of jurisdictions (36 or 64%) enable unaccompanied youth to apply for health insurance without parental consent in some situations.
- Half of jurisdictions (28 or 50%) allow minors to consent to mental health treatment.
- The vast majority of jurisdictions (45 or 80%) allow minors to consent to nonresidential substance abuse treatment.
- The vast majority of jurisdictions (53 or 95%) allow youth to consent to examination and treatment for sexually transmitted infections.
- The vast majority of jurisdictions (42 or 75%) limit minors' ability to consent to abortions.
- The vast majority of jurisdictions (47 or 84%) allow exemption from the requirement that, in order to receive federal benefits, a minor parent must live with a parent or other legal guardian.
- Less than half of jurisdictions (25 or 44%) require procedures to address discharge or aftercare needs for youth exiting juvenile justice systems and of those, a few (10 or 18%) require that housing needs be addressed in such procedures.
- Nearly half of jurisdictions (25 or 45%) assign responsibility for providing services and/or shelter to youth experiencing homelessness or who have run away to a designated executive branch agency; at least 9 or 16% of jurisdictions explicitly authorize the expenditure of funds, or authorize local units of government to expend funds, for programs and services targeted to such youth.

Most jurisdictions provide youth with some ability to act on their own behalf.

- A majority of jurisdictions (33 or 59%) have established processes for minors to petition for emancipation.
- Most jurisdictions (48 or 86%) have limited rights for minors to enter into contracts, but a few do not provide any contractual rights to minors.

Key Recommendations

The key recommendations of this report focus on removing the barriers that now prevent unaccompanied youth from receiving the help they need to reestablish safe and stable homes, either reunited with their families when it is safe and appropriate, under other adult supervision, or independently, with appropriate services and support. We favor supportive services as opposed to punishment and increased consistency across jurisdictions to facilitate such an approach. In particular, we recommend that states:

Address barriers to obtaining valid government-issued photo identification and other documents often required to obtain supports and services.

- Reduce or eliminate fees for government-issued IDs and other vital records such as birth certificates and Social Security cards.
- Provide unaccompanied youth with alternative verification processes for proof of identity or residency.
- Eliminate "parental consent" requirements for unaccompanied youth to obtain government-issued IDs, birth certificates and Social Security cards.

Eliminate punishment of unaccompanied youth based on status.

- Limit the circumstances under which youth who have run away can be taken into custody or punished for running away; set very brief time limits for such custody when it is permitted; and prohibit sheltering of such youth with delinquent youth or adults.
- Provide opportunities for young people to avoid court involvement through: diversion and restorative justice programs, counseling, treatment, family mediation, housing assistance, and other services, as well as adequate time to meet treatment goals.
- Decriminalize running away, curfew violations, and truancy.
- Limit and prevent young people's court involvement and their contact with the juvenile and criminal justice systems.
- Assign responsibility for the care and support of youth who have run away to the social service system rather than the juvenile justice system, and prohibit sheltering such youth in detention facilities.

Rather than punish youth, prioritize support and assistance.

- Establish clear eligibility for unaccompanied minors to apply for Medicaid and Children's Health Insurance Program (CHIP); reduce barriers such as proof of parental income, a permanent address, and other documentation that unaccompanied youth may lack; and expand CHIP to include youth through 24 years of age.
- Establish a social service system to support youth after release from juvenile justice facilities and foster their reintegration, which should include safe housing options for youth who are not placed with a parent or guardian; and ensure their access to educational resources or job training, as appropriate.
- Before discharge from juvenile justice facilities, provide youth with assistance in obtaining a driver's license or state ID card, a Social Security card, a birth certificate, and other records necessary to establish identity.

- Establish Temporary Assistance for Needy Families (TANF) eligibility for pregnant minors 120 days before their due date; and exempt them from the minor parent living arrangement rule where living with the parent is not safe, possible, or feasible. Provide assistance with childcare and transportation.
- Ensure access to education for unaccompanied youth, including those in and coming out of the juvenile justice system.
- Explicitly assign responsibility for offering opportunities and supports for youth who have run away from home and unaccompanied youth to a human services agency, and authorize and appropriate state and local funds for programs and services targeted to such youth.

Prioritize the educational needs of youth experiencing homelessness.

- Implement, and ensure that local education agencies and school districts implement, the Education for Homeless Children and Youth Program of the McKinney-Vento Homeless Assistance Act, as recently amended by the Every Student Succeeds Act. These amendments include ensuring that liaisons and state coordinators have the capacity to identify and remove barriers to the enrollment and retention of students experiencing homelessness, explicitly allowing partial and alternative academic credit accrual for youth experiencing homelessness, and promoting their access to higher education.

Extend eligibility for benefits and eliminate negative terminology.

- Extend eligibility for publicly-funded opportunities and supports available to children and youth to include older young people through age 24, and eliminate negative descriptions of youth experiencing homelessness now found in some statutes, such as "unruly," "incorrigible, and "vagrant".

Give youth authority to make important decisions about their own health and safety consistent with their maturity level.

- Establish emancipation procedures in all jurisdictions with individualized assessments of each youth's ability to live independently, and permit young people to initiate the emancipation process; establish procedures for parents and youth to agree to emancipation without court involvement.
- Permit minors to contract for necessities, while providing appropriate protections.
- Establish statutory guidelines so licensed health care practitioners can provide medical care and services to an unaccompanied youth who consents if: (1) the medical practitioner reasonably believes that the youth understands the benefits and risks of the care and is giving informed consent; and (2) the care would be to the minor's benefit; limit such practitioners from civil or criminal liability for providing care to unaccompanied youth in such circumstances.

INTRODUCTION

The legal rights and responsibilities of unaccompanied young people vary among states and territories. Despite the reality that they are living apart from parents or guardians, those youth who are minors lack the legal status to live independently. Unaccompanied youth and their advocates constantly struggle with legal questions regarding access to shelter, public education, and medical and mental health care; legal rights to rent property and enter into contracts; and issues of juvenile justice, parental rights, and emancipation. Many of these legal questions find their answers in state statutes and regulations.

The National Law Center on Homelessness & Poverty (Law Center) and National Network for Youth (NN4Y) developed this guide in an effort to respond, in an efficient and comprehensive way, to these significant legal questions. The guide provides summaries, legal citations, and analyses of laws affecting unaccompanied youth from the fifty states and six United States territories (American Samoa, District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands). The guide addresses a number of significant issues, ranging from punitive versus service-based approaches to youth, the ability of youth to act on their own behalf in a variety of settings, and how youth are defined and characterized in relevant statutes. Specifically, the guide covers thirteen topics: (1) identification, (2) status offenses (including running away, truancy and curfews), (3) discharge from the juvenile justice system, (4) the Interstate Compact for Juveniles, (5) shelters and services for unaccompanied youth, (6) harboring unaccompanied youth, (7) youth in need of supervision, (8) the right to contract, (9) access to federal benefits, (10) right to public education, (11) access to health care, (12) definitions of terms relevant to unaccompanied youth, and (13) emancipation.

This guide is an update to a 2012 edition, which was also produced by the Law Center and NN4Y. It was updated with the invaluable assistance – including hundreds of hours of pro bono services—of the law firm Latham & Watkins. The guide now contains up to date research, legal summaries, citations, and analysis of the data trends, discussions of noteworthy and model statutes, and recommendations. The law firms of DLA Piper and Simpson, Thacher & Bartlett also provided research support on access to education issues. In addition to updating the chapters from 2012, we included stories from youth with lived experiences of homelessness to provide additional context on how the topics in this guide affect unaccompanied youth. Additionally, we added a new section on identification and highlighted information related to access to Supplemental Nutrition Assistance Program benefits within the federal benefits section. Finally, we revised the section on the rights of unaccompanied youth to public education to reflect recent changes under the federal Every Student Succeeds Act of 2015.

The narrative and analysis sections of the publication use various non-legal terms, such as "young people," "youth," "youth on their own," "youth who have run away," and "unaccompanied youth." We have attempted, as much as possible, to

stay away from the terms "runaways," "runaway youth," and "homeless youth" so as not to define young people in these situations by these experiences. When using the term "youth," we refer to persons who have not reached the legal age of majority and/or who have left home, either at the demand or request of parents or guardians, or of their own volition. By referring to "youth" or "young people," rather than "children," we attempt to recognize the unique developmental stage and needs of older children and young adults. Where legally significant, we have used the terms "child," "children," or "minor." In the statute summaries, we generally use the terms referenced in the statute, which often includes "homeless youth" or "runaway youth." We have also used the term "jurisdiction" to encompass both states and territories.

Each section of the publication includes a description of the research methodology and its related limitations. Our research was limited to state and territorial statutes. We did not research administrative codes or other regulations, nor did we contact state agencies or courts. Some statutes may have been modified in effect by subsequent case law that is not reflected in this guide. Furthermore, the absence of a statutory provision on a given subject does not mean that the issue has not been addressed in case law or common law in a given jurisdiction. Additional policies and practices also may exist which are not reflected in the jurisdictions' statutes.

We offer this guide as a tool for service providers, advocates, and attorneys responding to individual requests for assistance as well as to assist advocates seeking broader systemic reforms in their states. Advocates are encouraged to use this guide in conjunction with the True Colors Fund and Law Center's State Index on Youth Homelessness,[6] to place their states on a continuum relative to other jurisdictions and to advocate for legislative and administrative solutions to the very real challenges facing unaccompanied youth today. Both the Law Center and NN4Y are eager to partner with advocates in their efforts to promote legislative reforms and policies that recognize the needs and dignity of unaccompanied youth.

As with any project of this magnitude, the possibility exists that an important statute was missed. Readers are urged to consult their jurisdiction's statutes, regulations, or local legal services through the American Bar Association's Homeless Youth Legal Network (hyln@americanbar.org; https://www.americanbar.org/groups/public_services/homelessness_poverty/homeless-youth-legal-network/hyln-directory/?cq_ck=1509041474788) for more complete information. The legal citations provided in this publication are intended to assist in further research. Please report errors or omissions to the Law Center or NN4Y so that we may improve future editions of this publication.

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6 https://truecolorsfund.org/index/.

Summary of Findings and Recommendations

A brief outline of our findings and recommendations follows:

1. Identification

Having a valid government-issued form of identification is key to accessing critical supports and services for many unaccompanied youth, but barriers remain to obtaining one. Youth may not be able to obtain the required parental consent or may not have the necessary documentation because of high mobility. These barriers also extend to obtaining a Social Security card, birth certificate, and other forms of identification cards required to enroll in government programs or complete required tax forms. Jurisdictions need to address these as well as the financial barriers to obtaining identification. Only 14 states waive or reduce fees for non-driver identification for individuals experiencing homelessness and only six waive fees for birth certificates for low-income individuals. Obtaining parental consent may not be possible for unaccompanied youth, yet 18 states require a parent or guardian signature for non-driver ID for applicants under 18. Jurisdictions should create an exemption to this requirement if a young person is unable to get consent from their parent or guardian. Likewise, jurisdictions should review and revise onerous documentation requirements: for example, 26 states require two forms of documentation to prove residency in order to obtain a non-driver ID, and 43 states require an applicant to submit a photo ID to receive a copy of his or her birth certificate.

2. Status Offenses

Status offenses are behaviors or actions that are legally punishable only when performed by minors. While purportedly designed to protect young people from harm and victimization, they also restrict the rights of young people and can result in entangling otherwise law-abiding youth with the juvenile justice and criminal justice systems. We examined "runway youth," truancy, and curfew statutes. Fifty jurisdictions explicitly allow police to take youth who have run away into custody. Ten jurisdictions classify truancy as a status offense or truants as delinquent. Thirty-nine jurisdictions authorize curfews. Fourteen jurisdictions have explicit curfews at the state level. We recommend declassifying running away as a status offense. Instead, jurisdictions should assign responsibility for the care and support of such youth to the social service system and take youth needs into account in designing services. We similarly recommend declassifying truancy as a status offense and providing flexible school hours, credit and attendance policies. Curfews should be eliminated, and jurisdictions should provide sufficient safe shelter and independent living programs so that youth do not have to live in public places in violation of curfew laws.

3. Discharge from the Juvenile Justice System

Youth released from the juvenile justice system can be at risk of being released either directly into homelessness or to a placement from which they can easily become displaced. However, only 25 jurisdictions direct an agency to develop procedures related to discharge or aftercare, and only 10 of these require that housing needs be

addressed. We recommend requiring that all youth be released from juvenile justice systems pursuant to discharge plans formed in consultation with and based on the interests of the youth and that the plans address housing and health care needs. Conversely, juvenile justice facilities should not detain youth longer than is required because they lack housing support and services. Jurisdictions also should establish a social service system to support youth prior to and after release from commitment. The system should foster their reintegration into schools and their communities and include a system for youth of an appropriate age to live independently after release, access educational resources, and obtain job training. Additionally, before discharge, jurisdictions should assist youth with obtaining a driver's license or state identification card, a Social Security card, a birth certificate, and other records necessary to establish identity.

4. Interstate Compact For Juveniles

The Interstate Compact for Juveniles (the Compact) is a multi-state agreement that provides the procedural means to coordinate the supervision and return of unaccompanied juveniles who have run away or moved across state lines. All 50 states and two United States territories have enacted the Compact. Jurisdictions should, in general, take a non-punitive approach to unaccompanied youth experiencing homelessness, and ensure they are not returned to dangerous and unsafe situations. The Compact ensures some procedural safeguards for youth who must be returned across state lines. Those jurisdictions that have not enacted laws adopting the new Interstate Compact for Juveniles should do so, and jurisdictions that have not repealed laws regarding the former Interstate Compact on Juveniles should do so, as it is no longer in force.

5. Shelters and services for Unaccompanied Youth

Adolescent youth have unique service needs that neither adult programs nor programs for children can meet. A broad number of jurisdictions have statutes authorizing regulation and licensing of services and shelters for unaccompanied youth, though only nine jurisdictions explicitly authorize the expenditure of funds for programs and services targeted to youth who've run away and youth experiencing homelessness. We recommend explicitly assigning responsibility for provision of supports for such youth to a human services agency; considering the merits of unaccompanied youth-specific facility licensure compared to child-caring facility licensure; either establishing separate licensure for unaccompanied youth programs if there are clear benefits to doing so or explicitly including shelters for homeless youth as eligible for child-care licensing; and authorizing and appropriating state and local funds for programs and services targeted specifically to these youth.

6. Harboring Unaccompanied Youth

Some states and territories have enacted statutes that either explicitly or implicitly prohibit and penalize the "harboring" of youth by individuals and organizations without legal custody of the young person. While enacted to protect the rights of families to raise their children and protect children from abuse, often individuals

and organizations have a legitimate purpose in providing temporary safe havens for young people. We recommend adopting explicit exemptions for reasonable cause in such statutes; providing affirmative defenses for "Good Samaritans" who provide temporary shelter to an unaccompanied youth; and amending child abuse and neglect reporting statutes to permit licensed human services agencies and professionals to provide shelter and supports to unaccompanied youth for at least 72 hours before being required to report their location to guardians or authorities.

7. Youth in Need of Supervision

Many states and territories permit the juvenile or family court to become involved with young people who "need supervision," but terminology and procedures vary widely. Our recommendations include limiting court involvement if at all possible, adopting nuanced policies that distinguish appropriately between young people in different circumstances, and focusing on providing services to meet the youth's individual needs. To recognize the role of the family and the unique dangers facing youth, we recommend using terms such as "Family with Service Needs," "Family in Need of Services" or "Youth at Risk" rather than "Children in Need of Services." We further recommend limiting the circumstances under which youth who have run away can be taken into custody, if at all, and the duration of custody; and ensuring such youth are never commingled with delinquent youth or adults. Law enforcement officers should be barred from forcing young people to return home against their wishes. Importantly, criminal justice systems should provide extensive opportunities for young people to avoid court involvement through diversion, counseling, treatment, family mediation, housing assistance, restorative justice programs,[7] and other services, as well as adequate time for youth and families to meet treatment goals, in full consultation with the youth about their needs. Each of these measures will ensure that rather than criminalize their behavior, we actually meet the critical social service and health needs of youth who run away and/or experience homelessness.

8. Rights of Youth to Enter Into Contracts

The rights of youth to enter into contracts are extremely limited throughout most of the U.S. Only 16 jurisdictions permit minors to enter into binding contracts to obtain basic necessities. This acts as a barrier to youth obtaining such necessities as health care, legal assistance, and other important services on the road to recovery, safety, and independence. We recommend permitting certain minors to contract for necessities, including renting an apartment, employment, educational loans, admission to school, physical and mental health care, bank accounts, cell phones, insurance, and admission to shelter, housing, and other supportive service programs. We also recommend establishing eligibility criteria for entering into binding contracts that will permit youth experiencing homelessness or youth who are victims of domestic violence to enter contracts, while protecting other young people from contract liability.

7 The goals of restorative justice programs are to repair the harm caused by crime by emphasizing accountability, making amends, and facilitated meetings between victims, offenders, and other persons in the community. www.restorativejustice.org

9. Federal Public Benefits

Temporary Assistance for Needy Families (TANF) can provide pregnant or parenting youth experiencing homelessness with necessary support in meeting theirs and their children's basic needs. Depending on the jurisdiction, support can include cash assistance, childcare, job training, and/or transportation assistance. Cash assistance is sometimes used by youth to obtain temporary shelter with a friend or relative. Federal restrictions, however, require that a pregnant or parenting minor reside with a parent or other legal guardian in order to receive benefits. However, 47 jurisdictions include language in their statutes allowing a possible exemption from this requirement. In most cases, the youth must however reside in an approved, adult-supervised living arrangement, like a group or maternity home.

Only nine jurisdictions supply or subsidize child care for eligible minors in order for them to meet employment or school attendance requirements. Fourteen jurisdictions explicitly exempt minors with children under certain ages from work or school requirements. Three jurisdictions include cash incentives for youth who graduate high school or earn a general equivalency diploma (GED).

We recommend the following with regard to TANF and minors: establishing TANF eligibility for pregnant minors ideally 120 days before their due date; ensuring exemptions from the minor parent living arrangement rule for pregnant and parenting minors in appropriate cases; establishing living alone/independently as an "appropriate alternative living arrangement" option for minor parents; exempting minor parents with children less than three months of age from the employment and training rules; providing child care services or assistance, as well as transportation to child care, school, and place of employment; allow for higher education, including community college, to count as "work activity" for parenting youth up to age 24; and providing cash incentive payments or higher education scholarship assistance to minor parents on TANF who complete education and training requirements.

Supplemental Nutrition Assistance Program (SNAP) provides nutrition assistance to eligible low-income individuals and families. SNAP benefits allow youth experiencing homelessness to access food items at grocery stores. Additionally, some states (15) allow recipients to use SNAP benefits to purchase prepared meals at restaurants. Limited guidance for SNAP eligibility for unaccompanied youth experiencing homelessness deprives them of critical nutrition essential for their survival. In fact, only two jurisdictions provide specific guidance for youth experiencing homelessness. Because many unaccompanied youth experiencing homelessness lack access to a kitchen or stove, the grocery store restriction significantly limits their ability to consume and prepare hot meals. Only 41 jurisdictions have broad-based categorical eligibility. Broad-based categorical eligibility helps to reduce the burden on youth experiencing homelessness by making the application process less burdensome. Only seven jurisdictions provide specific exemptions from work requirements for individuals experiencing homelessness, and 13 jurisdictions only allow for EBT cards to be used

for SNAP.[8] We recommend that all jurisdictions issue specific guidance on youth experiencing homelessness in order to ensure that all who are eligible receive benefits; allow recipients to use benefits at approved restaurants to ensure access to warm, prepared meals; implement broad-based categorical eligibility in order to reduce the administrative burden and streamline access to benefits; provide exemptions to the work requirement; and allow the use of EBT cards for SNAP and TANF.

10. Rights of Unaccompanied Youth to Public Education

The Education for Homeless Children and Youth Program of the federal McKinney-Vento Homeless Assistance Act guarantees children and youth experiencing homelessness the right to stable and continuous access to free appropriate public education. We recommend jurisdictions implement laws and policies to ensure immediate and continuous enrollment in school for youth experiencing homelessness; ensure transportation is provided for school attendance and extracurricular activities; prohibit exclusion of youth from any school activity due to their homeless status; create accessible procedures for resolving disputes; and ensure that the federal law is implemented with fidelity on the state and local levels.

11. Health Care Access For Unaccompanied Youth

Unaccompanied youth face hurdles in accessing health care due to both financial constraints and consent and confidentiality barriers. Only 36 jurisdictions allow unaccompanied youth under 18 to apply for health insurance coverage without the need for parental consent in at least some situations. At least 14 require, formally or informally, a parent or adult guardian to apply and some of these states require the minor to be living with that parent or guardian. Jurisdictions vary widely in terms of specific services for which youth can consent, including treatment for mental illness and substance abuse, treatment for sexually-transmitted infections, abortions, and examination and treatment relating to a sexual assault. We recommend establishing clear eligibility for unaccompanied minors to apply for Medicaid and CHIP through age 24, and removing burdensome enrollment requirements such as proof of parental income, permanent residence, and other documentation that unaccompanied youth may lack. Additionally, jurisdictions should establish statutory guidelines and Good Samaritan exceptions so licensed health care practitioners can provide medical care and services to an unaccompanied youth who consents, without notifying their parents. Model language allows an exception to parental notification requirements where the medical practitioner reasonably believes that the youth understands the benefits and risks of the care and is giving informed consent, and the care would be to the minor's benefit.

8 Electronic Benefit Transfer (EBT) cards can be used like a debit card at approved benefit providers. EBT is an electronic system that allows a recipient to authorize government benefits from a federal account to a retailer account to pay for products received. EBT is used in all 50 states, the District of Columbia, Puerto Rico, the Virgin Islands, and Guam, but some states only provide EBT cards to SNAP recipients.

12. Definitions, Terminology and Labels Describing Unaccompanied Youth

Definitions are critical components of statutes because they establish the meaning of key terms used therein and help operationalize laws and define who is governed by them. Definitions can also broaden or narrow eligibility for critical programs and stigmatize populations via negative terminology. While most jurisdictions (48) set 18 years old as the age of majority, only 12 jurisdictions include a definition of the term "youth," which establishes some measure of protection for older youth and differentiates their needs from those of younger children. We recommend establishing a separate definition of "youth" that is distinct from "child" and extending eligibility for publicly-funded programs and supports for children and youth to older youth through age 24. Additionally, we recommend clarifying definitions for "runaway" and "homeless children and youth," using definitions found in the federal McKinney-Vento Homeless Assistance and Runaway and Homeless Youth Acts, and replacing judgmental and negative terminology (e.g., unruly, incorrigible, vagrant) for youth in high-risk situations with neutral terminology.

13. Emancipation

Unaccompanied who are unable to return to their parent or guardian or find a safe, supportive adult with whom to share a home may be forced to live on their own. As minors, unaccompanied youth experiencing homelessness may be unable to legally obtain housing, buy essential goods, engage in other transactions necessary to live independently, or make their own decisions about medical care, education, and other personal matters. Emancipation allows a young person to become a legal adult while he or she is still under the legal age of majority, but only 33 jurisdictions have established processes for emancipation, and many of those are limited in scope or require parental consent or other burdens. We recommend: establishing emancipation procedures in all jurisdictions with no minimum age restriction, but rather an individualized assessment of each youth's ability to live independently; repealing and rejecting parental consent as a condition for emancipation; permitting emancipation for all purposes except those defined by constitution or statute, such as voting or use of alcoholic beverages; and establishing procedures for parents and youth to agree to emancipation without court involvement or creating simplified court procedures with mandatory appointment of counsel for youth. Such procedures should contain robust safeguards for youth to prevent abuse of the process by parents.

I. IDENTIFICATION

Background

> **"WITHOUT AN ID, YOU ARE NOTHING, YOU DON'T EXIST."**
>
> *– SHARDAY HAMILTON, NN4Y YOUTH ADVISOR*

Access to valid government-issued photo identification is critical for youth to access support and essential services. For the average citizen, identification may be necessary to pick up a package or prescription, enter public and private buildings, or use interstate transportation. For unaccompanied youth experiencing homelessness, access to identification is vital to their survival because it allows them to obtain a job, apply for housing or public benefits, open a bank account, secure a mailbox, or enroll in school or workforce programs. It is worth noting that this section refers to the requirements to obtain identification (e.g., birth certificate or non-driver's ID) only and not a driver's license.

Unaccompanied minor-aged youth, particularly those experiencing homelessness, face unique challenges in obtaining an ID. Many do not have a relationship with a parent or guardian who can provide the consent or financial assistance that is sometimes necessary to obtain identification. Because of the transiency of their lives, they also may not have access to existing documentation necessary to obtain identification, such as a Social Security card or birth certificate. Additional barriers exist in that many states require fees and an address with proof of residency to apply for an ID. Government-issued identification cards are often needed to enroll in social service programs or complete required tax forms, so it is important for mechanisms to exist that allow unaccompanied youth to access identification.

Requirements to obtain a government issued ID vary widely between states and are often ambiguous or unclear. In 2005, the federal REAL ID Act was passed to address this issue. The Act implemented new standards for state-issued driver's licenses and non-driver identification cards. These requirements are being implemented, but interpretation of the process and documentation required still varies even between states that offer ID in compliance with the Act. In order for states to align with the Act, the following four basic elements must be met: 1. Proof of identity, including full legal name and date of birth; 2. Proof of lawful status in the United States; 3. Proof of Social Security number or verification that the person is not eligible for one; and 4. Proof of principal residence that includes the person's full legal name and address. Many unaccompanied youth experiencing homelessness will have difficulty satisfying these four elements. Jurisdictions must do what they can within the context of the REAL ID Act to ensure unaccompanied youth experiencing homelessness can access identification.

Fast Facts

- 14 states waive or reduce fees for non-driver identification for individuals experiencing homelessness;
- 31 states waive fees for non-driver identification for certain identified population (including voting age individuals, individuals with disabilities, senior citizens, and individuals experiencing homelessness or poverty);
- 26 states require two proof of residency items to obtain a non-driver ID;
- 13 states allow applicants to submit a signed affidavit as a proof of residence, regardless of homeless status;
- 17 states allow applicants to submit an affidavit or certification of homeless status as documentation of residency;
- 16 states require a parent or guardian signature for non-driver ID for applicants under 18;
- 12 states require a parent or guardian to be present to apply for a non-driver ID for applicants under 18;
- 5 states waive fees for birth certificates for low-income individuals; and
- 43 states require the applicant to submit a photo ID to receive a copy of their birth certificate.

Purpose and Findings

We sought to determine how many jurisdictions had statutes specifically addressing unaccompanied youth's access to a government issued ID or a birth certificate. Many states still do not provide exemptions for some of the fees and documentation requirements to acquire an ID or birth certificate. Further, some states have statutes that make it especially difficult for unaccompanied youth experiencing homelessness to apply for an *ID.*

Only 14 states waive or reduce fees for unaccompanied youth experiencing homelessness, who typically have limited financial resources, to obtain non-driver identification. California, Connecticut, District of Columbia, Florida, Hawaii, Illinois, Michigan, Nevada, North Carolina and Utah waive fees for individuals experiencing homelessness; while Georgia, Maryland, New York, and Vermont reduce fees.

Twenty-six states require two items for proof of residency, such as utility bills or a lease, to obtain a non-driver ID: Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Illinois, Indiana, Iowa, Maryland, Michigan, Nebraska, Nevada, New Mexico (only one proof required if under 18), North Dakota, Pennsylvania, South Carolina (REAL ID), South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington (to obtain an enhanced ID only), West Virginia, and Wyoming. Proof of residency requirements are problematic for unaccompanied youth experiencing homelessness as they may lack a relationship with a parent or guardian at a previous residence or lack a fixed, adequate, and regular address where they can receive mail.

Thirteen states allow applicants to submit a signed affidavit as proof of residency regardless of housing status, allowing individuals without a home or permanent address to apply for an *ID.* These states include: Illinois, Maine, Maryland, Mississippi, New Hampshire (under 18 with parent/guardian signature), Nevada, New Jersey (if under 18, requires parent/guardian signature), New Mexico (requires parent/guardian signature), North Carolina, Oregon, Texas, Vermont, and West Virginia. Seventeen states allow applicants to submit an affidavit or certification of homeless status as documentation of residency. These states include: California, Colorado, Florida, Georgia, Hawaii, Illinois, Indiana, Kentucky, Missouri, Montana, North Carolina, Ohio, Oregon, Rhode Island, Virginia, West Virginia, and Wisconsin.

Sixteen jurisdictions require a parent or guardian signature on applications for non-driver IDs for applicants under 18: Delaware, District of Columbia, Georgia (up to age 14), Iowa, Kansas (under 16 only), Kentucky (issues "child IDs" to youth under 15), Louisiana (under 17 only), Massachusetts, Michigan (Enhanced IDs), Nevada, South Carolina (allows emancipated minors to submit proof), South Dakota, Tennessee, Vermont, Virginia (issues "child IDs" to those under 15; requires parent/guardian signature for under 18), and West Virginia (under 16 only).

Ten states do not include a school ID or a school transcript as acceptable documentation to obtain identification: California, Colorado, Indiana, Kentucky, Mississippi, Nebraska, Pennsylvania, South Dakota, Vermont, and Wyoming. Accepting school records as a form of identification to obtain a government-issued ID allows students experiencing homelessness to enroll obtain much-needed identification when they may not have access to their birth certificate or social security card or other vital records. A state-issued ID is vital for youth to engage many activities including certain extra-curricular activities, enroll in higher education, obtain after-school employment, maintain healthcare, etc.

Twelve states require a parent or guardian to be present to apply for a non-driver ID for applicants under 18: Arizona, Colorado, Delaware, Hawaii (under 14), Maine, Maryland, New York (under 16 only), Ohio (any responsible adult), Oklahoma, Pennsylvania, Utah (under 16 only), Washington. Unaccompanied youth should not be forced to return to their parent or guardian for the purpose of obtaining an ID, especially if they fled an abusive home or were forced to leave by an abusive parent. Doing so would place them at increased risk for additional violence.

Only six states, California, Kansas, Nevada, New Jersey (if applied for by a homelessness provider on behalf of individual), Oregon and South Dakota, waive fees for birth certificates for low-income individuals.

Forty-three states require the applicant to submit photo ID to obtain a copy of a birth certificate: Alaska, Arizona, Arkansas, California, Colorado, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

Analysis

Jurisdictions across the country need to address financial barriers and administrative burdens unaccompanied youth face in obtaining a valid ID and/or a birth certificate. Only a few states waive fees to help unaccompanied youth, particularly those experiencing homelessness, obtain these critical documents.

More jurisdictions should accept signed affidavits from individuals experiencing homelessness as a form of proof of address or residency.

JURISDICTIONS ACROSS THE COUNTRY NEED TO ADDRESS FINANCIAL BARRIERS AND ADMINISTRATIVE BURDENS UNACCOMPANIED YOUTH FACE IN OBTAINING A VALID ID AND/OR A BIRTH CERTIFICATE. ONLY A FEW STATES WAIVE FEES TO HELP UNACCOMPANIED YOUTH, PARTICULARLY THOSE EXPERIENCING HOMELESSNESS, OBTAIN THESE CRITICAL DOCUMENTS.

Far too many jurisdictions require a parent or guardian signature or presence as a condition for issuing an *ID.* These requirements create additional burdens on unaccompanied minor youth experiencing homelessness who may be estranged from their parent or guardian. These requirements may even put young people at risk, if they have to return to an abusive or violent home in order to get an *ID.*

Noteworthy Statutes and Regulations

In 2016, four states, Illinois, New Jersey, Pennsylvania and Washington, introduced bills to reduce or eliminate the fee to obtain IDs for individuals experiencing homelessness or individuals receiving public assistance; Illinois' bill has been approved and implemented. Additionally, in August of 2016, Hawaii and California implemented regulations to eliminate fees for ID for individuals experiencing homelessness. In 2018, Utah joined the list of states to recently adopt a fee waiver for individuals experiencing homelessness.

New York accepts a "Statement of Identity" form MV-45B certified by a state employee for "disenfranchised, homeless youth," to prove identity if they cannot meet other identification requirements.

Utah allows residency to be proven by "other documents acceptable to the Division upon review," if proof of identity is provided. *See* UT Admin Code Rule R708-41.

Recommendations

- Reduce or eliminate fees for valid government-issued photo identification, as well as for other necessary supporting documents such as birth certificates. Michigan, which already charges only $10.00 for a standard identification or $30.00 for a REAL ID-

compliant enhanced identification, provides that a standard state identification should be free to those who can show "good cause." The four "good cause" instances specified by the Michigan Department of State, outside of the statutorily defined instances, are receipt of benefits from the Michigan Family Independence Program, Michigan State Disability Assistance, Social Security Disability Insurance, or Supplemental Security Income. Information published by the District of Columbia's Department of Motor Vehicles waives its $20.00 fee for individuals experiencing homelessness under a broad definition, upon certification by an approved social services provider;

- Provide alternative verification processes for proof of identity or residence. New York allows for a "Statement of Identity" form MV-45B for "disenfranchised, homeless youth", certified by a state employee, to prove identity if they cannot meet other identification requirements. Utah, in addition to its list of specific documents, allows residency to be proven by "other documents acceptable to the Division upon review" (if proof of identity is provided);
- Make information on requirements and processes for obtaining valid government-issued photo identification readily available and easily understood. It is often difficult for unaccompanied youth experiencing homelessness, or those assisting them, to determine what is needed to obtain *ID.* Jurisdictions should clarify their specific processes and requirements for obtaining an *ID.* This information should also be made available both online and in print and distributed to locations that serve youth experiencing homelessness; and
- Through training and monitoring, ensure front line staff issuing IDs understand requirements, do not create barriers for unaccompanied youth beyond those contained in law, and employ flexibility to the greatest extent possible under law.

Research Methodology and Limitations

NN4Y surveyed statutes in all 50 states and the District of Columbia regarding the issues facing unaccompanied youth experiencing homelessness attempting to obtain a government-issued *ID.* The analysis explored the requirements for obtaining IDs and birth certificates, including fees, parental consent, and documentation requirements. Other jurisdictions, including territories, were not included in the survey. The survey is current as of 2018. For additional information, see NN4Y's resources, "A State-By-State Guide to Obtaining ID Cards: Summary, Field Guide or Appendix."

Appendix of Relevant Laws

- Appendix 01 – A State-By-State Guide to Obtaining ID Cards

II. STATUS OFFENSES

Background

Status offenses are behaviors or actions that are legally punishable only when performed by minors. They include laws that govern school truancy, delinquency, and age-based curfews. In 2014, status offenses accounted for more than 11% of formally processed juvenile court systems.[9] Research shows that responding to status offenses punitively can increase a young person's chances of involvement in more serious criminal activity later in life. Girls, youth of color, LGBTQ youth, and poor youth are disproportionately subjected to harsher punishments for status offenses.[10]

Sadly, however, the United States has addressed the prevalence of status offenses by criminalizing young people, rather than offering them the supports and services they, and their families, desperately need. For too long, our nation has preferred to address the problems faced by young people by entangling them in the juvenile justice system. By addressing the underlying causes of status offenses, the United States can begin to prevent this unnecessary reliance on the juvenile justice system to connect young people to services.

While status offenses are purportedly designed to protect young people from harm and victimization, they often criminalize acts of self-preservation engaged in out of necessity—not choice—by young people living in unsafe environments. Additionally, status offenses often serve to place young people in environments that are inhospitable to healthy adolescent development.

Policies that frame young people who commit status offenses as perpetrators of wrongdoing as opposed to survivors of maltreatment serve as significant barriers to delivering the supports and services required to improve their lot. For this analysis, we researched three specific types of status offenses with the greatest impact on unaccompanied youth: running away from home; truancy from school; and curfew violations.

Young people who run away from home often do so for their own survival and as a last resort to escape abusive and/or neglectful environments at home (including foster homes). Some are kicked out when they reveal a pregnancy, report sexual abuse by a household member, or disclose their gender or sexual identity. Young people often run away to escape physical, sexual, or emotional abuse: one study found that the prevalence of verbal abuse at home doubled the likelihood of a young person running away, while the prevalence of physical or sexual abuse tripled this likelihood.[11] Severe

9 Sarah Hockenberry & Charles Puzzanchera, *Juvenile Court Statistics 2014*, National Center Juvenile Justice 68 (Apr. 2017), https://www.ojjdp.gov/ojstatbb/njcda/pdf/jcs2014.pdf.

10 Vldhya Ananthakrishnan & Mahsa Jafarian, *Just Kids: When Misbehaving is a Crime*, Vera Institute of justice (Aug. 2007), https://www.vera.org/when-misbehaving-is-a-crime.

11 Jennifer Benoit-Bryan, *The Runaway Youth Longitudinal Study*, National Runaway Switchboard (Sept. 2011), https://www.1800runaway.org/wp-content/uploads/2015/05/NRS-Longitudinal-study-full-report.pdf.

dysfunction in the home that creates an environment unsafe for young people is also often a cause of running away. For example, over two-thirds of unaccompanied youth are estimated to have at least one parent who abused drugs or alcohol.[12] However, running away often does not present a solution to problems faced at home. Tragically, youth who run away from home often find further victimization waiting for them on the streets: 60% of unaccompanied youth reported being raped, beaten, robbed, or otherwise assaulted.[13] Sexual exploitation of youth experiencing homelessness abounds: the majority of studies find that between 15 and 30% of youth experiencing homelessness report falling victim to sexual exploitation and abuse.[14] If our systems fail to address the reasons that young people run away from home and instead simply criminalize this behavior, we unnecessarily perpetuate cycles of harm and trauma.

IF OUR SYSTEMS FAIL TO ADDRESS THE REASONS THAT YOUNG PEOPLE RUN AWAY FROM HOME AND INSTEAD SIMPLY CRIMINALIZE THIS BEHAVIOR, WE UNNECESSARILY PERPETUATE CYCLES OF HARM AND TRAUMA.

Education can serve as a gateway to critical supports and services: academic and social development, job skills, nutritious meals, access to medical care, and the opportunity for higher education. However, truancy and compulsory education statutes—designed to ensure that young people attend school—are often counterproductive for unaccompanied youth who often have difficulty complying with compulsory school attendance requirements due to unstable and inadequate living environments, unmet educational and psychological needs, lack of transportation to school, and employment responsibilities. Education systems that are unresponsive to these needs run the risk of pushing out unaccompanied youth experiencing homelessness, in effect, preventing them from obtaining the education they need in order to escape a future of homelessness and poverty.

Curfew statutes prohibit young people from being on the street and possibly in other public places at stated times of the day. The limited availability of adequate shelters and the unavailability of a safe and/or affordable legal residence often make public places the only option for unaccompanied youth. For youth who are in such spaces because they have nowhere else to turn, these curfew laws serve the purpose of criminalizing their very existence.

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12 Heather Hammer et al., *Runaway/Thrownaway Children: National Estimates and Characteristics,* National Incidence Studies of Missing, Abducted, Runaway, and Thrownaway Children 8 (Oct. 2002), https://www.ncjrs.gov/pdffiles1/ojjdp/196469.pdf.

13 Dr. Les Whitbeck, *Data Collection Study Final Report*, U.S. Dep't of Health & Human Servs.: Family & Youth Servs. Bureau 3 (Apr. 2016), https://www.acf.hhs.gov/sites/default/files/fysb/data_collection_study_final_report_street_outreach_program.pdf.

14 *Report to Congress on the Runaway and Homeless Youth Programs Fiscal Years 2012 and 2013*, U.S. Dep't of Health & Human Servs.: Family & Youth Servs. Bureau60, https://www.acf.hhs.gov/sites/default/files/fysb/rhy_report_to_congress_fy1213.pdf

Fast Facts

- 50 jurisdictions explicitly allow police to take youth who run away into custody;
- 9 jurisdictions classify running away from home as a status offense;
- 2 jurisdictions classify youth who run away from home as delinquent;
- 5 jurisdictions explicitly allow youth who run away from home to be detained in secure facilities;
- 2 jurisdictions do not address "runaway youth" in their statutes;
- 6 jurisdictions classify truancy as a status offense;
- 5 jurisdictions classify truants as delinquent under certain circumstances;
- 39 jurisdictions authorize curfews, either explicitly at the state level or make allowances for authorization by local governments; and
- 18 jurisdictions specifically authorize curfews for youth with ages ranging from under 12 to under 18 years old.

Running Away

Purpose and Findings

We sought to determine how many jurisdictions included running away from home as a status offense and the legal consequences of running away.

Nine jurisdictions classify youth who have run away from home as status offenders: Georgia, Idaho, Kentucky, Nebraska, South Carolina, Texas, Utah, West Virginia, and Wyoming. The Northern Mariana Islands and Nebraska explicitly place youth who have run away from home in the same category with delinquents. Additional jurisdictions may allow this practice at the discretion of a judge. Five jurisdictions explicitly permit such youth to be held in secure detention facilities: Alabama, Connecticut Georgia, Indiana, Louisiana, Michigan, Nevada, South Carolina, and the US Virgin Islands. Additional jurisdictions may allow this practice. Delaware and Guam do not address "runaway youth."

Almost all jurisdictions, 50 in total, permit law enforcement officials to take youth who have run away into custody without a court order and without the youth's permission. Almost all jurisdictions also offer services to such youth and their families, including, for example, counseling, family mediation and alternative placements. These services follow the classification of the youth as a Child in Need of Supervision (CHINS) or similar classifications. (The CHINS section of this publication describes the consequences of being considered a CHINS. In most cases, CHINS are offered a range of supportive services, although punitive sanctions are also authorized). Forty-five jurisdictions explicitly authorize police to return youth directly to their homes without considering the youth's wishes, an increase of nine jurisdictions since 2012. This is an alarming development, indicative of the nation's longstanding and expanding reliance on law enforcement to handle problems which are not criminal at their core.

Analysis

The jurisdictions that classify youth who run away as status offenders or delinquent youth have made a policy decision to assign responsibility for these youth to the juvenile justice system, rather than (or in addition to) the child welfare system. Symbolically, these jurisdictions view running away from home as criminal, rather than as an indicator of abuse, neglect, or severe family dysfunction. Such a view is misguided and harmful to young people.

Almost all jurisdictions permit law enforcement officials to take youth who have run away into custody without a court order and without the youth's permission. In some cases, this law enforcement intervention may be helpful in removing youth from dangerous situations. However, these policies again treat youth on their own as criminals, which can cause suspicion and hostility between young people and law enforcement and can dissuade youth from seeking out available services. Further, for the many young people who have fled abusive homes, the policy of returning them directly to their homes without considering the youth's wishes could be dangerous or even fatal.

The state must assume a significant role in providing services and support to youth who have fled their homes and to their families. However, if these services are provided within a framework that views the youth as blameworthy or someone who lacks agency to act on behalf of their own best interest, they will be of limited efficacy. Additionally, these services must be made available without required contact with law enforcement. Jurisdictions should offer a full complement of services, including parenting training, family counseling, anger management, and addiction and mental health services. The state must also provide safe, independent living options for young people who cannot remain at home.

Noteworthy Statutes

The approach of Connecticut's statute displays a concern for the safety, as well as the rights, needs, and dignity of young people. Connecticut law does not classify running away from home as a status offense. Rather, running away is an independent legal category with consequences specific to these youth only. The law permits police to transport a young person who has run away and is between ages 16 and 17 to public or private facilities only with the young person's consent. By explicitly requiring that law enforcement comply with a young person's wishes, the statute recognizes the complex circumstances of such youth and the importance of the young person's own sense of their best interest. Police are expressly forbidden to bring such young people to jails or detention facilities, thereby separating youth who have run away from individuals who have been accused of violating the law. Connecticut's statute also explicitly requires that transportation to a public or private facility be solely for the purpose of the youth's safety. See Conn. Gen. Stat. § 17a-185 (2017).

Illinois and Oregon also explicitly require the youth's consent before they can be returned home or sent to a shelter. Illinois law also makes interim crisis intervention services available for youth who have run away in order to prevent their involvement in juvenile court proceedings. See 705 Ill. Comp. Stat. 405/3-5 (2017).

Recommendations

- De-classify running away as a status offense;
- Assign the responsibility of providing care and support for youth who run away to the social service system, rather than the juvenile justice system;
- Prohibit housing such youth in secure detention facilities;
- Abolish the valid court order (VCO) exception;
- Confer with youth prior to alerting guardians of their location;
- Authorize law enforcement to transport youth to safe places only with the youth's permission, unless the youth is in immediate danger;
- Establish a social services system that provides youth who've run away with intensive support services based on their individual needs and desires, including health services, job training, supported living programs, education, life skills training, and counseling;
- Provide services to prevent family challenges that are often at the root of youth leaving home, including family mediation, crisis intervention teams, family counseling, parental substance abuse programs, parenting classes, and anger management programs;
- Provide family intervention services, not only as a preventative measure, but in response to the dysfunction within the home; and
- Educate law enforcement officers, social services providers, and other advocates about the needs and circumstances of youth who have fled their homes, including education on trauma-informed responses.

Truancy

Purpose and Findings

We sought to determine how many jurisdictions define truancy as a status offense. Six jurisdictions classify truant youth as status offenders: Georgia, Idaho, Nebraska, South Carolina, West Virginia and the Northern Mariana Islands. In addition, Indiana, Ohio, South Carolina, and New Jersey permit a habitually truant child to be declared "delinquent" under certain circumstances. New York calls truant students "school delinquents," but the term does not carry the consequences of delinquency. Some jurisdictions use unusual terms to describe truant students: Arizona and the Virgin Islands refer to truant students as "incorrigible;" North Carolina uses "undisciplined child;" Ohio and Tennessee use the term "unruly;" Rhode Island uses "wayward child;" and Michigan uses the term "Juvenile Disorderly Person."

The ages at which education is required differ among jurisdictions. Compulsory education begins between ages five and eight and extends until ages 15 to 18. Most

jurisdictions excuse students from school attendance when they turn 16 years old. Sixteen jurisdictions extend compulsory education to age 17. Another 16 jurisdictions require school attendance until age 18, an increase of four jurisdictions since 2012. In making more stringent requirements, states are increasingly adopting a one-size-fits-all approach to education that disregards challenges faced by many young people, including housing instability, parenthood, and serving as a breadwinner.

Truancy is defined as a number of unexcused absences. Those jurisdictions that specify the number of absences required to find a student truant vary in their approach. For example, California, Delaware, and Minnesota consider a student with three unexcused absences in a school year to be truant. Other jurisdictions consider students to be truant if they are absent without an excuse for five (Arizona, Tennessee, Wisconsin, and Wyoming), ten (Colorado, Connecticut, Maine, and North Carolina) or twelve (Ohio and Guam) days in a school year. Montana law permits ten unexcused absences in a semester before a student will be considered truant.

Analysis

Jurisdictions that classify truant youth as status offenders or delinquents make a policy decision to assign responsibility for these youth to the juvenile justice system. While it is important that jurisdictions take steps to ensure that every young person receives an education, this effort should not result in proceedings that punish youth for missing school. Missing school is fundamentally different than committing a violent offense. At a minimum, truancy laws should recognize that unaccompanied youth often miss school in order to focus on where to find shelter for the evening, food for sustenance, or safety from abuse. In some cases, unaccompanied youth are unable to get to school on time or at all because they do not receive transportation or other necessary assistance as required by federal law for students experiencing homelessness. (See Chapter X on Public Education.)

AT A MINIMUM, TRUANCY LAWS SHOULD RECOGNIZE THAT UNACCOMPANIED YOUTH OFTEN MISS SCHOOL IN ORDER TO FOCUS ON WHERE TO FIND SHELTER FOR THE EVENING, FOOD FOR SUSTENANCE, OR SAFETY FROM ABUSE.

Further, many truancy statutes provide penalties such as fines, community service, or revocation of driving privileges. Specifically, legal consequences differ among jurisdictions but can include probation or house arrest, residential treatment, restitution and court costs, community service, mediation, counseling, evaluation, sending the youth to an assessment center, or committing the youth to a public agency for residential placement. A distinct minority of states, such as Montana and Rhode Island, may suspend or revoke a student's driver's license due to truancy. For most unaccompanied youth, these sanctions would be onerous and could result in further missed schooling and loss of employment. Rather than such counter-productive punitive responses, efforts should be made to emphasize more effective truancy reduction methods such

as: create flexible yet challenging high school programs, identify students in need of and provide transportation and other assistance consistent with federal law, and adopt a trauma-informed approach to education and discipline systems.[15]

Noteworthy Statutes

Elements of Florida's truancy statute provide youth with appropriate interventions designed to increase school attendance. As compulsory school attendance in Florida ends at age 15, youth age 16 and older are not subject to the law at all. For youth age 15 and younger, the law requires the school system to undertake significant efforts to make school attendance viable for youth. For example, the law requires schools to give truant students opportunities to make up assigned work prior to imposing academic penalties. If a student is repeatedly truant, a child study team must review the situation, meet with the student and parents, and implement interventions to support the youth and family. Examples of interventions include adjusting the learning environment, providing a mentor, peer counseling, peer or adult tutoring, evaluations for alternative programs, and referrals for family services. Truant students can only be reported to the school superintendent after all reasonable efforts to resolve the nonattendance are exhausted. At that point, the young person is not considered a status offender or delinquent child but a child in need of supervision. This designation permits additional services to be provided to the youth and family. See CHINS section of this publication; see also 2002 Fla. Laws 387.

Texas has made progress in stymying the unnecessary burden of truancy laws on young people in difficult situations. Legislation went into effect at the beginning of the 2015-2016 school year that prohibited schools from sending students with unexcused absences to truancy court immediately. Instead, if a student has 10 or more unexcused absences in a six-month period, school officials are required to consider if the student is stably housed or if other economic or social constraints—like parenting or serving as a primary earner for their family—are contributing to school absences. If these cases are applicable, the school is to offer counseling support, thereby preventing the young person's entanglement with the juvenile justice system. Texas's policy demonstrates an important lesson: states and school districts should focus their energies on identifying the causes of school absence and seeking to address and remove the barriers in place that are contributing to truancy. See Tex. Educ. Code Ann. § 25.0915 (West 2015).

15 *Tool Kit for Creating Your Own Truancy Reduction Program*, National Center for School Engagement 26-27, https://www.ncjrs.gov/pdffiles1/pr/217271.pdf.

Recommendations

- De-classify truancy as a status offense;
- Assign responsibility for truant youth to the school or CHINS system, rather than the juvenile justice system;
- Provide flexibility in school programs for unaccompanied youth, including flexible school hours and credit and attendance policies, and transportation to and from school;
- Award academic credit for employment experiences;
- Establish intensive interventions in schools;
- Do not sanction youth for truancy; rather, offer positive alternatives and services to enable youth to earn academic credits; and
- Educate school personnel, including teachers, administrators and attendance officers, about the needs, rights (under McKinney-Vento – see Public Education chapter), and circumstances of unaccompanied youth.

Curfews

Purpose and Findings

We sought to determine which jurisdictions have or permit curfews for minors and define their violation as a status offense. Thirty-nine jurisdictions either explicitly authorize curfews or permit local governments to authorize curfews. Curfews are commonly enacted by local governments, including cities and counties. Therefore, localities in all the jurisdictions may have their own curfew ordinances, and many do. Nonetheless, it is significant that a majority of jurisdictions authorize curfews at the state level, as these policies implicitly encourage curfew laws.

Fourteen jurisdictions have explicit curfew laws at the state level that specify age limits and times: Florida, Hawaii, Illinois, Indiana, Maryland, Michigan, New Hampshire, New Jersey, Oregon, Rhode Island, Tennessee, Texas, Washington, D.C. and the Virgin Islands. Often, the age limits and times may be modified by local ordinances. The legal consequences of violating a state curfew law include fines, community service and driver's license suspension.

Twelve jurisdictions specifically authorize curfews for youth as old as 17 years: Alaska, Indiana, Maryland, Minnesota, New Jersey, North Carolina, Ohio, Oklahoma, Tennessee, Texas, West Virginia, and Guam. Hawaii, Michigan, New Hampshire, Rhode Island, and Vermont authorize curfews for youth as old as 16 years. Several jurisdictions provide specific hours for curfews. Some of the more restrictive statutes include: New Hampshire and Rhode Island, which authorize curfews after 9:00 p.m.; the Virgin Islands, which authorizes curfews after 10:00 p.m.; New Jersey, Tennessee, and Virginia, which authorize curfews between 10:00 p.m. and 6:00 a.m.; Guam, which authorizes curfews between 10:00 p.m. and 5:00 a.m.; and Hawaii, which authorizes curfews between 10:00 p.m. and 4:00 a.m.

Analysis

Although many curfew laws contain exceptions for certain activities, such as employment, education, religious activities, or errands directed by a parent, these laws restrict the mobility of young people and criminalize normal and often necessary behavior. Youth who are on their own and are forced to be on the street after curfew because it is their only option may find themselves in contact with the juvenile justice system because of a curfew law. This outcome is harmful, unfair, and unnecessary. Unaccompanied youth must concentrate on daily survival activities, including employment, school, and finding shelter and food. To burden them further with curfew laws and the consequent threat of juvenile court involvement for behavior they cannot avoid is inappropriate.

More generally, there is much debate as to whether curfew laws keep young people safe or prevent crime as opposed to simply exposing them to unnecessary involvement with the criminal justice system.

Recommendations

- Eliminate curfews; and
- Provide sufficient, safe, emergency shelter and supported independent living programs so that unaccompanied youth do not have to live in public places in violation of curfew laws.

Research Methodology and Limitations

To compile statutes defining status offenses with particular regard to youth who have run away, truancy and curfews, our search used the following terms: Status Offense, Truancy, Compulsory School Attendance, Truant, Habitual, Absent, School, Runaway, Runs away, Absconds, Absent, Absent from Home, Curfew, and Juvenile.

This compendium discusses the potential orders a court may apply to a young person who has run away from home. We tried to capture the most relevant court orders mentioned in the statutes, but the courts are likely free to prescribe orders not included in the summaries. It is also important to note that often a petition must be filed before such youth become involved in a court proceeding and therefore subject to court orders. Petitions concerning youth who have run away can be filed by a number of individuals, including guardians, police officers, intake officers, and judges. Thus, if a petition is not filed concerning the youth after being taken into custody, the youth will not automatically be involved in court proceedings.

We did not summarize certain aspects of these statutes, including the full array of consequences of running away from home. For example, American Samoa has penalties for people who abet youth who run away. See Am. Samoa Code Ann. § 45.1026 (2017). The section on CHINS in this report contains additional information on this topic.

Regarding truancy, the jurisdiction summaries highlight those aspects of each jurisdiction's school attendance laws most relevant to youth who have run away or experience homelessness. This includes definitions and classifications of truant youth, the compulsory school age in each jurisdiction, the ability of school officials and police officers to take truant youth into custody, and jurisdictions' general approaches to monitoring school attendance. Often, jurisdictions focus their attendance requirements on the youth's parent or guardian, making it the parent or guardian's responsibility to ensure that the youth attends school. Noncompliance with these provisions may result in criminal charges for the youth's parent or guardian.

The summaries do not include descriptions of these statutes as parent or guardian involvement with unaccompanied youth is usually quite low. The summaries also do not include all the exceptions to compulsory attendance, such as home school, developmental problems, and graduation from high school. However, employment exceptions in those jurisdictions that have them are noted, as these are important to unaccompanied youth. We did not summarize certain aspects of truancy statutes, including the full array of consequences of repeated truancy from school.

Regarding curfews, Appendix 06 compiles citations to each jurisdiction's juvenile curfew statutes. Our research findings are presented in the chart included in this section. The chart focuses on whether or not each jurisdiction addresses juvenile curfews expressly, lists the ages to which a jurisdiction's curfew applies, and lists the times that the curfew is in effect. Notice that in some jurisdictions, juvenile curfews are addressed explicitly, but specific age limits and times are not provided. In most cases, these jurisdictions expressly give local governments the power to create and impose curfews. If a jurisdiction does not directly address a juvenile curfew in its statutes, a local government may still have the power to pass an ordinance prescribing a curfew. Also, even when jurisdictions specify age limits and times, local ordinances may be free to impose more restrictive curfew measures.

We did not summarize certain aspects of juvenile curfew laws. For instance, some jurisdictions specify the penalty for violating curfew. Others list the instances when a youth is exempt from curfew requirements.

Appendix of Relevant Laws

- Appendix 02 - Status Offenses—Running Away Statutes
- Appendix 03 - Status Offenses—Truancy Statutes
- Appendix 04 - Status Offenses—Curfew Statutes
- Appendix 05 - Summary Chart of Status Offenses

III. DISCHARGE FROM THE JUVENILE JUSTICE SYSTEM

Background

Many unaccompanied youth experience homelessness as a result of criminal justice involvement, and many experience criminal justice involvement as a result of homelessness. According to a study of 656 youth experiencing homelessness across 11 different cities, "44% had been in a juvenile detention center, jail, or prison."[16] Furthermore, 78% had at least one interaction with the police and 62% had been arrested at least once.[17] Seven percent of youth exiting the criminal justice system experienced homelessness for the first time, as a direct result of criminal justice involvement.[18]

Once youth become involved in the criminal justice system, they face significant barriers to stable or permanent housing. Youth may encounter difficulties finding an apartment to rent based on their criminal record, may be kicked out of their parent's or friends' homes, or may encounter difficulties finding stable, well-paying employment to afford rent. In order to reduce the incidence of homelessness for youth exiting the criminal justice system, adequate statutes that mandate comprehensive discharge and case management for youth are essential.

STATISTICS INDICATE THAT 50% OF ADOLESCENTS AGING OUT OF FOSTER CARE AND JUVENILE JUSTICE SYSTEMS WILL BE HOMELESS WITHIN SIX MONTHS BECAUSE THEY ARE UNPREPARED TO LIVE INDEPENDENTLY AND HAVE LIMITED EDUCATION AND NO SOCIAL SUPPORT.

Jurisdictions also must change laws to minimize and prevent criminal justice involvement in the first place for youth experiencing homelessness. Many youth experiencing homelessness become justice system involved as a result of otherwise innocent actions, like status offenses or life sustaining activities. Municipalities must take steps to prevent youth from entering the criminal justice system as a result of engaging in life-sustaining actions such as sleeping outside, resting in a park, or camping, and status offenses such as running away, truancy, and curfew violations. Statutes and ordinances criminalizing these behaviors increase the likelihood of first-time or continued homelessness for youth.

Youth released from the juvenile justice system are at significant risk of being released either directly into homelessness or to a placement from which they can easily become

16 Lisa Pilnik, *Addressing the Intersections of Juvenile Justice Involvement and Youth Homelessness: Principles for Change*, Coalition for Juvenile Justice 10, http://www.csh.org/wp-content/uploads/2017/03/Principles_FINAL.pdf.

17 *Id.*

18 *Id.* at 11.

displaced. Statistics indicate that "50% of adolescents aging out of foster care and juvenile justice systems will be homeless within six months because they are unprepared to live independently and have limited education and no social support."[19] Statutes providing for release generally do not require that youth be released with proper supports in place. In fact, 16 states and Washington, DC lack statutes addressing the release of youth from juvenile justice systems to avoid homelessness. Many more statutes are vague or unclear regarding the process for releasing youth from juvenile justice detention. Inadequate statutes and support systems can also place youth at risk of being detained longer than is in their best interests because of difficulty in finding an appropriate placement.

Youth experiencing homelessness are more likely than others to become involved in, or to have already had involvement in, the juvenile justice system. Institutionalization can be disruptive to a youth's existing relationships and skill development. Additionally, many youth who spend time in a detention facility experience significant trauma, further harming their development and exacerbating difficulties with re-entry. This may lead directly into homelessness or to homelessness after a temporary placement expires. Youth released from the justice system are often placed outside the home or returned home when it is not an appropriate placement.

Without legal provisions for discharge-planning and aftercare procedures, jurisdictions have significant leeway in the discharge of youth from the juvenile justice system. While jurisdictions may have discharge-planning and aftercare procedures that are not codified in a statute, such as practices employed by individual judges or institutions, it is a best practice to outline release procedures in law. Absent a legal requirement, there is no assurance that youth released from commitment won't be released into unsafe or temporary living situations that could lead to future homelessness. Individual judges or justice personnel may deviate from non-legal policy, be unaware of policy, or be unable to follow an incomplete policy in the cases of specific young people. For example, an informal policy might state that a young person is to be released into the custody of a parent, guardian, or custodian, but not provide for an alternative procedure if such a placement is unavailable. Additionally, without a statute specifically defining the process and requirements for youth being discharged from the juvenile justice system, the opportunity for discriminatory implementation exists. Judges may place harsher probation requirements or not ensure youth have stable living situations based on implicit or explicit biases. Further, enacting a specific statute gives states an occasion to consider their policies and ensure that they provide for the best interests of all young people.

This is a recommended area for policy advocacy. Jurisdictions should enact statutes that provide for appropriate release procedures and establish systems to foster the reintegration of youth discharged from the justice system. Targeting release from the juvenile justice system as a point to combat youth homelessness can both benefit youth who are at-risk of displacement and reduce rates of recidivism.

19 Linda Britton & Lisa Pilnik, *Preventing Homelessness for System-Involved Youth*, 3 (Mar. 2018), https://www.americanbar.org/content/dam/aba/publications/fje/NCJFCJ%20Homelessness%20Journal%20Article%20LB.authcheckdam.pdf.

Note that the information presented here is limited to laws regarding the discharge of youth from juvenile justice systems. Related issues, such as the release of or aging out of youth from mental health systems or child welfare/foster care systems, as well as laws related to aging out of juvenile justice systems, are beyond the scope of this review.

Fast Facts

- 25 jurisdictions direct an agency to develop procedures related to discharge or aftercare, up from 21 in 2012. 10 of these specifically address housing needs in the direction;
- 8 jurisdictions have statutes requiring permanency planning for committed, adjudicated youth, up from 6 in 2012;
- At least 12 jurisdictions have statutes addressing custody upon discharge;
- 4 jurisdictions have statutes providing that a discharged youth be provided transportation home; and
- 3 jurisdictions provide monetary support for youth discharged from the juvenile justice system.

Purpose and Findings

We sought to determine how many jurisdictions had statutes specifically addressing the release of youth from juvenile justice systems into conditions that could potentially lead to homelessness. Twenty-five jurisdictions delegate discharge or aftercare planning to an agency without specifying that such programs address housing: Alaska, Delaware, Illinois, Kentucky, Montana, Nebraska, Nevada, North Carolina, North Dakota, South Carolina, Tennessee, Utah, and Virginia. Ten jurisdictions specifically address housing needs in directing agencies to adopt such policies and procedures: Colorado, Georgia, Hawaii, Iowa, Mississippi, Ohio, Texas, and West Virginia.

Three jurisdictions require that clothing, transportation, and money be provided on discharge: Alabama, Georgia, and Texas. California requires that transportation be provided. Minnesota can give a youth up to $10, a nominal amount that it is not mandated.

Eight jurisdictions require permanency planning for adjudicated youth that are committed: Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and Wyoming. West Virginia and Puerto Rico also require permanency planning for such youth as needed.

Analysis

Only a few jurisdictions address homelessness on release either by requiring permanency planning coupled with aftercare, or by specifically directing that an agency develop aftercare programs that address housing needs. A large number of states direct agencies to develop discharge planning or aftercare programs without

specifying that the agency is responsible for ensuring that youth do not become homeless following discharge.

Even for states where an agency is directed to develop aftercare programs addressing homelessness, very few jurisdictions have statutes with specific requirements for release that would ensure the program's effectiveness in preventing homelessness. Several states have statutes addressing custody of a youth following release that do not include aftercare provisions or contingent directions in the event a directed placement is inappropriate or unavailable. Very few jurisdictions specifically provide for the input of the youth in custody arrangements following discharge or specifically provide for youth of appropriate age and circumstances to be released to independent living arrangements.

Noteworthy Statutes

Maine's statute requires permanency hearings for committed youth that consider the youth's wishes and does not require the youth to be returned home if not in his or her best interests. Maine also requires that a permanency plan for a youth of at least 14 years of age consider the services needed to transition the youth to independent living. See Me. Rev. Stat. tit. 22, §4038-B (2016).

While not specifically providing for independent living arrangements, both Texas and West Virginia require comprehensive reentry and reintegration plans for committed youth. Texas requires that youth be provided clothing, money, and transportation upon release (Tex. Hum. Res. Code Ann. §245.106 (West 2011)), while West Virginia allows a variety of parties to comment on the proposed aftercare plan, such as the youth's lawyer, parents, guardian, and parole officer (W. Va. Code Ann. §49-4-409 (West 2015)).

Recommendations

- Require that all youth be released from juvenile justice systems pursuant to discharge plans formed in consultation with and based on the interests of the youth. Discharge plans should be developed immediately upon detention for youth facing brief sentences;
- Suspend, but do not terminate, Medicaid or other state medical assistance while a youth is in custody. Presume eligibility for these services upon release until a determination of ineligibility is made;
- Confer with the youth prior to returning him or her to the custody of a guardian;
- Provide safe housing options for youth who are not placed with a parent or guardian;
- Develop procedures for the release of youth from commitment when there are placement shortages;
- Establish a social service system to support youth after release from commitment and foster their reintegration into schools and communities, including a system for youth

of an appropriate age to live independently after release, access educational resources, and obtain job training; and

- Before discharge, provide youth with assistance in obtaining a driver's license or state ID card, a Social Security card, a birth certificate, and other records necessary to establish identity.

Research Methodology and Limitations

To compile statutes related to the release of youth from the juvenile justice system into homelessness, our search used the following terms: Juvenile, Youth, Minor, or Child, together with Release, Discharge, Aftercare, Permanency, Homeless, Reentry, or Reintegrate, and together with Detention, Detain, Commit, Correction, Incarcerate, Institution, or Justice. Because these words occur frequently in statutes, our research focused on instances in which words were grouped together in a statute. We also focused on statutes in titles of the code addressing juvenile adjudication, juvenile justice departments, parole departments, juvenile correctional facilities, or juvenile homelessness.

As noted above, our research was limited to statutes that relate to the discharge of youth from the juvenile justice system and excluded statutes related to discharge from other systems, such as mental health or child welfare, or related to aging-out. We also did not attempt to capture statutes related to the release of youth who were not committed to the juvenile justice system, such as statutes related to the release of youth immediately after arrest. As also noted above, our research was limited to statutes and does not include relevant programs that may exist either as a departmental policy, an informal procedure, or elsewhere in local rules and regulations.

Appendix of Relevant Laws

- Appendix 6 - Discharge from the Juvenile Justice System Statutes

IV. INTERSTATE COMPACT FOR JUVENILES

Background

Thousands of youth are relocated by the Interstate Compact for Juveniles (the Compact) each year, and many are youth who have run away from home. The original Compact legislation was passed as part of the federal Crime Control Act. The Compact is a multi-state agreement that regulates the interstate movement of unaccompanied and delinquent youth to address the bureaucratic loss of youth when they cross state lines. The Compact allows youth to be taken into custody, entered into a multi-state database, gives them travel permits, and sends them back to their state of origin. The Compact was designed specifically to help authorities track children on parole or probation, as well as child absconders, but includes youth who have run away as well. As of last year, about 20% of youth relocated with the help of the Compact were youth who had run away from home.

Youth who flee their homes, however, are often running away from abuse. Many, particularly LGBTQ youth and pregnant youth, are pushed out of their homes. The compact, which was built on the notion that children should always be in the supervision of an adult or an institution, thus fails to recognize the autonomy and resilience of youth.

The Compact creates the Interstate Commission for Juveniles (ICJ), which operates as a governing body for the Compact, and consists of a Commissioner from each of the compacting states. Each state has one vote on the ICJ. The ICJ is an independent body and has a variety of powers that are enumerated in the Compact. It consists of commissioners from each of the signatory states who are appointed by the governor in consultation with the state council and members of interested organizations who act as ex officio (non-voting) members.

Interaction with the ICJ is primarily in the form of "voluntary transfers." When an unaccompanied youth is found by law enforcement, often by request of a parent or guardian, they are taken into custody and their information is entered into the ICJ database. Nearly all jurisdictions allow law enforcement officials to take youth who have run away into custody without a court order or the young person's permission. After the initial contact, youth can either consent to return to their state of origin or request an appeal. The appeal can be completed within 90 days if the court submits all paperwork on schedule. Most youth sign the initial voluntary transfer consent form.

While jurisdictions should, in general, take a non-punitive approach to unaccompanied youth experiencing homelessness and ensure youth experiencing homelessness are not returned to situations where they feel unsafe, the Compact ensures some procedural safeguards for youth who must be returned across state lines. The Compact remains the only clear program to transfer and monitor youth. For youth who run away and want to go back home, the compact provides procedures and funding. Most youth are transferred within 24 hours. The process attempts to ensure humane treatment

of youth. For parents who hope to be reconnected with their children, the compact helps reconciliation through mediation.

Fast Facts

- All 50 states and 3 territories (District of Columbia, Guam, and the Virgin Islands) have enacted the Compact.

Purpose and Findings

We sought to determine whether each state had passed a law enacting the Compact. Fifty-two jurisdictions have enacted the Compact as of July 1, 2017; the four jurisdictions that have not adopted the Compact are American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico.

This new Compact significantly updates the over 50-year-old mechanism, the original compact, for tracking and supervising juveniles moving across state borders. It updates a crucial yet outdated tool for ensuring public safety and preserving child welfare by providing enhanced accountability, enforcement, visibility, and communication. Each state that has joined the Compact (known individually as a "compacting state" and together as "compacting states") becomes responsible for the supervision and provision of services to youth, those in the delinquency system, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control.

The ICJ has the authority to promulgate and publish rules to effectively and efficiently achieve the purposes of the Compact. These rules are binding on the compacting states. The Compact provides a rule-making process, which must be followed before a rule is promulgated, including publishing a rule in advance of the vote. If a majority of the legislatures of the compacting states reject a rule, then the rule has no effect on any of the compacting states. If a provision of the Compact exceeds a limit imposed by a state constitution, that provision also becomes ineffective. The ICJ may impose a range of penalties on a compacting state that fails to perform any of its obligations under the Compact. These penalties include remedial training, technical assistance, alternative dispute resolution, fines, fees, and suspension or termination of membership in the Compact. The ICJ can also seek relief in federal courts by obtaining an injunction or compelling compliance. The Compact establishes a five-member State Board for Interstate Juvenile Supervision for each compacting state that must advise and oversee the state's participation in the Compact and may exercise other duties. The Compact also establishes a "Compact office" in each state to handle matters under the Compact involving that state.

Compacting states must provide for the safe return of juveniles who have run away to a different state or who are under supervision and have departed a placement. Authorities may release a non-delinquent juvenile to a parent or guardian within the first 24 hours of custody; if the juvenile remains in custody for more than 24 hours, the

holding state's Compact office must be notified. Once notified, the Compact office should contact the home state's Compact office and immediately initiate measures to determine the juvenile's residency and jurisdictional facts in that state. At a court hearing, a judge in the holding state must inform the juvenile of his or her rights under the Compact. At the hearing, the juvenile may agree to voluntarily return to the home state.

If a juvenile refuses to return to the home state at the hearing, the appropriate person or authority in the home state must request a requisition from a court in the home state within 60 days. If a judge determines that the juvenile should be returned, he or she will sign the requisition. The home state's Compact office will forward the requisition to the holding state's Compact office. Within 30 days of receiving the requisition, a court in the holding state must conduct a hearing where the judge will decide whether to order the juvenile's return to the home state. If the judge decides not to order the juvenile's return, the judge must issue an order explaining his or her decision.

Compacting states must provide for the transfer of supervision of delinquent juveniles between states according to the rules of the ICJ. All communications between states on Compact issues must be transmitted between the states' Compact offices. In order to organize a transfer, the Compact office in the sending state must transmit the referral documents (which have been prepared by a local court or employee) to the Compact office of the receiving state. After a local court or employee in the receiving state completes a home evaluation, the receiving state reviews the recommendation of the local court or employee and either accepts or rejects the transfer of supervision. The receiving state must provide notice of its decision to the sending state, which notifies the juvenile and his or her family of the results and, if applicable, prepares the arrival and travel packet.

The Compact also authorizes compacting states to make contracts for and otherwise ensure the provision of institutionalized or special services for youth who need them. Any youth who is covered by the Compact is eligible for these services. Where services that have been ordered by a court or paroling authority either are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, the sending state is financially responsible for treatment services.

In addition to facilitating the return of juveniles, transferring supervision, and providing services, the Compact establishes a system of uniform data collection for information pertaining to juveniles who are subject to the Compact that can be accessed by authorized juvenile and criminal justice officials.

Analysis

As noted in the chapters on Definitions, Terminology and Labels describing Unaccompanied Youth, Youth In Need of Supervision, and Status Offenses, statutes that permit law enforcement or other government officials to take into custody youth who have run away can infringe on young people's rights, can cause suspicion and

hostility between young people and law enforcement, and can dissuade youth from seeking available services. The balance between concern for a youth's safety and respect for the youth's rights must be struck carefully. At a minimum, young people should only be permitted to be taken into custody with their consent, if they are in immediate physical danger, or pursuant to a valid court order. If youth are taken into custody, law enforcement should be required to release them within a specified, brief period of time. Youth should never be returned home against their wishes or housed in facilities with delinquent youth or adults. States should be discouraged from making the simple act of running away from home a status offense or crime. Such criminalization ignores the reality that most unaccompanied youth have been kicked out by parents or guardians or fled for safety reasons.

That being said, when a state transfers an unaccompanied youth to another state, it is important to have clear procedures that ensure humane treatment as well as that the youth's rights are respected and voice is heard throughout the process. The Compact achieves that goal. Four jurisdictions have yet to enact the Compact, and some of these retain the previous Compact on their books even though it has served no purpose since the new Compact became effective.

Because not every territory has enacted the Compact, the rules governing transactions between different states vary depending on whether or not the states have enacted the Compact. Where both states involved in a transaction are compacting states, the rules adopted by the ICJ govern the transaction. Where only one of the two states involved in a transaction is a compacting state, the rules of the home state govern the transaction. As long as just one state does not enact the Compact, the outcomes of similar situations will vary depending on the states involved in a particular transaction, according to choice of law rules in each state.

WHEN A STATE TRANSFERS AN UNACCOMPANIED YOUTH TO ANOTHER STATE, IT IS IMPORTANT TO HAVE CLEAR PROCEDURES THAT ENSURE HUMANE TREATMENT AS WELL AS THAT THE YOUTH'S RIGHTS ARE RESPECTED AND VOICE IS HEARD THROUGHOUT THE PROCESS.

In addition to the laws of non-compacting states, other interstate compacts can impact and affect the operations of the Compact. The Compact directs compacting states to coordinate the operations of different interstate compacts, but the Compact can conflict with them as well. Such compacts include the Interstate Compact on the Placement of Children (ICPC), which governs the placement of foster children from one state into another. Both the Compact and the ICPC pertain to youth traveling across state lines under supervision, but the Compact states that where both compacts apply, the ICPC controls.

Recommendations

- Jurisdictions that have not enacted laws adopting the new Interstate Compact for Juveniles should do so;
- Jurisdictions that have not repealed laws regarding the former Interstate Compact on Juveniles should do so as well, as it is no longer in force;
- Take a non-punitive approach to unaccompanied youth experiencing homelessness, limit the circumstances under which youth who have run away can be taken into custody, set very brief time limits for such custody, prohibit housing of such youth with delinquent youth or adults, and ensure youth experiencing homelessness are returned to situations where they feel safe;
- Ensure that judges and attorneys who work with youth are trained on and have a full understanding of how the Interstate Compact operates; and
- Ensure that when youth are held under the Interstate Compact that their detention is as brief as possible and they are returned to their home state as quickly as possible.

Research Methodology and Limitations

To compile state statutes and bills regarding the Interstate Compact for Juveniles, our search used the following terms: Interstate, Compact and Juveniles.

The methodology for searching the statutes that have enacted the Compact was to first search for codified statutory provisions in each state. If no such provision was identified during the search, we then proceeded to search the session laws for the enacting provision that had not yet been codified. Lastly, if no such provision was identified, we proceeded to search the bills in the legislature for a bill that, if passed, would enact the Compact.

The compendium in Appendix 7 provides either the statutory provision where the respective state legislatures have codified the Compact, the session law passed by the respective state legislatures that enacts the Compact, or the bill that proposes the passage of the Compact in that particular state.

Appendix of Relevant Laws

- Appendix 7 - Interstate Compact for Juveniles Statutes

V. SHELTERS AND SERVICES FOR UNACCOMPANIED YOUTH

Background

Youth living away from their guardians typically need care and assistance from others. The term "unaccompanied youth" includes both youth who have run away and youth experiencing homelessness.[20] Many unaccompanied youth leave home as a result of abuse or neglect. They often suffer from mental health disabilities and have other challenges that make them an especially vulnerable population. Without intervention, unaccompanied youth become vulnerable to engaging in high-risk behavior and experiencing victimization.[21] Shelter and supportive services tailored to the needs of each individual young person are thus imperative for the safety and positive development of unaccompanied youth. In addition to relatives, mentors, and adult friends who may provide informal assistance, there exists a network of public, private, and nonprofit agencies with formal responsibility for offering supports and opportunities to unaccompanied youth specifically or young people generally.

NN4Y NATIONAL YOUTH ADVISORY COUNCIL STORY:

"When I ended up homeless, I was entirely unaware of the services that exist for struggling youth. I was living under a bridge next to the high school. When law enforcement found me, they ordered me to leave town saying that I was not welcome in the town I grew up in. When I got to the Salvation Army, they told me I was too young and offered me no alternative. So I spent years wandering the Midwest—couch surfing, camping, trying to hold jobs—ending up in situations where I was forced to relocate. If law enforcement had known about the nearest shelter, housing program, or youth drop in, I wouldn't be working so hard to play catch up in life because my adolescence lacked structure."

The states bear constitutional responsibility for ensuring the health, safety, and welfare of their citizens. When parents and guardians are unable or unwilling to care for their children, states generally take on the responsibility. They may do so by assuming custodial responsibility directly or may delegate care and assistance responsibilities to private entities. Accordingly, states and territories have established laws to ensure the protection of young people when they are in the custody of the state or outside of the immediate supervision of a parent or guardian. One type of child protection law or organizational licensure requires entities providing services to young people to meet certain health and safety, clinical practice and staff qualification standards in order to

20 Adrienne L. Fernandes-Alcantara, *Runaway and Homeless Youth: Demographics and Programs*, Congressional Research Service 3 (Apr. 26, 2018), fas.org/sgp/crs/misc/RL33785.pdf.
21 *Id.* at 1.

operate legally in the jurisdiction. Proof of licensure may also be a condition for the entity's receipt of public or private funds.

Fast Facts

- 25 jurisdictions explicitly assign responsibility for providing services and/or shelter to unaccompanied youth to a designated executive branch agency, up from 17 in 2012;
- 15 jurisdictions establish in statute a licensure requirement explicitly for shelters or programs for youth experiencing homelessness on their own, up from 10 in 2012;
- At least 24 jurisdictions regulate shelters or programs for youth experiencing homelessness on their own via a broader child-caring license; and
- At least 9 jurisdictions explicitly authorize the expenditure of funds, or authorize local units of government to expend funds, for programs and services targeted to youth who run away and youth experiencing homelessness. At least 12 additional jurisdictions authorize the expenditure of funds for homeless services without specifying if there is a focus on youth.

Purpose and Findings

Three shelter and services issues were researched for this analysis: 1) which jurisdictions assign responsibility for providing services to unaccompanied youth to a particular state administrative agency; 2) which jurisdictions require shelters or programs for youth experiencing homelessness on their own to be licensed, and through what authority; and 3) which jurisdictions establish and/or authorize funding for targeted unaccompanied youth programs. Also compiled were statutes regarding homeless shelters and services generally, recognizing that in some cases youth experiencing homelessness (particularly those at or over the age of majority) may be served through a jurisdiction's general (typically, adult) homeless assistance system rather than its child- and youth-serving systems.

The statutes of 25 jurisdictions explicitly assign at least partial responsibility for providing programs and services and/or shelter to youth experiencing homelessness or who have run away to a designated executive branch agency. In one state (Alabama) such responsibility rests with a juvenile justice agency. This is up from 17 jurisdictions in 2012.

Fifteen jurisdictions establish in statute an explicit licensure requirement for shelters or programs for youth who have run away and/or youth experiencing homelessness: Alaska, Colorado, Florida, Illinois, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, New Hampshire, Texas, Virginia, Washington, Wisconsin and District of Columbia. In 14 of those jurisdictions, responsibility for issuing the license rests with a human services agency. In the District of Columbia, such authority rests with the mayor. In a few jurisdictions the distinct licensure requirement appears to apply only to certain types of unaccompanied youth programs (such as HOPE centers in Washington). Other shelters or programs for youth experiencing homelessness on

their own may be subject to licensure under another statute, such as a broad child-caring license. Some of the unaccompanied youth-specific licensure statutes articulate requirements and prohibitions conditional for licensure, particularly the length of time a young person may stay in such a facility and the facility's obligation to notify guardians and/or public agencies of the youth's location.

At least 24 jurisdictions regulate shelters or programs for youth experiencing homelessness on their own via a broader child-caring license. These statutes tend not to prescribe any of the standards for licensure, leaving the establishment of such criteria to the licensing agency.

Six states—Indiana, Iowa, Kansas, Michigan, Nevada and Oklahoma—expressly delegate authority to review and approve youth shelters to local units of government.

The statutes of nine jurisdictions include provisions that explicitly authorize the expenditure of funds, or authorize local units of government to expend funds, for programs and services specifically targeted to unaccompanied youth: Alaska, California, Illinois, Minnesota, Missouri, Nebraska, New Jersey, New York, and Wisconsin. The statutes of an additional 12 jurisdictions authorize the expenditure of funds for homeless services, without specifying whether they are targeted towards youth: Alabama, Arizona, Connecticut, Georgia, Idaho, Iowa, New Hampshire, North Dakota, Oregon, South Carolina, Utah, and Guam. It is important to note both that the presence of such authorization language does not necessarily mean that appropriations actually occur and that the lack of such authorization language does not mean that appropriations for targeted unaccompanied youth programs do not, in fact, take place.

Analysis

One-fifth of state and territorial statutes explicitly assign responsibility for providing services and/or shelter to youth experiencing homelessness or who have run away to a designated administrative agency. While there has been an increase in such assignments since 2012, further research is necessary to determine whether these "assignment" statutes lead to greater levels of state support for unaccompanied youth than in those jurisdictions without such provisions. Other jurisdictions contemplating the addition of such language to their statutes should follow the precedent of most of their peers and assign such responsibility to a human services agency.

While state and territorial regulation of shelters or programs for youth experiencing homelessness is nearly universal, there is a near-even split between those jurisdictions that license such entities under unaccompanied youth-specific authority and those jurisdictions that license such entities under a broader child-caring category. On its face, unaccompanied youth-specific licensure appears to provide the legislature an opportunity to directly articulate the paramount standards of such programs, particularly length of stay and guardian/public authority notification matters. However, the standard provisions are far from detailed in the unaccompanied youth-specific or child-caring approaches, suggesting that the core of licensure requirements is provided

through regulatory or administrative, not statutory, law. Accordingly, definitive judgment on the merits of unaccompanied youth-specific facility licensure compared to child-caring facility licensure should be withheld pending further examination of the complete body of licensure law.

The fact that less than one-third of jurisdictions authorized by statute the expenditure of funds on programs for unaccompanied youth, again, is indicative of state neglect of this vulnerable group of young people. Ideally, all jurisdictions should provide such targeted support.

Noteworthy Statutes

Florida's statute is worthy of examination because of the detailed responsibilities assigned to the Department of Children and Families (DCF) with regard to youth who run away. Not only is DCF responsible for coordinating efforts to assist such youth, including community outreach, family services, shelter care, crisis intervention and counseling, but also to for establishing standards for services offered, including guidelines focused on an intake system, counseling, and case management. See Fla. Stat. § 409.441 (2009).

Minnesota's Runaway and Homeless Youth Act is helpful in that it obligates the Commissioner of Human Services to coordinate housing support for youth experiencing homelessness and addresses funding considerations. See Minn. Stat. § 256K.45 (2017).

Louisiana's statute regulating unaccompanied youth residential facilities merits consideration for several reasons. First, it gives the facility sufficient time (up to 72 hours) to notify the guardian of the youth's location, and the latitude to not contact the guardian if there is a compelling reason not to do so. Youth have the right to leave the facility at any time. They may remain at the facility up to 72 hours without a guardian's consent and up to 15 days with a guardian's consent. Facilities are required to provide care to the young person until the state human services agency or a court makes a placement decision. Facilities are required to serve all unaccompanied youth and a scope of services is described. Last, facility staff are granted immunity from liability except in the case of acts of gross negligence and intentional misconduct. See La. Rev. Stat. Ann. §§ 46:1356 (2017).

California's statute authorizes several sources of funding for unaccompanied youth programs and services, including through the Runaway Youth and Families in Crisis Project and through the Youth Center and Youth Shelter Bond Act program. See Cal. Welf. & Inst. Code §§ 1787, 2017 (West 2017).

Recommendations

- Explicitly assign responsibility for offering opportunities and supports for unaccompanied youth to a human services agency;
- Consider the merits of unaccompanied youth-specific facility licensure compared to child-caring facility licensure, and establish separate licensure for unaccompanied youth programs if there are clear benefits to doing so;
- Explicitly include shelters and programs for unaccompanied youth as an illustration of the type of facility subject to child-caring facility licensure, if the jurisdiction does in fact intend to regulate such entities under this broader category;
- Authorize and appropriate adequate state and local funds for programs and services, including shelter, targeted to unaccompanied youth; and
- Train law enforcement to know where there are youth appropriate shelters and/or services available.

Research Methodology and Limitations

To compile statutes regarding shelters and services for unaccompanied youth, our search used the following terms: Shelter, Child, Child Care Facility, Emergency, Runaway, Homeless, License, Youth and Welfare.

This project reviews, summarizes and compares the extensive body of regulatory and administrative law that governs the licensure and regulation of shelters and programs for unaccompanied youth. We hope that the summaries provided will at least direct inquirers to the appropriate licensing agency in each jurisdiction should additional information be desired.

In a number of instances, it was difficult to determine whether shelters or programs for youth experiencing homelessness on their own were, in fact, covered by a child-caring facility or other licensure category. In those cases, we contacted an unaccompanied youth-serving organization operating in that jurisdiction to verify their licensure status and the licensing agency.

There may be more than one category of licensure that covers facilities serving unaccompanied youth. For example, programs that accept referrals from the juvenile justice system may be regulated by the juvenile justice authority. Programs with addiction and mental health services for unaccompanied youth may be regulated as health care treatment facilities.

Appendix of Relevant Laws

- Appendix 8 – Services and Shelters for Unaccompanied Youth Statutes

VI. HARBORING UNACCOMPANIED YOUTH

Background

Many states and territories have enacted statutes that explicitly prohibit the "harboring" – or housing/sheltering – of youth who have run away by individuals and organizations not having legal custody of those young people. Other jurisdictions have enacted contributory delinquency, custodial interference and minor concealment statutes that, even if not explicitly doing so, can be interpreted by law enforcement officials as prohibiting the sheltering of unaccompanied youth.

Some of these youth may be fleeing abuse or violence at home. Others may hope to escape neglectful parents. Still others may have been kicked out of their homes when they disclosed a pregnancy, sexual assault or identified as LGBTQ. Regardless of their circumstances, such youth often seek help from family members, neighbors or community organizations that may be able to provide vital support and emergency shelter.

Statutes outlawing the harboring of youth who have run away were enacted with laudable goals: to protect the rights of families to raise their children, prevent states from unnecessarily assuming custodial responsibilities, and discourage the removal of young people from their parents or legal guardians by non-custodial adults for exploitative purposes. Nevertheless, these policies may discourage individuals and organizations from providing much-needed safety for young people who are away from home. A balance must be struck between these competing interests.

Since 2012, few states have expanded any exemptions on harboring prohibitions. Notably, although it is illegal in Vermont to knowingly shelter a child who has run away from home, the state calls it a defense to prosecution if the defendant acted reasonably and in good faith to protect the child from imminent harm.

Fast Facts

- 17 jurisdictions explicitly make it a crime to harbor a child who has run away;
- At least 1 jurisdiction makes it a crime to harbor any child under age 18;
- At least 15 jurisdictions make it a crime to contribute to the delinquency or dependency of a minor;
- At least 10 jurisdictions make it a crime to interfere with custodial rights; and
- At least 12 jurisdictions make it a crime to conceal a minor.

Purpose and Findings

Three issues were researched for this analysis: 1) whether the statutes explicitly prohibit the harboring of young persons; 2) if not, whether other statutes exist that could be interpreted to prohibit such harboring; and 3) whether exemptions from a harboring prohibition exist in each statute.

Seventeen jurisdictions explicitly make it a crime to harbor a runaway: Colorado, Delaware, District of Columbia, Georgia, Illinois, Iowa, Massachusetts, Michigan, Mississippi, North Dakota, Oklahoma, Tennessee, Texas, Utah, Vermont, Washington and American Samoa. The District of Columbia applies its statute only to persons who harbor young people who run away from the child welfare system. One jurisdiction, Oklahoma, makes it a crime to harbor an "endangered runaway child," who is defined as a youth who needs medicine or other special services. Another jurisdiction, Ohio, makes it a crime to harbor any person under the age of 18.

At least 34 jurisdictions include provisions criminalizing various interactions with young people that could be interpreted to encompass harboring youth who have run away. At least 15 jurisdictions criminalize contributing to the delinquency or dependency of a minor: Alabama, Alaska, Arizona, Arkansas, California, Louisiana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Virginia, West Virginia, the Northern Mariana Islands, and the Virgin Islands. At least 10 jurisdictions criminalize interference with custodial rights: Connecticut, Idaho, Indiana, Kentucky, Maryland, Missouri, Montana, Oregon, Pennsylvania, and Wyoming. At least twelve jurisdictions criminalize the concealment of a minor: Hawaii, Indiana, Kansas, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Tennessee, Wisconsin, Wyoming, and Washington DC. Note that the statutes in the 16 jurisdictions with explicit harboring statutes may also have these child protection provisions as well. Only two jurisdictions, Maine and Guam, do not include any provisions that could be interpreted as prohibiting harboring.

Of the 46 jurisdictions with some version of an anti-harboring statute, at least 16 offer some exemptions from criminalization, including exclusions for agencies and organizations providing crisis intervention services or operators of youth emergency shelters (Georgia, Illinois), individuals and organizations who notify law enforcement or child welfare officials of their harboring and the location of the young person (Florida, Idaho), persons who notify guardians of the harboring and the location of the young person (Texas) and persons harboring the young person for brief time periods ranging from less than eight hours (Utah) to less than 72 hours (North Dakota).

Analysis

Although less than one-third of jurisdictions have statutes that explicitly prohibit the harboring of youth who have run away, a majority of jurisdictions have some other broader provisions that could criminalize an aspect of an individual or program's interaction with a child who has run away or is experiencing homelessness. But given the uncertainty as to whether or not harboring actually falls within the scope of these more general statutes, further research into the application of the laws, such as through an examination of case law, is needed.

No jurisdictions limit liability for "harboring," and only nine jurisdictions explicitly ensure protection from legal action for individuals and organizations with reasonable justification for harboring an unaccompanied young person, such as when there is proof or suspicion of abuse or neglect by the guardian or if the young person requests a safe haven. Ten jurisdictions allow for delayed notification of between eight and 72 hours when harboring a youth for protective reasons, including Alaska, Colorado, Florida, Georgia, Illinois, North Dakota, Oklahoma, Tennessee, Texas and Utah.

Also, a number of statutes compel individuals and organizations considering harboring a young person to notify a law enforcement and/or child welfare official and report their harboring act in order to avoid the commission of a crime. Any such mandatory reporting requirements may lead unaccompanied youth to avoid seeking shelter for fear of being reported, either to their families or to public authorities. While such laws may be premised on concern for the youth's well-being, the best method for ensuring their well-being is to remove barriers to youth seeking services. Removing barriers allows caregivers to provide services, build trust and rapport with the youth, and potentially reconnect them to their family (where safe) or other state services. While reporting statutes may have a chilling effect on youth accessing services, those with clear exemptions for reasonable cause and that contain "Good Samaritan" protections from liability both provide leeway for caregivers to take in unaccompanied youth who need immediate help and enable providers to tell youth that their needs come first. Where caregivers are subject to mandatory reporting requirements for child abuse or neglect, jurisdictions should allow at least 72 hours, with further discretion thereafter if needed, before reporting becomes mandated. This would allow time for the service provider to build rapport with youth and address their immediate health and safety needs before having to alienate them by reporting them to child welfare authorities. If a report must be made, this should always be made with full disclosure to the youth and with their participation.

Noteworthy Statutes

Wyoming's custodial interference provisions are worth examination because they establish as affirmative defenses to these otherwise criminal actions that the action was necessary "to preserve the child from an immediate danger to his welfare; or the child was not less than fourteen (14) years old and the child was taken away or was not returned at his own instigation and without intent to commit a criminal offense with

or against the child." This provision clearly empowers the young person to express his or her wishes regarding his or her custodial relationship, and thus empowers the harboring agent to act in accordance with the youth's request. See Wyo. Stat. Ann. § 6-2-204 (2017).

Alaska's statute criminalizing the aid, inducement, causation or encouragement of a child to be absent from a guardian without having the guardian's permission provides an affirmative defense for such harborers if the person reasonably believed that the child was in physical danger, needed shelter, or reported the name of the child and his/her location within 12 hours to a peace officer, law enforcement officer or Department of Health and Social Services. The explicit mention of need for shelter as a reasonable purpose for harboring, as well as the option for reporting the young person's location to the child welfare system distinguish this statute. See Alaska Stat. § 11.51.130 (2017).

New Jersey's statute provides youth experiencing homelessness with a statutory right to access walk-in shelters. The law allows youth care organizations throughout the state to provide safe, stabilizing services to youth in crisis. Initial walk-in access to basic shelter programs is available to youth experiencing homelessness, age 21 or younger, without parental notification or a court order. After proper notification to a juvenile-family crisis intervention unit, an admitted youth experiencing homelessness may remain at the shelter for up to 10 days without the consent of the youth's parent or legal guardian. Where abuse and/or neglect is suspected and an official report is filed, the youth may remain in the shelter for up to 30 days pending disposition of the case. See N.J. Stat. Ann. § 9:12A-7 (West 2017).

Recommendations

- Adopt explicit exemptions for reasonable cause in anti-harboring, custodial interference, contributory delinquency, and minor concealment provisions in those jurisdictions that make it a crime to harbor youth;
- Amend anti-harboring, custodial interference, contributory delinquency, and minor concealment prohibitions to ensure affirmative defenses for "Good Samaritans" who provide temporary shelter to an unaccompanied youth at the young person's request or on the confirmation or reasonable suspicion of abuse by a guardian, as well as for licensed human services agencies and professionals acting within the scope of their duties; and
- Amend mandatory child abuse and neglect reporting statutes to permit licensed human services agencies and professionals acting within
- the scope of their duties to provide shelter and supports to unaccompanied youth for at least 72 hours before being required to report the location of the young person to guardians or authorities, and additional discretion if needed to ensure the safety and well-being of the youth.

Research Methodology and Limitations

To compile state and territorial statutes regarding harboring of youth who have run away, our search used the following terms: Harboring, Harbor, Runaway, Conceal, Custody, Contributing to Delinquency, Provide, Shelter and Interfere (Interference).

The methodology for searching the jurisdiction statutes for anti-harboring provisions was to first search for laws that explicitly addressed "harboring" of "runaways." If no such provision was identified during the search, we then proceeded to search for secondary, general child protection provisions that could be interpreted to prohibit or limit harboring. Three types of provisions were searched: concealment of a minor, interference with custodial rights, and contributing to the delinquency or dependency of a minor.

We did not summarize certain aspects of anti-harboring laws. For instance, we did not inventory the level of offense assigned to such crimes.

Appendix of Relevant Laws

- Appendix 9 - Harboring Unaccompanied Youth Statutes

VII. YOUTH IN NEED OF SUPERVISION

Background

Many states and territories permit the juvenile or family court to become involved with young people or families who "need supervision." Youth and families are considered in need of supervision in a variety of circumstances, including those in which youth have run away from home. In many jurisdictions, a young person who "needs supervision" can be taken into custody by police or other government officials. The young person may then be provided with services before or after court proceedings.

State and territorial laws use a variety of terms to refer to young people and families in need of supervision, including the following:

- CHINCS: Child in Need of Care or Supervision
- CHINPS: Child in Need of Protection or Services
- CHINS: Child in Need of Supervision or Child in Need of Services
- CINA: Child in Need of Aid or a Child In Need of Assistance
- CINC: Child in Need of Care
- FINA: Family in Need of Aid
- FINS: Family in Need of Services
- FWSN: Family with Service Needs
- JINPS: Juvenile in Need of Protection or Services
- JINS: Juvenile in Need of Supervision
- MRAI: Minor Requiring Authoritative Intervention
- PINS: Person in Need of Supervision
- YAR: Youth at Risk
- YINI: Youth in Need of Intervention
- YINS: Youth in Need of Services

This publication uses the term "CHINS" to encompass all of these.

Fast Facts

44 jurisdictions have a CHINS statute:

- In 21 jurisdictions, down from 22 in 2012, youth who have run away from home are automatically considered CHINS;
- In 15 jurisdictions, youth who have run away from home are explicitly considered CHINS if they meet certain criteria in addition to having run away;
- In 8 jurisdictions, youth who have run away from home are not specifically named as CHINS, but may be considered CHINS for other reasons related to having run away;

- 6 jurisdictions use the term Family in Need of Services or Family with Service Needs in addition to CHINS to recognize the needs of the entire family;
- 16 jurisdictions, up from 15 in 2012, specify that CHINS who are taken into custody cannot be held with delinquent juveniles;
- 32 jurisdictions specify the maximum amount of time CHINS can be held in custody without a court order;
- 5 jurisdictions expressly authorize courts to punish CHINS as they would delinquent youth;
- 21 jurisdictions, up from 19 in 2012, expressly authorize courts to require CHINS to pay fines and/or restitution, to undergo drug screening, and/or to relinquish their driver's licenses; and
- 22 jurisdictions, up from 21 in 2012, provide statutory opportunities for CHINS to receive services without court involvement.

Purpose and Findings

Two CHINS issues were researched for this analysis: 1) the circumstances in which young people are considered to be in need of supervision under various state laws; and 2) the consequences for being identified as a CHINS.

44 jurisdictions have a CHINS statute. Youth who have run away from home are expressly named as CHINS in 36 jurisdictions. In 21 of those 36 jurisdictions, such youth are automatically considered to be CHINS: Alabama, Arizona, Colorado, Florida, Georgia, Illinois, Kansas, Louisiana, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, South Dakota, Tennessee, Wyoming, American Samoa, and the Virgin Islands. In the remaining 15 jurisdictions, such youth are CHINS if they meet certain criteria in addition to having run away, as follows:

- In Arkansas, Connecticut, Missouri, and Rhode Island, youth who have run away from home are considered CHINS only if they have run away without cause or justification.
- In Alaska and New Hampshire, youth who have run away are CHINS only if they also need care and/or treatment. Alaska's statute also specifically states that a youth cannot be considered a CHINS solely because the youth's family is poor, lacks adequate housing, or exhibits a lifestyle that is different from the community standard.
- In Mississippi and Virginia, youth who have run away are CHINS if they have both left home without cause and need care and/or treatment. Virginia's statute also specifies that a child is not a CHINS solely because the child ran away from home due to physical, emotional, or sexual abuse.
- Massachusetts, Michigan, Montana, Oklahoma, Texas, Wisconsin, and Washington establish additional required criteria, such as remaining away from home for a specified period of time, running away repeatedly, and being in immediate danger.

Youth who have run away from home could be considered CHINS (but are not explicitly included in the definition) in eight additional jurisdictions if they are beyond their

parents' control, "ungovernable," or for other reasons. They are California, Hawaii, Indiana, Maryland, North Dakota, Ohio, Vermont, and the District of Columbia.

The consequences of being considered a CHINS vary among jurisdictions. CHINS can almost always be taken into custody without a court order, although at least 10 jurisdictions limit the circumstances under which CHINS can be taken into custody: Arkansas, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, New York, Oklahoma and Virginia.

Only 16 jurisdictions specify in their statutes that CHINS who are taken into custody cannot be held with delinquent juveniles: Alabama, California, Florida, Louisiana, Maryland, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, Pennsylvania, Vermont, Virginia, Washington, District of Columbia, and the Virgin Islands. While many statutes state or imply that CHINS should be released as soon as possible, only 34 jurisdictions specify the maximum amount of time CHINS can be held in custody without a court order.

After law enforcement or another government official suspects that a young person is a CHINS, several consequences can follow. First, the court can direct the youth and/or family to services without opening a court case. This kind of diversion is expressly permitted by 24 jurisdictions: Arkansas, Colorado, Connecticut, Florida, Hawaii, Illinois, Louisiana, Massachusetts, Michigan, Montana, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Pennsylvania, South Dakota, Texas, Virginia, Washington, Wisconsin, Wyoming, and the Virgin Islands.

Once a case goes to court, a judge can order many different dispositions for the youth, including (a) sending the youth to the parent's, guardian's, relative's, or another adult's home, (b) placing the youth on probation, (c) awarding custody to the state or a treatment facility, (d) requiring drug screening (Alabama, Illinois, Minnesota, Mississippi, and North Dakota), (e) revoking or suspending driving privileges (Delaware, Illinois, Minnesota, Montana, North Dakota, Ohio, Rhode Island, Utah, Virginia, and Wyoming), or (f) ordering remedies in the form of fines or restitution (Alabama, Arizona, Arkansas, Delaware, Illinois, Michigan, Minnesota, Mississippi, Montana, Nebraska, New York, South Dakota, Tennessee, Texas, Utah, and American Samoa).

Only six jurisdictions define the term Family in Need of Supervision in addition to CHINS to recognize the needs of the entire family: Arkansas, Connecticut, Florida, Iowa, Louisiana, and New Mexico.

Parents can be subjected to court ordered treatment in 21 jurisdictions: Alabama, Alaska, Arkansas, Delaware, Florida, Iowa, Louisiana, Maryland, Michigan, Minnesota, New Hampshire, New Mexico, North Dakota, Rhode Island, Utah, Vermont, Virginia, Washington, Wisconsin, Wyoming, and the Virgin Islands. Treatment and counseling for youth are available in most jurisdictions. Illinois, Michigan, North Dakota, and South Dakota explicitly permit courts to place CHINS who have committed no other offense in secure detention facilities for delinquent juveniles. Less than half of jurisdictions prohibit mingling of CHINS youth taken into custody with delinquent youth.

Analysis

States and territories define CHINS in different ways. Some automatically include youth who have run away from home, while others include these young people only in certain circumstances. Whether it is beneficial for unaccompanied youth to be considered CHINS depends on the consequences of being a CHINS. If CHINS are not provided with appropriate services or are subjected to incarceration or other punitive sanctions, unaccompanied youth should not be included in the definition. However, even if services are provided, it is important to distinguish between young people who have run away and are living with relatives or friends and those young people who find themselves living on the streets or in other unsafe circumstances. Statutes that limit their CHINS definitions to those young people who have run away from home and need care or are in immediate danger recognize that state interference is unnecessary for and potentially detrimental to some unaccompanied youth.

The labels used in CHINS statutes are also significant. Some jurisdictions use terms such as "Family with Service Needs" (Connecticut) and "Family in Need of Services" (Arkansas, Florida, Louisiana and New Mexico) rather than CHINS. These alternative terms recognize that when young people leave home, it often is a sign of challenges within the family. The entire family must be considered. Hawaii uses the term "Youth at Risk," which recognizes the dangers facing the youth. States should opt for these more descriptive terms. Negative terms such as "unruly" (North Dakota, Ohio, and Tennessee), "wayward" (Rhode Island), and "incorrigible" (Arizona) should be avoided, as such stigmatization can limit the efficacy of the statute by setting a punitive tone for service delivery and consequences.

STATUTES THAT PERMIT LAW ENFORCEMENT OR OTHER GOVERNMENT OFFICIALS TO TAKE YOUTH WHO HAVE RUN AWAY FROM HOME INTO CUSTODY INFRINGE ON YOUNG PEOPLE'S RIGHTS, CAN CAUSE SUSPICION AND HOSTILITY BETWEEN YOUNG PEOPLE AND LAW ENFORCEMENT, AND CAN DISSUADE YOUTH FROM SEEKING OUT AVAILABLE SERVICES.

Statutes that permit law enforcement or other government officials to take youth who have run away from home into custody infringe on young people's rights, can cause suspicion and hostility between young people and law enforcement, and can dissuade youth from seeking out available services. In some cases, law enforcement intervention can remove youth from dangerous situations. However, the balance between concern for a youth's safety and respect for the youth's rights must be struck carefully. At a minimum, young people should only be permitted to be taken into custody with their consent or if they are in immediate physical danger (Iowa, Louisiana, Montana, Oklahoma, Pennsylvania, and Virginia). If youth are taken into custody, law enforcement should be required to release them within a specified and brief period of time. Youth should never be returned home against their wishes or housed in facilities with delinquent youth or adults. Both Illinois and Indiana specify

that youth cannot be returned home against their wishes. Washington law prevents law enforcement from returning a youth home if the young person expresses fear or distress at that prospect.

STATE HIGHLIGHT:

ARKANSAS HAS CREATED A YOUTH MEDIATION PROGRAM, AND NEW JERSEY REQUIRES EVERY COUNTY TO ESTABLISH AT LEAST ONE JUVENILE-FAMILY CRISIS INTERVENTION UNIT.

All jurisdictions should provide services to youth who have run away and their families without requiring court involvement. Services such as counseling, family mediation, parenting classes and addiction and mental health services should be widely available at the request of youth and families. For example, Arkansas has created a youth mediation program in its statutes, and New Jersey requires every county to establish at least one juvenile-family crisis intervention unit. If a young person is determined to be a CHINS, these services should be intensified. The needs, wishes and circumstances of each individual youth should be considered when creating a service plan. Through appropriate and intensive intervention, court involvement can be avoided.

If the court does become involved with a young person, the court should be expressly required to consider the youth's wishes (Oklahoma) and individualized needs when developing treatment plans and determining where to place the youth. Services should address the youth's and family's needs holistically, including needs for housing and appropriate education. Statutes should authorize courts to join school districts as parties to the case when appropriate (New Mexico). Finally, courts should be authorized and encouraged to make appropriate orders for parents and guardians to participate in services and to offer extensive services on a voluntary basis as well.

Courts should never be permitted to punish youth who have run away with such sanctions as fines, drug screening or suspended driving privileges. Not only do these sanctions punish young people for the mere act of running away, which is often an act of self-preservation, but they open the doors for further court involvement. For example, if a young person is ordered to undergo drug screening and is caught under the influence, the juvenile or criminal court will become involved. Similarly, if a young person's driver's license is suspended and the youth is caught driving to work or school, more restrictive punishments will likely follow. Youth should be provided with a clear process to appeal such punishments where they exist.

Noteworthy Statutes

Elements of the CHINS statutes of Florida, New Mexico and Wisconsin bear consideration. First, Florida uses the term "Family in Need of Services" (FINS) as well as CHINS to describe youth who have run away. The term FINS recognizes that when young people leave home, the stability and health of the entire family requires attention. Florida law specifies that CHINS and FINS cannot be placed in detention facilities under any circumstances. Services must be provided to young people and their families and must increase as needed. Florida's statute also emphasizes that a court must not become involved with the youth or family until after all appropriate services, including family mediation, have been tried and have not solved the problem. The court must then order family services, counseling, and placement of the youth with another adult or with a service provider. As a whole, Florida's law recognizes the role of the family, calls for provision of extensive services, and limits the court's involvement in a young person's life. See Fla. Stat. Ann. §§ 984.03, 984.04, 984.11, 984.13, 984.14, 984.18, 984.22, 984.225 (West 2017).

New Mexico's statute also uses the term FINS to refer to youth who have run away. The law expressly permits a young person to request services independently. Although police can take such youth into custody, they must explain to the youth why he/she is in custody, and can only bring the young person home, to a foster home, to a relative, or to a community-based shelter. New Mexico law also explicitly limits custody to 48 hours without a court order and states that youth who run away cannot be transported in a police car unless necessary for their immediate safety. The law could be improved by decreasing the amount of time youth can be held in custody without a court order. One of the most compelling elements of New Mexico's law is that it authorizes the court to join the local school district as a party if there are unmet educational needs. See N.M. Stat. Ann. §§ 32A-3A-2, 32A-3A-3, 32A-3B-3, 32A-3B-4, 32A-3B-5, 32A-3B-6, 32A-3B-7, 32A-3B-16, 32A-4-2, 32A-9-3 (2017).

Finally, Wisconsin's statute offers some positive approaches. Although the state uses the term JINPS, rather than a more family-oriented term, youth who run away are only considered JINPS if the youth or parent request court involvement because reconciliation efforts have failed. This definition recognizes that the court should not intervene until the family has attempted to address the problems independently. JINPS can only be held in custody for 24 hours without a court order. Wisconsin law also gives courts two separate options for referring the family for services without further court involvement, including an informal referral for services and a supervised treatment plan. The services the court can order include housing assistance, homemaker or parent aide services, respite care, day care or parenting classes, and volunteer mentors. The statute explicitly prohibits punitive sanctions, such as detention, restitution, or denying driving privileges. See Wis. Stat. §§ 938.13, 938.21, 938.32, 938.34, 938.345 (2017).

Recommendations

- Exempt youth who have run away from home from CHINS statutes that do not provide appropriate services;
- Use terms such as "Family with Service Needs," "Family in Need of Services" or "Youth at Risk" rather than CHINS, to recognize the role of the family and the unique dangers facing youth;
- Reject policies that automatically classify youth who have run away as CHINS, and instead distinguish appropriately between young people in different circumstances;
- Authorize and focus on provision of broad and creative services based on the youth's and family's individual needs, including housing assistance, parent aide services, respite care, day care, parenting or anger management classes or counseling, and mentors;
- Limit the circumstances under which youth who have run away can be taken into custody, if at all;
- Specify very brief time limits for such youth to be held in custody;
- Prohibit housing of such youth with delinquent youth or adults at any time;
- Prohibit law enforcement officers from forcing young people to return home against their wishes;
- Provide extensive opportunities for young people to avoid court involvement, through diversion programs, counseling, treatment, family mediation, housing assistance, restorative justice programs, and other services, as well as adequate time for youth and families to meet treatment goals;
- Require courts, social workers, and other service providers to consider the youth's wishes and individualized needs when developing treatment plans and determining where to place youth;
- Consider the young person's educational needs and authorize courts to join school districts as parties to the case when appropriate;
- Do not authorize courts to fine young people, order drug screening, or suspend driving privileges; and
- Encourage courts to make appropriate orders for parents and guardians to participate in services and to provide extensive voluntary services.

Research Methodology and Limitations

To compile state statutes defining and classifying young people and families as in need of supervision, our search used the following terms: Child in Need of Supervision, Youth in Need of Supervision, Person in Need of Supervision, Child in Need of Services, Family in Need of Services, Unruly, Delinquent, Wayward, Undisciplined, Incorrigible, Intervention, In Need, and Youth/Child.

We also researched definitions of "abandoned child," "dependent child," and "neglected child." Our search used the following terms: Abandon, Dependent, Destitute, Neglect, and Youth/Child. Where we found no definition of abandoned child, dependent child, or neglected child, we included definitions of "abandoned,"

"dependent," and "neglected" assuming that these could be combined with statutory definitions of child or youth to develop relevant definitions.

The state and territorial law summaries accompanying this analysis detail the circumstances, in addition to running away, under which young people might be considered to be CHINS.

Our research into the consequences of being characterized a CHINS was limited to an analysis of the terms. Furthermore, this research considered the limits of taking the young person into custody and the types of treatment and other consequences a court can order after a hearing finding a youth to be a CHINS. Specific hearing procedures and other details are not included in the summaries.

Appendix of Relevant Laws

- Appendix 10 - Youth in Need of Supervision Statutes

VIII. RIGHTS OF YOUTH TO ENTER INTO CONTRACTS

Background

Generally, when a minor (defined as a person under the age of majority as established by a state or territory) enters into a contract, the contract is not legally binding. In other words, the law protects the young person by permitting him or her to break the contract without consequences. While this protection is sometimes beneficial to young people, it may also make merchants, companies, and other parties unwilling to enter into a contract with a youth. For this reason, the law may hinder a young person's access to certain goods, property, and services they need.

Some unaccompanied youth are financially able to rent apartments, buy cars, or enter into other contracts. Many such contracts could be for shelter, transportation, or other items that are necessary for the youth to live independently. While they remain legally minors, unaccompanied youth who live independently may be unable to enter into these contracts.

To address this problem, some jurisdictions have enacted laws that permit minors to enter into legally binding contracts in certain circumstances.

Fast Facts

- 8 jurisdictions do not give minors any contract rights in their statutes;
- 34 jurisdictions give minors limited rights to obtain insurance; and
- 20 jurisdictions permit minors to enter into binding contracts for certain purposes;
  - 15 of these jurisdictions have statutes that permit minors to enter into binding contracts for "necessities" or "necessaries;"
  - 4 of these jurisdictions have statutes that permit minors to enter into binding contracts for educational loans;
  - 4 of these jurisdictions have statutes that specifically permit minors to enter into binding contracts for real property; and
  - 2 of these jurisdictions have a statute that permits minors to enter into binding contracts for business purposes.

Purpose and Findings

Two contracts issues were researched for this analysis: 1) whether the statutes permit minors to enter into contracts; and 2) if so, for what purposes.

Eight jurisdictions do not give minors any statutory contract rights: Minnesota, New Hampshire, Pennsylvania, Rhode Island, South Carolina, Wisconsin, American Samoa, and the Northern Mariana Islands.

Thirty-four jurisdictions have statutes giving a minor the limited right to contract for insurance over life, property, health, body, the lives of others, and/or other insurable interests.

Only 20 jurisdictions have passed statutes that permit minors to enter into binding contracts for other purposes. Fifteen of those 20 jurisdictions explicitly permit minors to enter into binding contracts for "necessities" or "necessaries:" California, Georgia, Idaho, Iowa, Kansas, Louisiana, Maine, Montana, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Guam. In addition, a 16th state – Missouri – specifies a number of binding contracts allowable for minors that would include most categories considered to be necessities.

Arkansas, Connecticut, Georgia, and Missouri have statutes allowing minors to form binding contracts for educational loans. The statutes of Arkansas, Maine, Missouri, and Oregon also bind minors to contracts for real property. Louisiana law permits minors to enter into binding contracts for business purposes, and North Carolina permits minors to contract for artistic, athletic, or creative services. Additionally, Tennessee law permits minors to enter into performance contracts.

In addition, 22 jurisdictions list the capacity to contract as one of the specific rights granted to emancipated minors: California, Connecticut, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Mississippi, Montana, Nevada, North Carolina, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wyoming. Six jurisdictions indicate an emancipated minor may have capacity to contract via language that states an emancipated minor shall be given the rights of an adult or someone who has reached the age of majority: Alaska, Arkansas, Florida, Louisiana, Puerto Rico, and the Virgin Islands. Twenty-seven jurisdictions do not explicitly address the subject of an emancipated minor's right to contract: Alabama, Arizona, Colorado, Delaware, Georgia, Hawaii, Idaho, Iowa, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Rhode Island, Pennsylvania, South Carolina, Utah, Wisconsin, American Samoa, District of Columbia, Guam, and Northern Mariana Islands.

Analysis

It is troubling that only 16 jurisdictions have passed laws that permit unaccompanied young people to enter into binding contracts for necessities. In the remaining 40 jurisdictions, minors who are on their own may be unable to rent apartments, buy cars to transport themselves to school or work, or enter into other contracts essential for independent living. Although they may be otherwise capable of caring for themselves, this inability to enter into contracts may present a barrier to securing many life necessities.

Four of the 20 jurisdictions that permit minors to enter certain binding contracts specifically permit contracts for real property. It is unclear if the remaining 16 jurisdictions would consider real property to be a "necessity" covered by their statutes in some or all circumstances. Many youth who are on their own need to rent apartments or purchase property because they either have no other housing alternative or they desire to live independently. All jurisdictions should provide unaccompanied minor youth with the right to enter into binding contracts for real property.

Finally, only four jurisdictions allow minors to enter into binding student loan contracts. For many young people, higher education is impossible without the assistance of student loans. Minors who are academically prepared to enter college or trade schools may be forced to wait until they become legal adults before they can obtain the funding for school. This delay can affect students' income, school, and work opportunities, as well as their motivation. Educational loans should be available to young people who need them. These loans should be dispersed along with education about predatory lending practices, especially as related to student loans.

Noteworthy Statutes

Missouri and Oregon both have impressive contract statutes. Missouri law specifies a wide variety of important contracts that minors can enter, including for housing, employment, automobile purchases, student loans, admission to schools, medical care, bank accounts, and admission to domestic violence and homeless shelters. These categories recognize the goods and services unaccompanied youth may need and give youth a means to obtain them.

Both Missouri and Oregon establish certain eligibility criteria for entering into binding contracts. For example, Missouri law permits binding contracts only for minors who satisfy the following criteria: 16 or 17 years old; homeless or a victim of domestic violence; self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and living independently of parents with the parents' consent. By limiting the circumstances under which minors can enter binding contracts, this statute strikes a balance between protecting young people from burdensome contract liability while ensuring unaccompanied youth are able to enter into necessary contracts. However, because many unaccompanied youth have been forced by neglect, abuse or other family-related challenges to leave home without

parental consent, it is unfortunate that the statute requires parental consent. See Mo. Rev. Stat. § 431.056 (2017).

Oregon's law also establishes certain eligibility criteria for entering binding contracts, specifically permitting contracts for residential living units. It expressly does not require parental consent. Oregon's statute could be improved by permitting minors to enter binding contracts for other necessities, including employment, cars, educational loans, medical care, and legal assistance. The statute, including the state legislature's statement of purpose, is reprinted below:

> Right to contract for dwelling unit and utilities without parental consent.
>
> (1) The Legislative Assembly finds that there are in the State of Oregon unemancipated minors who are living apart from their parents and are homeless. Many of these minors are able financially to provide housing and utility services for themselves and their children, but cannot contract for these necessities due to perceived legal limitations affecting contracts with minors. The purpose of this legislation is to address those limitations.
>
> (2) For purposes of this section, "minor" means an unemancipated and unmarried person who is living apart from the person's parent, parents or legal guardian, and who is either:
>
> (a) Sixteen or 17 years of age;
>
> (b) Under 16 years of age and the parent of a child or children who are living in the physical custody of the person; or
>
> (c) Under 16 years of age, pregnant and expecting the birth of a child who will be living in the physical custody of the person.
>
> (3) Notwithstanding any other provision of law, a minor may contract for the necessities of a residential dwelling unit and for utility services to that unit. Such a contract is binding upon the minor and cannot be voided or disaffirmed by the minor based upon the minor's age or status as a minor.
>
> (4) The consent of the parent or legal guardian of such minor shall not be necessary to contract for a residential dwelling unit or utility services to that unit. The parent or legal guardian of such minor shall not be liable under a contract by that minor for a residential dwelling unit or for utility services to that unit unless the parent or guardian is a party to the minor's contract, or enters another contract, for the purpose of acting as guarantor of the minor's debt." Or. Rev. Stat. § 109.697 (2017).

Recommendations

- Permit minors to contract for necessities, including real property, employment, educational loans, admission to school, medical and mental health care/treatment, legal assistance, bank accounts, cell phones or other mobile communication devices, insurance, and admission to shelter, housing, and supportive service programs; and
- Establish eligibility criteria for entering into binding contracts that will permit such contracts for youth experiencing homelessness or youth who are victims of domestic violence (whether that violence was directed against the youth or against others in the youth's household), while protecting other young people from contract liability.

Research Methodology and Limitations

To compile state and territorial statutes regarding the right of minors to enter into binding contracts, our search used the following terms: Contract, Right to Contract, Capacity, Removal of Disabilities, Necessaries, Necessities, Nonage, Emancipation, Age of Majority, and Minority.

We researched the statutory ability of minors to enter into contracts for personal and real property, as well as minors' rights to obtain insurance. Minors in some jurisdictions may also be permitted to enter into binding contracts by court cases, policies, or practices not reflected in the statutes. We included basic information about insurance in the research summaries. However, this aspect of contract law was not our main focus, as we were more interested in determining whether minors could contract for goods and property they need to live independently, such as cars, apartments, and health care.

Appendix of Relevant Laws

- Appendix 11 - Rights of Youth to Enter Into Contracts Statutes

IX. FEDERAL PUBLIC BENEFITS

Youth experiencing homelessness face significant barriers to meeting their basic needs. Federal public benefits programs such as Temporary Assistance to Needy Families (TANF) and Supplemental Nutrition Assistance Program (SNAP) were created to assist low-income individuals and provide for their most basic needs, but they are too often unavailable to unaccompanied homeless youth. Most public benefits are only available to minors if they reside with a parent or other guardian. This eligibility limitation puts youth experiencing homelessness at risk of hunger and other health risks by limiting their access to basic necessities like food and shelter. Furthermore, TANF benefits have a five-year lifetime limit on receipt. For unaccompanied homeless youth who qualify, this lifetime time limit may be unrealistic due to the negative consequences of experiencing homelessness, such as trauma and decreased educational attainment. These factors often make homeless youth more susceptible to experiencing poverty or homelessness again in the course of their lifetime.

NN4Y NATIONAL YOUTH ADVISORY COUNCIL STORY:

"I was told I didn't qualify for SNAP and that only my son would be eligible. Although an outreach worker tried helping me and speaking on my behalf, they didn't always take her seriously and the process was still difficult. Getting Medicaid was also a long and difficult process. I didn't know what everything meant on the forms, nor did I know what proof or documents I needed. I didn't understand how any of it worked since my parents had always done it for me when I was young.

I was told I didn't qualify to receive emergency cash, and if I did apply, that I'd be denied to stay in the country by immigration. I was originally denied but finally received it months later. I was also given child care only to be told later that I couldn't receive help because I was with my partner. My partner and I eventually had to split up because no shelter or friends would take all three of us. It was also difficult to get a job, not having an address and having a child to take care of."

Temporary Assistance to Needy Families (TANF)

Background

The Temporary Assistance to Needy Families (TANF) program provides assistance and work opportunities to needy children and families by granting to states the federal funds to develop and implement their own welfare programs. Programs should be designed to help move recipients into work so that families can transition off of assistance in self-sustaining employment.

Assistance and services provided under the TANF program must satisfy one or more of the four statutory purposes of the TANF program (42 U.S.C. § 601):

- Assisting needy families so that children can be cared for in their own homes;
- Reducing the dependency of needy parents by promoting job preparation, work, and marriage;
- Preventing out-of-wedlock pregnancies; and
- Encouraging the formation and maintenance of two-parent families.

States may only provide assistance to a family that includes either a pregnant individual or a minor child who resides with the family. 42 U.S.C. § 608(a)(1). Therefore, the only unaccompanied youth who qualify for assistance are those who are pregnant or a custodial parent.

To receive assistance, unmarried minor parents who do not have a high school diploma or its equivalent must either pursue such a diploma or participate in an alternative educational or training program approved by the state. 42 U.S.C. § 608(a)(4). In addition, unmarried minor parents must live with a parent, legal guardian, adult relative, or in an adult-supervised setting in order to receive assistance. States are responsible for assisting in locating adult-supervised settings for teens who cannot live at home. 42 U.S.C. § 608(a)(5). States may impose additional requirements. 42 U.S.C. § 608(b). Eligibility is often based on the Federal Poverty Level (FPL).

Parents must cooperate with the state in establishing paternity and establishing, modifying, or enforcing child support orders, unless the parent qualifies for a good cause exception established by the state. Parents who do not cooperate receive at least a 25% reduction in the amount of assistance and may even be denied any assistance. 42 U.S.C. § 608(a)(2). Recipients also must assign to the state the right to any child support they receive up the amount of their TANF, although some states allow a small amount to "pass through" to the custodial parent/TANF recipient. 42 U.S.C. § 608 (a)(3).

There is a five-year lifetime limit on receiving TANF assistance. 42 U.S.C. § 608(a)(7). Generally, the time limit starts running when the youth turns 18, except if the youth is a full-time student in secondary school or in a vocational/technical training program, in which case the time limit starts when the youth turns 19. 42 U.S.C. § 619(2).

Income Eligibility: Because TANF is a "block-grant" program, states which were given broad discretion to set income eligibility, benefit levels, and establish services such as childcare subsidies and training programs. In all states except Wisconsin, the maximum income limit for eligibility for TANF is set below the federal poverty level, which is currently $1372 (net monthly income) for a family of two.

Employment Requirements: Generally, individuals are required to: be employed, maintain their employment by not voluntarily quitting their job or reducing their hours, be registered for work, and participate in employment and training programs assigned by the state or work for a minimum of at least 20 hours per month through a work program. Work requirement exemptions are available, and they often apply to children, seniors, pregnant women and people who are exempt for physical or mental health reasons or due to domestic violence. Youth often may be exempted if they are attending school or in an educational program.

Citizenship requirement: Non-citizens are eligible for TANF if they have lawful permanent resident (LPR) status ("green card holders") and have resided in the U.S. as a legal resident for five years.

Fast Facts

- 47 jurisdictions include language in their statutes regarding possible exemption from the requirement that, in order to receive benefits, a minor parent must live with a parent or other legal guardian; 9 jurisdictions do not include specific language regarding exemption from this requirement;
- At least 17 jurisdictions explicitly state that regardless of whether a minor parent has been deemed eligible for exemption from living with a parent or legal guardian, they must live in some type of adult-supervised or supportive environment in order to receive TANF;
- 3 jurisdictions provide no statutory or regulatory provisions specific to unaccompanied youth or minor parents;
- 2 jurisdictions do not have TANF programs;
- 9 jurisdictions supply or subsidize child care for eligible minors when employment or school is required;
- 2 jurisdictions cite the minors' lack of available child care as possible grounds for exemption from work or school requirements;
- 14 jurisdictions explicitly exempt minors with children under 12 weeks/3 months of age from work or school requirements;
- 2 jurisdictions explicitly exempt minors with children under 16 weeks of age;
- 1 jurisdiction allows exemption for minors with children up to 6 years of age;
- 3 jurisdictions include cash incentives for youth who graduate high school or earn a GED; and
- 13 jurisdictions only allow for EBT cards to be used for SNAP only (i.e., not for TANF).

Purpose and Findings

Three main issues were researched for this analysis: 1) whether the statute includes possible exemptions from the requirement for minor parents to live with a parent or legal guardian in order to receive TANF; 2) if so, whether the statutes explicitly state that minor parents must live in an adult-supervised or supportive environment; and 3) whether the statutes include exemptions from the work and/or education requirement for minor parents.

Forty-seven jurisdictions include language in their statutes regarding possible exemption from the requirement that, in order to receive benefits, a minor parent must live with a parent or other legal guardian. The nine jurisdictions that do not include explicit language regarding exemptions from this rule are Colorado, Connecticut, Delaware, Hawaii, Nebraska, Nevada, Washington, West Virginia, and Wisconsin. Three jurisdictions, including Guam, Puerto Rico, and the Virgin Islands, provide no statutory or regulatory provisions specific to unaccompanied youth or minor parents. Two jurisdictions, American Samoa and the Northern Mariana Islands, do not have TANF programs.

At least two jurisdictions, Oklahoma and Vermont, only allow exemption from the living with a parent or guardian requirement where the minor parent is emancipated. At least one jurisdiction, Wyoming, only allows for exemption from the requirement in the case of incest. At least 31 jurisdictions exempt minor parents who have no available or living parent or legal guardian whose whereabouts are known. They are Alabama, Alaska, Arizona, Arkansas, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, and Utah. At least 33 jurisdictions allow exemption where the physical or emotional health and/or safety of the minor parent and his/her child would be jeopardized if they lived with the minor's parent or legal guardian. They are Alabama, Alaska, Arizona, Arkansas, California, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, and Virginia. At least 20 jurisdictions include ambiguous language that could be interpreted to allow an exemption (e.g., "good cause," "appropriate reasons," "best interest," etc.). They are Alabama, Arkansas, California, Florida, Georgia, Iowa, Kentucky, Louisiana, Maine, Mississippi, New Hampshire, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, and Texas. Many state statutes address other categories of exemptions not included here.

At least 17 jurisdictions explicitly state that regardless of whether a minor parent has been deemed eligible for exemption from living with a parent or legal guardian, he or she must live in some type of adult-supervised or supportive environment. They are Alaska, Florida, Idaho, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New York, Ohio, Oklahoma (unless legally emancipated), Oregon, Rhode Island, South Dakota, Virginia, West Virginia, and the District of Columbia.

Fourteen jurisdictions explicitly exempt minors with children under 12 weeks (or three months) of age from the programs' work and/or school requirements. They are Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Kansas, Kentucky, Massachusetts, Mississippi, New Mexico, Oklahoma, Rhode Island, and the District of Columbia. Two jurisdictions, Oregon and Tennessee, exempt minors with children under 16 weeks of age. One jurisdiction, Idaho, allows for the exemption of minors with children up to six years of age under certain circumstances.

Nine jurisdictions supply or in some way subsidize child care for eligible minors when employment or school is required. They are Arizona, Arkansas, California, Connecticut, Florida, Massachusetts, Mississippi, West Virginia, and Wisconsin. Two jurisdictions, Idaho and Iowa, include possible exemption from the programs' work and/or education requirements due to the minors' lack of available child care.

Three jurisdictions, California, North Dakota, and West Virginia, include some type of cash incentive for youth who graduate from high school or earn their GED.

Thirteen jurisdictions allow for EBT cards to be used for SNAP only (i.e., not for TANF). These include Delaware, Georgia, Iowa, Nebraska, Ohio, Oklahoma, South Carolina, South Dakota, Virginia, Washington, Wisconsin, Wyoming and the Virgin Islands.

Analysis

With only 17 jurisdictions explicitly requiring minor parents to reside in an adult-supervised or supportive environment, the majority of statutes appear to allow for some level of leeway regarding appropriate alternative living situations. As such, these states may consider a minor parent living alone or independently as an appropriate alternative living situation. For unaccompanied youth, this is an important measure that would allow them to live on their own with their child and still receive the vital benefits through the TANF program.

It is troubling that a fair number of jurisdictions do not include specific language exempting minor parents from the living with a parent or legal guardian requirement in order to receive assistance. For youth who come from abusive, neglectful, or otherwise unsafe homes, the requirement is unrealistic and can force minor parents to choose between a safe situation for themselves and their child and financial assistance. There are a multitude of factors that contribute to homelessness among youth, and it is important that these factors be considered when evaluating TANF eligibility for such a vulnerable population.

Too few jurisdictions provide child care for minors who must participate in the mandated education/work-related requirements. Youth who are more than likely already in precarious financial situations may not have the capacity to find and/or afford child care, potentially creating further barriers to receiving the assistance they need. In addition, only three jurisdictions explicitly provide some type of cash incentive program to encourage the continued participation in and completion of the education requirements included in the TANF statutes. Even a small reward system could help to motivate and support a minor parent who is already facing immense odds.

Noteworthy Statutes

Arkansas's statute includes many provisions that would positively impact minor parents, especially those who are unaccompanied. In particular, the statute exempts minor parents from living with a parent or legal guardian and does not require that such minors reside in an adult-supervised or supportive environment. In addition, the statute exempts minor parents from the education-related requirements if they have a child who is under three months old. The program also provides transportation, child care, case management, and mentoring to minor parents who are participating in education-related activities. These provisions help both to alleviate barriers to education for minor parents and supply them with the necessary benefits to ensure the health and safety of themselves and their children. See Ark. Admin. Code § 208.00.1-2122; 2123; 3350 (2017).

STATE HIGHLIGHT:

THE CALIFORNIA STATUTE PROVIDES CASH BONUSES FOR GOOD GRADES AND A $500 BONUS UPON COMPLETION OF HIGH SCHOOL OR AN EQUIVALENT PROGRAM.
THIS STATUTE APPROACHES MINOR PARENTS IN A HOLISTIC WAY THAT NOT ONLY EXEMPTS THEM FROM CUMBERSOME LIVING ARRANGEMENTS, BUT ALSO COMPREHENSIVELY SUPPORTS THEIR COMPLETION OF A HIGH SCHOOL DEGREE OR EQUIVALENT.

Like Arkansas, California's statute not only includes a variety of criteria (including a "good cause" point) that would exempt a minor parent from living with a parent or legal guardian, it also does not mandate that an adult-supervised or supportive environment be considered the only acceptable alternative living situations in the case of exemption. Furthermore, the required education-related program provides youth with payments for child care, transportation and school expenses. In addition, the California statute provides cash bonuses for good grades and a $500 bonus upon completion of high school or an equivalent program. This statute approaches minor parents in a holistic way that not only exempts them from cumbersome living arrangements, but also comprehensively supports their completion of a high school degree or equivalent. See Cal. Welf. & Inst. Code §§ 11254; 11331.5; 11333.7 (West 2017).

Recommendations

- Establish TANF eligibility for pregnant minors 120 days before their due date;
- Ensure exemptions from the minor parent living arrangement rule for pregnant and parenting minors in cases where: the minor parent has no living parent or legal guardian whose whereabouts are known; the living parent or legal guardian forbids the minor parent from living in his/her home; the minor parent has lived apart from his/her own parent or legal guardian for at least one year before either the birth of his/her child or application for TANF; the physical or emotional health or safety of the minor parent or his/her child would be jeopardized if they reside in the same residence with the minor

parent's parent or legal guardian; an adult relative of the household has an addiction or a history of domestic violence; the parent or legal guardian of the minor parent has a mental illness or developmental disability that renders them unable to care for the minor parent; the parent or legal guardian does not live in the same state as the minor parent; the minor parent would be financially or legally penalized as a result of breaking a lease or similar contract, if he or she moved; or other appropriate reasons;

- Ensure exemptions from the minor parent living arrangement rule for pregnant and parenting minors in appropriate cases;
- Establish living alone/independently as an "appropriate alternative living arrangement" option for minor parents and provide assistance for minor parents in securing safe, stable housing;
- Exempt minor parents with children less than three months of age from the employment and training requirements;
- Allow for higher education, including community college, to count as "work activity" for parenting youth up to age 24;
- Provide child care services or assistance, as well as transportation to child care, school, and place of employment, for minor parents in order to help them comply with the employment and training rules;
- Provide TANF benefits via EBT cards; and
- Provide cash incentive payments or higher education scholarship assistance to minor parents on TANF who complete education and training requirements.

Supplemental Nutrition Assistance Program (SNAP)

Background

Like TANF, the federal Supplemental Nutrition Assistance Program (SNAP) provides nutrition assistance to eligible low-income individuals and families through state agencies and resources. To receive SNAP benefits, individuals or families (either an individual or a family is considered a "household") must meet certain criteria, which include, resources, income, deductions, and employment requirements. Youth experiencing homelessness, unaccompanied youth in particular, are eligible to apply for SNAP benefits as single individual households. Benefits should be available from the day the household applies and also should be available to households irrespective of race, sex, religious creed, national origin, or political beliefs. Benefits are generally provided through cards issued through the Electronic Benefit Transfer (EBT) system. The EBT cards can be used like a debit card at food retail stores or other approved food providers. All 50 states, the District of Columbia, Puerto Rico, the Virgin Islands and Guam use EBT for SNAP benefits.

SNAP applications may be found and submitted (1) through a state agency's website, (2) by visiting the local, state, or county office, information for which may be found in the government section of the local telephone book, or (3) by calling the state's SNAP hotline which can be found at: https://www.fns.usda.gov/snap/state-informationhotline-numbers.

The federal government provides a lot of flexibility in its SNAP regulations for youth experiencing homelessness to meet the eligibility criteria. A May 17, 2013 United States Department of Agriculture memorandum[22] clarified policies in order to ensure that eligible youth experiencing homelessness could access SNAP. The memo highlighted the wide range of acceptable means for verifying an applicant's identify and the exemption for homeless households from the requirement to verify residency. Also, youth experiencing homelessness living alone are eligible to apply as a single person household even if they are minors. Under SNAP regulation 7 C.F.R. § 273.2(f)(1)(vii), youth experiencing homelessness may provide a variety of acceptable documentary evidence, or even an authorized representative, such as from a shelter worker or employer, establishing the applicant's identity. This is especially important for youth experiencing homelessness as they may have limited or no access to documents typically needed for access to government forms.

States laws too are generally flexible in applying SNAP eligibility criteria to youth experiencing homelessness. Like the federal regulations, the state or local rules and policies provide exemptions accounting for the circumstances of youth experiencing homelessness. This is in spite of the fact that most states, except for California, do not have specific eligibility categories for youth experiencing homelessness.

Categorical Eligibility: Broad-based categorical eligibility (BBCE) is a policy that permits households that qualify for TANF to qualify for SNAP without providing proof of income again. By virtue of their enrollment in TANF, recipients are categorically eligible for SNAP. As of August 2016, 42 states had adopted BBCE. States that have not adopted BBCE include Alaska, Arkansas, Indiana, Kansas, Louisiana, Missouri, South Dakota, Tennessee, Utah, Virginia, Wyoming, American Samoa, Puerto Rico and the Virgin Islands. While BBCE greatly simplifies the state administration of SNAP and reduces red tape for applicants, SNAP recipients in those states are still eligible under the standard income limitation rules. This means that irrespective of whether or not BBCE has been adopted in a state, youth experiencing homelessness can likely meet the income or resource requirements for SNAP, although it may take a little more work to do so.

Income Eligibility: Youth experiencing homelessness with income beneath the gross or net monthly income thresholds can meet the SNAP eligibility requirements. Generally, single individual households (i.e., a youth living alone) with monthly gross income in under $1,316 or monthly net income under $1,012 is eligible for SNAP. Alaska and Hawaii have higher income thresholds though.

Employment Requirements: Generally, individuals are required to: be employed, maintain their employment by not voluntarily quitting their job or reducing their hours, be registered for work, and participate in employment and training programs assigned by the state or work for a minimum of at least 20 hours per month through a work program. Work requirement exemptions are available, and they often apply to children, seniors, pregnant women and people who are exempt for physical or mental

22 https://fns-prod.azureedge.net/sites/default/files/Policy_Clarifications_Homeless_Youth_Issues.pdf

health reasons. Youth often may be exempted if they are attending school or in an educational program.

Citizenship requirement: As with TANF, non-citizens are eligible for SNAP if they have lawful permanent resident (LPR) status ("green card holders") and have resided in the U.S. as a legal resident for five years.

Fast Facts

- 2 jurisdictions provide specific guidance for youth experiencing homelessness;
- 15 jurisdictions allow recipients to use benefits at a restaurant;
- 41 jurisdictions have BBCE; and
- 7 jurisdictions provide specific exemptions from work requirements for individuals experiencing homelessness.

Purpose and Findings

Three main issues were researched for this analysis: 1) whether the statute includes specific guidance for youth experiencing homelessness; 2) whether the statutes allow benefits to be used to purchase meals at restaurants; and 3) whether the statutes include exemptions from the work and/or education requirement for individuals experiencing homelessness.

Two jurisdictions include language in their statute providing specific guidance for youth experiencing homelessness. The two jurisdictions that do include explicit language regarding youth are California and Illinois. California's SNAP Program, CalFresh, provides guidance which "clarifies that there are no minimum age requirements for CalFresh eligibility except for those imposed by federal law." The guidance also requires "upon receipt of a CalFresh application from an unaccompanied child or youth, [that officials] … determine the youth's eligibility, which shall include determining whether the youth is eligible to apply as the sole member of the household and screening the application for entitlement to expedited service."

In Illinois, the guidance for youth experiencing homelessness states "unaccompanied minors may apply for and receive medical and SNAP benefits as the payee or the head of household without parental permission." Additionally, Illinois clarifies unaccompanied minors "should not be required to apply for benefits as a part of the adult's household with whom they are temporarily living if they have not been there for longer than 90 days." The statute states "unaccompanied minors may sign their own application for SNAP."

Specific guidance for youth is essential due to the unclear rules that often leave service providers unaware that unaccompanied youth experiencing homelessness are eligible for SNAP benefits. A 2014 study in Texas found that 37.27% of homeless service providers were not aware that youth under 18 could be eligible for SNAP; 63.98% of homeless service providers had not received training or information clarifying the policies around SNAP eligibility for youth experiencing homelessness; 32.35% of

homeless service providers identified the biggest barrier to unaccompanied youth access to SNAP as the "inability to apply due to youth being under a previous parent or guardian's SNAP account.»[23]

At least 15 jurisdictions allow the use of SNAP benefits to purchase meals at restaurants. These include Arizona, California, Colorado, Connecticut, Idaho, Iowa, Nebraska, Nevada, New Jersey, North Dakota, Ohio, Pennsylvania, Texas, Vermont, and Wisconsin. These statutes allow SNAP recipients to purchase prepared meals at approved restaurants. Jurisdictions without this provision only allow SNAP recipients to buy "cold" food items at authorized SNAP providers (such as grocery stores, etc.). For individuals experiencing homelessness and individuals without access to a kitchen or stove, this limits their ability to consume prepared and warm meals.

Only seven jurisdictions provide specific exemptions from work requirements for individuals experiencing homelessness. They are Colorado, the District of Columbia, Montana, North Carolina, Oklahoma, West Virginia, and Wisconsin. These states consider the experience of homelessness an undue hardship warranting exemption from work requirements. For example, North Carolina statute 245.01(5)(d) states chronic homelessness is an exemption from the able-bodied adults without independents time limit as the person is considered unable to work due to chronic homelessness.

Forty-one jurisdictions have broad-based categorical eligibility, thereby simplifying the SNAP application process for minor and other applicants. These include Alabama, Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Washington, West Virginia, Wisconsin, and Guam. Those jurisdictions without broad-based categorical eligibility include Alaska, Arkansas, Indiana, Kansas, Louisiana, Missouri, South Dakota, Tennessee, Utah, Virginia, Wyoming, Puerto Rico, and the Virgin Islands. (Northern Mariana Islands and American Samoa do not have SNAP or TANF programs.)

23 Sarah McPherson, *Unaccompanied Homeless Youth: Access to SNAP*, Texas Hunger Initiative 10 (Apr. 2014). https://www.theotx.org/wp-content/uploads/2016/02/Texas_HungerInitiative_UHY-Access-to-SNAP-Written-Report.pdf.

Analysis

THE NEGATIVE CONSEQUENCES OF HOMELESSNESS MAKE IT DIFFICULT FOR INDIVIDUALS EXPERIENCING HOMELESSNESS TO CONSISTENTLY ATTEND SCHOOL OR WORK OR PERFORM AT A HIGH LEVEL IN THESE ENVIRONMENTS. MORE JURISDICTIONS SHOULD IMPLEMENT WORK REQUIREMENT EXEMPTIONS FOR SNAP RECIPIENTS—ESPECIALLY MINORS—CURRENTLY EXPERIENCING HOMELESSNESS.

Only two jurisdictions provide specific guidance for SNAP benefits for youth experiencing homelessness. Other jurisdictions should provide clarification in order to ensure that eligible youth experiencing homelessness can access SNAP benefits. Studies have shown that youth experiencing homelessness may be turned away by providers due to misinformation regarding who is eligible for benefits. States should provide guidance in order to ensure that all youth experiencing homelessness have access to SNAP.

Only 15 jurisdictions allow recipients to use SNAP benefits at a restaurant. Not allowing the use of SNAP benefits at a restaurant limits access to nutritious, hot meals. Many youth experiencing homelessness lack access to a kitchen or stove. This means they do not have the ability to prepare meals. Thus, the ability to use SNAP benefits to purchase prepared meals at a restaurant provides youth experiencing homelessness the opportunity to eat nutritious meals.

Only seven jurisdictions provide specific exemptions from work requirements for individuals experiencing homelessness. Homelessness consumes the lives of those experiencing it in the daily struggle to meet basic needs. Individuals experiencing homelessness also are extremely vulnerable to trauma and subject to increased rates of physical, mental, and emotional abuse. The negative consequences of homelessness make it difficult for individuals experiencing homelessness to consistently attend school or work or perform at a high level in these environments. More jurisdictions should implement work requirement exemptions for SNAP recipients – especially minors—currently experiencing homelessness.

Noteworthy Statutes

Both Colorado and Wisconsin allow SNAP recipients to use benefits at restaurants, exempt individuals experiencing homelessness from work requirements (See section 4.000.1 of 10 Colo. Code Regs. §2506-1), and allow for BBCE. See Colo. Rev. Stat. Ann. § 26-2-305.5 (West 2010); Wisconsin FoodShare Handbook,[24] §3.2.1.3.3 (benefits in restaurants) and § 3.17.1.5 (exempt from work requirements). These provisions help reduce barriers to stability for youth experiencing homelessness. They also allow youth

24 https://www.dhs.wisconsin.gov/publications/p1/p16001-18-03.pdf

experiencing homelessness to eat warm meals, focus on their immediate needs such as their health, safety, and shelter needs as opposed to the need to find employments, and create a simplified, streamlined application process. They also help ensure that federal programs aimed to assist those in need are accessible and helpful for the most vulnerable populations.

Recommendations

- Issue specific guidance for youth experiencing homelessness;
- Allow SNAP recipients to purchase meals at approved restaurants with benefits;
- Jurisdictions that allow for the use of SNAP benefits to purchase prepared meals at approved restaurants ensure the list of approved restaurants is easily accessible and distributed to youth experiencing homelessness;
- Include work requirement exemptions for individuals experiencing homelessness;
- Provide for BBCE;
- Help youth access SNAP benefits and applications when they utilize other services through homeless providers; and
- Distribute educational materials to youth homelessness service providers regarding the availability of SNAP to unaccompanied minors experiencing homelessness.

Research Methodology and Limitations

This section contains information on federal benefits available to unaccompanied youth, specifically TANF and SNAP. It summarizes the federal regulations and provides information by state on how each state administers the TANF program limited to provisions directly affecting unaccompanied youth. It is not a full review of state TANF administration systems, which may have other provisions that indirectly affect accessibility of benefits for unaccompanied youth.

This section also contains information on federally provided SNAP benefits available to unaccompanied youth. It summarizes the general requirements and accessibility of SNAP across the states, based on information provided by the United States Department of Agriculture. It is not a full review of state SNAP administration systems, which may have other provisions that indirectly affect accessibility of benefits for unaccompanied youth.

Appendix of Relevant Laws

- Appendix 12 - Federal Benefits Statutes

X. RIGHTS OF UNACCOMPANIED YOUTH TO PUBLIC EDUCATION

Background

Despite their right to education, unaccompanied youth face numerous barriers to receiving a public education and appropriate school-related services. These barriers include frequent school transfers, delays in enrollment, unaffordable transportation and/or long commutes, academic and extracurricular fees, and a lack of external support, all of which can prevent unaccompanied youth from accessing educational rights opportunities. Unaccompanied youth who are also immigrants and/or have disabilities face additional barriers to accessing education.

Formal and informal education play a critical role in youth development. Education provides youth with the opportunity to learn in a traditional classroom setting, engage in extracurricular activities, socialize with peers, and receive additional services such as reduced-price meals, academic and college application assistance, and health care. Research has shown that individuals who have had access to quality and consistent childhood education are more likely to have a higher quality of life and gainful employment among other positive outcomes, highlighting the social and economic benefits of education.[25]

Unaccompanied youth experiencing homelessness have the right to the same free, public education and opportunities for academic success as housed students. The federal McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) also provides additional protections to many unaccompanied youth. 42 U.S.C. §§ 11431-11435 (2012). Subtitle VII-B of the McKinney-Vento Act establishes an array of rights for unaccompanied youth in homeless situations. The Act defines unaccompanied youth as young people who are not in the physical custody of parents or guardians. *Id.* § 11434a(6). Homelessness is defined broadly to include a wide variety of temporary, inadequate living situations, such as staying temporarily with friends or relatives due to a loss of housing, economic hardship or a similar reason; living in emergency and transitional shelters; staying in motels, hotels, campgrounds or trailer parks due to the lack of alternative adequate accommodations; sleeping in parks, cars, abandoned buildings, train or bus stations, and other public spaces; and awaiting foster placement. *Id.* § 11434a(2).

Unaccompanied youth must be provided with equal access to appropriate secondary education and support services. Youth in homeless situations also have the right to remain in one school, even if their lack of housing forces them to move to a different area. As long as it is feasible, unaccompanied youth can stay in the same school for the entire time they are homeless. The school district must ensure transportation

25 Dana Mitra, *Pennsylvania's Best Investment: The Social and Economic Benefits of Public Education*, Education Law Center 4-5 (2011), www.elc-pa.org/wp-content/uploads/2011/06/BestInvestment_Full_Report_6.27.11.pdf.

to and from that school by providing free passes for public transportation, reimbursement for gas, or other transportation services. See 42 U.S.C.A. § 11432 (2017). Unaccompanied youth who are covered by the McKinney-Vento Act also have the right to enroll in school immediately, even if they lack documents normally required for enrollment. Every school district must appoint a liaison who is responsible for assisting unaccompanied youth with enrollment, transportation, and other issues. Liaisons and state Departments of Education must also ensure that school personnel are made aware of the specific needs of youth who have run away from home and other youth experiencing homelessness. *Id.*

Because homeless students are more likely to have disabilities than non-homeless students,26 protections for unaccompanied homeless youth are also explicitly included in the Individuals with Disabilities Education Act (IDEA) as amended, which mandates that children with disabilities receive a free, appropriate public education. 20 U.S.C. §§ 1400-1450 (2012). IDEA requires, as part of its "child find" program, that all children with disabilities, including those who are homeless, be identified, located, and evaluated. *Id.* § 1412(a)(3)(A). It expressly commands each state education agency to ensure that pertinent requirements of the McKinney-Vento Act are met. *Id.* § 1412(a)(11)(A)(iii). For children whose parents are unknown, including homeless children, IDEA requires that the state assign an independent surrogate for the child if needed. *Id.* § 1415(b)(2). The surrogate, like parents, has the right to examine all records relating to the child, to participate in meetings with respect to identification, evaluation, and educational placement of the child under IDEA, and to obtain an independent educational evaluation in appropriate circumstances. *Id.* § 1415(b)(1). The surrogate, like parents, may file complaints and participate in due process hearings to resolve disputes regarding special education services. *Id.* § 1415(b)(6)-(7). School systems must immediately implement in the new school the Individualized Education Plan (IEP) of an unaccompanied homeless youth who transfers to a new school.

The McKinney-Vento Act requires every state to maintain dispute resolution procedures for disputes relating to the school placement of youth experiencing homelessness. These procedures are critical to protect the rights of students experiencing homelessness to educational continuity and stability.

Fast Facts

- Only 14 states have updated their dispute resolution procedures to account for the passing of Every Student Succeeds Act (ESSA), and none of the 14 explicitly protect privacy rights of students; and
- Several states have adopted statutes or regulations that either run parallel to or expand the federal protections to ensure stable and continuous access to education for unaccompanied youth experiencing homelessness.

26 *Supporting Homeless Children and Youth with Disabilities: Legislative Provisions in the McKinney-Vento Act and the Individuals with Disabilities Education Act*, National Center on Homeless Education (Oct. 2015), https://nche.ed.gov/downloads/briefs/idea.pdf (referencing report by National Center on Family Homelessness stating that homeless children are three times more likely to have emotional and behavioral problems, four times more likely to show delayed development, and have twice the rate of learning disabilities as non-homeless children).

Purpose and Findings

Dispute resolution procedures of every state were researched for this analysis. This analysis considered: 1) which states have updated their dispute resolution procedures to account for the passing of ESSA; 2) which state procedures call for prompt resolution of disputes and specific deadlines in their processes; 3) which states provide appropriate assistance to assist homeless families and youth during the dispute resolution process; and 4) which states have adopted statutes or regulations to ensure access to education for unaccompanied youth. The requirements of dispute resolution procedures regarding the placement of youth experiencing homelessness were amended by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, 129 Stat. 1802. As of September 13, 2017, fourteen states had updated their dispute resolution procedures to account for the passing of ESSA: Georgia, Indiana, Iowa, Kentucky, Massachusetts, Missouri, Nebraska, Oregon, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, and Wyoming. Several of these states have made explicit references to the requirements under federal law. These references are highlighted below.

Among those procedures, all call for prompt resolution of the dispute. Ensuring disputes are resolved promptly and that the process is fair and equitable to all parties is critical. Georgia, Massachusetts, Missouri, Nebraska, Pennsylvania, Tennessee, Vermont, Virginia, West Virginia, and Wyoming provide specific deadlines in their processes, which help guarantee immediate and uninterrupted school enrollment for unaccompanied youth. Because immigrant families are disproportionately likely to experience homelessness and face additional challenges like language barriers,[27] Georgia calls for written notice of the local decision to be in "a language" that the parent, guardian, or unaccompanied youth can understand, while Massachusetts requires that the parent, guardian, or unaccompanied youth be told in "the language of the home" of their transportation options. Georgia, Indiana, Massachusetts, Oregon, Pennsylvania, Tennessee, and Wyoming all guarantee that written notices be provided in easily-understood language.

Access to free legal advice and assistance for unaccompanied youth (and for families experiencing homelessness) when disputes arise in educational matters is also critical. School districts and states have access and utilize lawyers in these matters; providing access to homeless youth and families is an equitability issue. Thus, Iowa requires the provision of legal and advocacy services that can assist youth during the dispute resolution process. Massachusetts requires that parents be informed of their rights to seek the assistance of independent counsel and information during the dispute resolution process.

Defining the scope of the dispute resolution process is equally important in light of recent changes under ESSA. Massachusetts, Missouri, Oregon, and Tennessee explicitly cover eligibility, school enrollment, and school selection disputes in their dispute resolution procedures. Georgia, Massachusetts and Nebraska explicitly define the term

27 *Supporting the Education of Immigrant Students Experiencing Homelessness*, National Center on Homeless Education (Dec. 2017), nche.ed.gov/downloads/briefs/imm_lia.pdf.

enrollment in their procedures, following federal language. Kentucky, Massachusetts, Oregon, Tennessee, and West Virginia use the best interest of the student standard, with explicit references to certain student-centered factors.

In addition to the federal protections discussed above, several states also have adopted statutes or regulations to strengthen the right to education covered under the McKinney-Vento Act for unaccompanied young people. In fact, Colorado enacted its own version of the McKinney-Vento Act in 2002. See Colo. Rev. Stat. §§ 22-1-102, 22-1-102.5, 22-33-103.5 (2017). The statute reinforces the protections for unaccompanied youth contained in federal law. Arizona increases access to educational options for unaccompanied youth by allowing charter schools to give enrollment preference to them. See Ariz. Rev. Stat. § 15-184. To offset financial burdens and to increase access to programs, California requires schools charging family fees for before and after school education and safety programs to waive the fee if the youth is experiencing homelessness, as defined in the McKinney-Vento Act, and to grant such students first priority for enrollment. See Cal. Educ. Code §§ 8482.6, 8483, 8483.1 (West 2017). Illinois has conferred statutory protections on unaccompanied youth since 1995. See 105 Ill. Comp. Stat. 45/1-5 through 3-5 (2017). Many of the changes to the McKinney-Vento Act enacted in 2002 were inspired by successful provisions in the Illinois statute. New Mexico law also establishes protections for students who have experienced a disruption in their education, including unaccompanied youth, and requires the liaisons for those students to ensure that they receive free school meals. See N.M. Stat. Ann. §§ 22-12-10, 22-13C-3 (2017).

STATE HIGHLIGHT:

NEW YORK'S STATUTE ENACTING MCKINNEY-VENTO IS NOTABLE FOR EXTENDING PROTECTIONS TO STUDENTS TO REMAIN IN THEIR SCHOOLS OF ORIGIN EVEN IN THE YEAR AFTER THEY FIND PERMANENT HOUSING IF THAT IS THE STUDENT'S TERMINAL YEAR IN A SCHOOL.

New York's statute enacting McKinney-Vento is notable for extending protections to students to remain in their schools of origin even in the year after they find permanent housing if that is the student's terminal year in a school (e.g., a homeless student who finds housing during 11th grade can still finish his 12th grade year in his same school). See N.Y. Educ. Law § 3209 (2017). Many other states have incorporated provisions of the McKinney-Vento Act into their laws, including California, Connecticut, Delaware, Idaho, Iowa, Maine, Maryland, North Carolina, North Dakota, Ohio, Tennessee, Texas and Virginia. See Cal. Educ. Code §§ 48850(a)(1), 48412, 48852.5, 48852.7, 76010, 90001.5, 92660, 8263, 51421.5, 8482.6, 8483, 8483.1 (West 2017); Conn. Gen. Stat. § 17b-800a (2017); 14 Del. Code Ann. § 202 (2017); Idaho Code Ann. § 33-1404 (2017); Iowa Admin. Code r. 33 (2017); Me. Rev. Stat. Ann. tit. 20-A, § 5205(7) (2017); Md. Code Ann., Educ. § 8-412 (2017); N.C. Gen. Stat. § 115C-366 (2017); N.D. Cent. Code § 15.1-19-08 (2017); Ohio Rev. Code Ann. § 3313.64(F)(13) (LexisNexis 2017); Tenn. Code Ann. § 49-6-5001(c)(3) (2017);

Texas Educ. Code §§ 25.007, 28.025 (2017); Va. Code Ann. §§ 22.1-3(A)(6), 22.1-3.1, 22.1-270, 22.1-271.2 (2017).

Many of these and other jurisdictions have also incorporated provisions of the Act into their regulations, including Maine, Maryland, and New Jersey. See 05-071 Me. Code R. § 14 (2017); Md. Code Regs. 13A.05.09.01 et seq. (2017); N.J. Admin. Code §§ 6A:17-2.1 through 2.9 (2017). Following litigation in Pennsylvania brought by the National Law Center on Homelessness & Poverty and the Education Law Center, Pennsylvania issued model guidance for local school districts.[28]

While the McKinney-Vento Act requires schools to provide unaccompanied youth with assistance to prepare and improve their readiness for college, the act does not apply to students attending college. College students without stable housing face many barriers to staying in school in addition to simply the price tag. A common challenge for students with campus housing is where to stay when dorms close during school breaks. Several states have adopted relevant statutes or regulations to extend the right to education to students pursuing higher education and to reduce such barriers. For example, California requires its public community colleges and universities to provide priority access to student housing that is open during school breaks or year-round to current and former youth experiencing homelessness and current and former foster youth, and requires that all such schools, even those without student housing, develop plans to ensure access to housing during and between academic terms. See Cal. Educ. Code §§ 76010, 90001.5, 92660 (2017). Florida exempts students who were in foster care or other related guardianship or adoption situations or who lack a fixed, regular and adequate nighttime residences or reside in shelters, transitional living programs, or places not designed for or ordinarily used as regular sleeping accommodations, from payment of tuition and fees at Florida public colleges and universities, as well as school district-hosted workforce education programs. See Fla. Stat. § 1009.25 (2017). Louisiana requires all public postsecondary institutions to designate liaisons for homeless and foster students in their financial aid offices to help those students determine their eligibility for federal

STATE HIGHLIGHT:

CALIFORNIA REQUIRES ITS PUBLIC COMMUNITY COLLEGES AND UNIVERSITIES TO PROVIDE PRIORITY ACCESS TO STUDENT HOUSING THAT IS OPEN DURING SCHOOL BREAKS OR YEAR-ROUND TO CURRENT AND FORMER YOUTH EXPERIENCING HOMELESSNESS AND CURRENT AND FORMER FOSTER YOUTH, AND REQUIRES THAT ALL SUCH SCHOOLS, EVEN THOSE WITHOUT STUDENT HOUSING, DEVELOP PLANS TO ENSURE ACCESS TO HOUSING DURING AND BETWEEN ACADEMIC TERMS.

28 *What You Should Know About Children and Youth Experiencing Homelessness*, Commonwealth of Pennsylvania, Department of Education (September 2015), https://www.education.pa.gov/Documents/K-12/Homeless%20Education/ECYEH%20School%20Staff%20Guide.pdf.

and Louisiana financial aid and other assistance, and permits public postsecondary institutions to grant residency, for tuition purposes, for students residing in Louisiana, ages 19 or under at enrollment, if they had experienced homelessness at any point in the two years immediately before enrolling. See La. Rev. Stat. Ann. 17:3399.22 (2017).

Because public knowledge that a student is experiencing homelessness can lead to social isolation and stigmatization inside and outside of the classroom, it is worth noting that no states include in their procedures explicit protections for the privacy rights of homeless students or their families. Since students must disclose their homeless status in order to be connected to a liaison and access many of these rights, lack of explicit privacy protections can serve as a deterrent to unaccompanied youth seeking to exercise their right to education.

For more information on the McKinney-Vento Act and the education rights of unaccompanied youth, visit the Law Center's website at www.nlchp.org.

Analysis

Less than a third of states have updated their dispute resolution procedures to account for the amendments made by ESSA. States must prioritize the educational needs of unaccompanied youth, particularly those experiencing homelessness, by updating these procedures. ESSA was passed in 2015 so the fact that many states have not amended their dispute resolution procedures indicates that implementation is severely lagging.

For the fourteen updated procedures, it is apparent that states are only selecting parts of federal law to include in their procedural updates, further indicating a lag in implementation. Given that the U.S. Department of Education (DOE) provides guidance for meeting the needs of unaccompanied youth, all states should be fully following the DOE's guidance in their dispute resolution procedures at this time.

Noteworthy Statutes

Illinois' statute requires every regional superintendent of schools to appoint an informed ombudsperson to provide resource information and resolve disputes regarding youth experiencing homelessness. For instance, if a school denies a youth experiencing homelessness enrollment or transportation, it must immediately refer the youth or their parent or guardian to an ombudsperson and provide a written statement of the basis for the denial. The statute also states that, if possible, the ombudsperson should convene a meeting of all parties and attempt to resolve the dispute within five school days after receiving notice of the dispute. It is also worth noting that the statute permits the youth experiencing homelessness to be admitted and transported to the school chosen by the parent or guardian until the dispute is resolved, which allows for

continuous enrollment. Ombudspersons give youth experiencing homelessness legal resources and support often necessary for navigating dispute resolution processes. Thus, we recommend that all states include a similar provision in their statutes. See 105 Ill. Comp. Stat. Ann. 45/1-25 (West 2005).

New York's statute works to eliminate additional barriers for youth experiencing homelessness that may prevent them from attending school, requiring public welfare officials to provide indigent children with suitable clothing, shoes, books, food, transportation and other necessaries. The statute is also helpful in that it defines "designator" and allows the designator to designate a school choice and either keep the youth experiencing homelessness in the school of origin or enroll him or her in a new school, giving the youth and/or their parent or guardian the ability to determine the best interests of the youth. *See* N.Y. Educ. Law § 3209 (McKinney 2017).

California's statute promotes equal access to education by further expanding access to higher education for youth experiencing homelessness. The statute encourages California state colleges, state universities and University of California branches to provide information about admission requirements and financial aid to youth experiencing homelessness; to assist the transition of youth experiencing homelessness into four-year public institutions of higher education; and to develop a plan to ensure that current and former youth experiencing homelessness have access to housing during and between academic terms and receive priority housing. In addition, California public institutions of higher education are required to provide a single point of contact to assist youth experiencing homelessness in accessing and completing higher education and assist with tuition fees in certain circumstances. See Cal Educ. Code §§ 67003.5, 69561, 76010 (West 2017).

Recommendations

- Establish by constitution or statute all children and youth's right to education, regardless of economic or housing status, and ensure enforcement;
- Establish a right to civil action for homeless students to enforce their educational rights under the state constitution or laws;
- Ensure immediate and continuous enrollment in school for youth experiencing homelessness;
- Ensure transportation is provided to homeless students for school attendance and extracurricular activities;
- Prohibit exclusion of homeless students from any school activity due to their homeless status;
- Prohibit denial of admission of homeless students to school due to failure to produce records required for enrollment;
- Ensure the assignment of an educational advocate to each homeless student to assist the student in school enrollment, attendance, and completion;
- Include in education plans for homeless students how subsistence and housing needs will be met;

- Ensure that procedures explicitly protect the privacy rights of the students or their families;
- Ensure prompt dispute resolution procedures with appropriate assistance and deference to homeless families and youth who are not proficient in the law;
- Waive academic and extracurricular fees for homeless students, including for secondary schools; and
- Extend protections to students pursuing higher education and ensure such students have access to housing between school terms.

Research Methodology and Limitations

The data is current as of September of 2017. We looked into federal protections, specifically under the McKinney-Vento Act and the IDEA, as well as state-specific statutes and regulations regarding access to education.

We conducted an ESSA state plan review, researching areas such as student identification, dispute resolution processes, college readiness and access to higher education, access to supports and services, and timelines for immediate enrollment for each state plan.

For the dispute resolution procedures, we looked at specific elements of the statutes, including accessibility, equitability, scope, evidentiary standards, adequate and appropriate notice, pendency requirement, and McKinney-Vento guidance.

Appendix of Relevant Laws

- Appendix 13 - Updated Dispute Resolution Procedures as of September 2017

XI. HEALTH CARE ACCESS FOR UNACCOMPANIED YOUTH

Unaccompanied youth experiencing homelessness are far more likely than housed children to have health issues. In a recent study of youth experiencing homelessness between the ages of nine and ten, 70% of youth surveyed had at least one parent-reported chronic health condition.[29] Mental health care is of particular importance. Nearly 50% of youth experiencing homelessness reported mental health challenges in the past year, with major depression, conduct disorder, and PTSD three times as high among unaccompanied youth than the general population of youth experiencing homelessness.[30] Self-harming behaviors such as cutting and burning are common. In New York state, homeless students were three times more likely to attempt suicide than their non-homeless peers (20% vs. 6%).[31] Yet only about nine percent of homeless youth have accessed mental health services.[32] Unaccompanied youth need access to stable health care, yet there are many obstacles in their way.

This chapter is divided into two subsections. The first summarizes some of the financial resources available to unaccompanied youth seeking access to health care. The second surveys state laws governing the rights unaccompanied youth have to consent to their own medical treatment and services, and their right to maintain the confidentiality of their medical records.

One overriding barrier that unaccompanied youth may encounter is financial: often they have no means of paying for health care. Nearly half of young adults ages 18-24 or younger, who are living under the poverty level, are uninsured. Although some youth may qualify for a publicly funded insurance program or may be able to obtain health care at a free health clinic, many seek care in an emergency room only after their health problems have become severe. Children assisted by CHIP or Medicaid have substantially better access to care. Compared to uninsured children, children assisted by CHIP or Medicaid are more likely to have a usual source of care, see necessary specialists, receive preventative checkups, flu shots, and mental health care,

29 Andrew J. Bares, et al., *Health and Self-Regulation among School-Age Children Experiencing Family Homelessness*, Children vol. 4(8) at 70, 5 (Aug. 2017), https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5575592/pdf/children-04-00070.pdf.

30 *NCH Fact Sheet #13: Homeless Youth*, National Coalition for the Homeless (Aug. 2007), www.nationalhomeless.org/publications/facts/youth.pdf.

31 *Suicide and Homelessness: Data Trends in Suicide and Mental Health Among Homeless Populations*, National Health Care for the Homeless Council, 2 (citing 2015 New York City Youth Risk Behavioral Survey Data, Centers for Disease control and Prevention,) https://www.nhchc.org/wp-content/uploads/2018/05/suicide-fact-sheet.pdf.

32 N. Ray, *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness*, National Gay and Lesbian Task Force Policy Institute (2006) at 45 (citing Slesnick, N. & Prestopnik, J., *Dual and Multiple Diagnosis Among Substance Using Runaway Youth,* American Journal of Drug and Alcohol Abuse vol. 31(1) (2005), https://static1.squarespace.com/static/566c7f0c2399a3bdabb57553/t/566cc0fb2399a3bdabb7de23/1449967867985/2007-NGLTF-NCH-LGBT-Youth_An-Epidemic-of-Homelessness-FULL-REPORT1.pdf.

and are less likely to have unmet health needs or delays in needed medical care due to costs.[33]

Another significant barrier unaccompanied youth may encounter is the difficulty associated with providing legally authorized consent for their own health care when they are unwilling or unable to secure that consent from their parents, legal guardians, or other person acting in loco parentis. Unaccompanied youth experience higher rates of mental illness, substance abuse, pregnancy, dating abuse and sexual assault, and sexually transmitted disease than their peers. Therefore, information regarding the legal age of consent to medical treatment in these discrete areas, in addition to information on treatment for general health services without parental consent, are included.

Unaccompanied youth who are age 18 or older are generally able to give consent for their own care on the same basis as other adults, but minors under the age of 18 are often limited by state and federal law. In general, minors need the consent of a parent to obtain health care. Every state provides youth in difficult circumstances with exceptions, though qualifications vary from state to state. In some jurisdictions, even when the law authorizes a minor to give consent for their own care, it may also grant discretion to a physician to notify the minor's parents or guardians. In some circumstances, notifying guardians of personal health information and physical location can be dangerous to the welfare of the unaccompanied youth. Parental consent laws make if far less likely unaccompanied youth will seek needed health care services.

The specifics of confidentiality laws vary significantly from state to state. These laws are based either on the status of the minor (emancipated minors, minors living apart from their parents, married minors, minors in the armed services, pregnant minors, minor parents, high school graduates, or minors over a certain age) or on the services sought by the minor (general medical care, emergency care, family planning or contraceptive services, pregnancy related care, sexually transmitted infection care, HIV/AIDS care, care for reportable infectious diseases, sexual assault examinations, drug or alcohol care, and outpatient mental health services).

All states are subject to federal medical privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act (HIPAA). Federal law mandates that emancipated minors are given the same confidentiality privileges as adults with respect to protected health information.

A chart is attached at the end of this section that lists the age at which unaccompanied minors can consent to particular health services, including general medical care, mental health treatment, substance abuse treatment, treatment for sexually-transmitted diseases, abortion, and examination and treatment related to sexual assault. The statutes surveyed focus on voluntary treatment and do not address involuntary

33 Genevieve M. Kenny & Christine Coyer, MACPAC Contractor Report No. 1: National Findings on Access to Health Care and Service Use for Children Enrolled in Medicaid or CHIP, Medicaid and CHIP Payment and Access Commission 1-2 (Mar. 2012), https://www.macpac.gov/wp-content/uploads/2015/01/Contractor-Report-No_1.pdf.

commitment. The chart also summarizes the confidentiality accorded to the various services.

Overcoming Financial Barriers

Background

"FOR A LONG TIME I WAS UNABLE TO RECEIVE MEDICAL CARE UNTIL I WAS NOTIFIED IN SCHOOL ABOUT MEDICAID UNTIL THE AGE OF 26. I ALWAYS THOUGHT IT COST MONEY TO BE MEDICALLY INSURED."

The Children's Health Insurance Program (CHIP) dominated the news cycle in February of 2017 after federal funding was suspended for 114 days, leaving states scrambling to find enough funding to keep their programs going. Connecticut went so far as to close enrollment for a week. Federal funding was restored in early January 2018 through 2027. Though the data for this report was compiled before the suspension, it remains accurate. The largest change was to the 'match rate.' In 2017, there was an enhanced match rate of on average 71%, meaning the federal government paid states the equivalent of 71% of the amount they spent on their program. That enhanced rate will be gradually cut to less than half of the current rate. States will need to supplement the federal payments at increasing rates in order to maintain their programs.

The specific rules for Medicaid and CHIP eligibility, as well as application procedures, are determined by each state within the federal guidelines. In recent years most states have expanded Medicaid and CHIP eligibility for older adolescents, but few have specifically addressed the needs of unaccompanied youth or youth experiencing homelessness. A provision in the Patient Protection and Affordable Care Act (ACA) (Pub. L. No. 111-148, 124 Stat. 119 (2010)) required the transition from CHIP to Medicaid of children ages 6 to 18 in families with incomes between 100 and 138% of the federal poverty level (FPL). Under the ACA, all states must also provide Medicaid coverage to youth until age 26 if they were in foster care. A small number of states have explored innovative approaches to health care coverage for youth experiencing homelessness. These include allowing such youth to apply for Medicaid or CHIP independently of their families or implementing a new Medicaid eligibility option for young people who were in foster care on their 18th birthday, but most states have not. Far more is required to help unaccompanied youth secure health insurance coverage.

States are allowed to use part of their federal funding in order to expand outreach programs and ensure that all children eligible for Medicaid and CHIP programs are

enrolled. Because Medicaid allows states flexibility in determining eligibility, states currently cover children whose family incomes range from around 141% of the FPL to as high as 375% of the FPL. In the CHIP program, states may either cover children in families whose incomes are above the Medicaid eligibility threshold, but less than 200% of the FPL, or up to 50 percentage points over the state's current Medicaid income limit for children. Most states provide CHIP coverage for children in families at or above 200% of the FPL. In addition, states must screen all applicants for Medicaid, and if found eligible applicants must be enrolled in the Medicaid program instead of CHIP. For states that expand their existing Medicaid programs, children who would have been eligible under Medicaid eligibility rules in effect on March 31, 1997, cannot be counted in the scope of the CHIP-related expansion. States may choose to expand their Medicaid programs, design new child health insurance programs, or a combination of both; however, the states choosing the Medicaid option must offer the full Medicaid benefit package. In 2016, 10 states including the District of Columbia and 5 territories operated their CHIP programs entirely as a Medicaid expansion; two states operated CHIP as a separate program; and 39 states operate a combination program.34

There are states that have, in addition to Medicaid and CHIP, separate child health programs that follow the regulations described in Section 42 of the Code of Federal Regulations, Section 457. In addition to the publicly funded health insurance programs, numerous other publicly funded programs at the federal and state levels fund health care for low-income and vulnerable populations. These include, for example, the Performance Partnership Grant for Community Mental Health Services, the Performance Partnership Grant for Prevention and Treatment of Substance Abuse, the Maternal and Child Health Services Block Grant, the Ryan White CARE Act, the Title X Family Planning Services Program, and the Consolidated Health Centers Program. Many of these programs can provide health care for unaccompanied youth. These programs, since not under the auspice of federal regulations, have much more flexibility than the Medicaid programs, such as imposing cost sharing, tailoring benefit packages, and employing less rigidity in eligibility and enrollment matters. However, young people often do not know where to go and what is available to them. Moreover, these safety net programs have come under increasing financial pressure in recent years and often have insufficient funds to care for all of the uninsured individuals who need the services. This underscores the importance, whenever possible, of finding ways to enable unaccompanied youth to secure health insurance coverage.

34 *Recommendations for the Future of CHIP and Children's Coverage*, Medicaid and CHIP Payment and Access Commission (Jan. 2017), https://www.macpac.gov/wp-content/uploads/2017/01/Recommendations-for-the-Future-of-CHIP-and-Childrens-Coverage.pdf.

Fast Facts

- 36 jurisdictions cover unaccompanied youth under 18 without the need for a parent or guardian signing the application for healthcare benefits in at least some situations:
  - 31 jurisdictions have explicit (or in a few cases informal) policies permitting unaccompanied youth to apply for health insurance coverage without an adult or parent cosigning the application;
  - 5 jurisdictions require an adult over 18 to sign the application, but not specifically state the adult must be the minor's parent or guardian; and
  - 1 jurisdiction will not allow unaccompanied youth to apply for CHIP but does permit them to apply for general Medicaid;
- 14 jurisdictions require a parent or adult guardian to apply for health insurance through formal or informal policies, at least until a child turns 18;
- 5 jurisdictions have no policies on whether unaccompanied youth may apply for health insurance coverage without a parent and consider applications on an ad hoc basis;
- 35 states with separate CHIP programs use an integrated application system where a youth's eligibility is considered for both CHIP and Medicaid;
- 26 of 36 states with a separate CHIP program have adopted 12-month continuous eligibility and provide a full year of coverage regardless of changes in income or household size.
- 18 states have presumptive eligibility for children seeking enrollment in Medicaid, 10 states for children seeking enrollment in CHIP; and
- CHIP enrollment is open for children in all states and territories of the United States.

Purpose and Findings

We sought to determine what financial assistance is available to unaccompanied youth in each state to help cover their health care costs.

CHIP, formerly the State Children's Health Insurance Program (CHIP), created under Title XXI of the Social Security Act as part of the Balanced Budget Act of 1997, expands health coverage to uninsured children whose families are caught between having an income greater than is allowed under Medicaid requirements, but not sufficient to purchase private coverage. CHIP, on its face, includes unaccompanied minors. However, due to administrative restrictions that require recipients to provide information regarding permanent residence, parental consent, and Social Security numbers (unless a state explicitly expresses that unaccompanied minors may act independently) many of these at-risk youth remain uninsured. An additional barrier for minors can be their lack legal standing to act on their own behalf.

Thirty-one jurisdictions currently permit children under the age 18 to apply for their own health care under certain circumstances. These are: Alaska, Arizona, California, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oregon, South Dakota, Texas, Utah, Vermont,

Washington, Wisconsin, Guam, and the District of Columbia. Fourteen require a parent or guardian for any application for state health coverage. These are: Alabama, Arkansas, Colorado, Florida, Kentucky, Montana, Nevada, North Carolina, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and Wyoming. Many of these policies are either unwritten or informal. In five jurisdictions we were unable to determine application requirements (Connecticut, North Dakota, Virgin Islands, North Mariana Islands, and American Samoa). Five jurisdictions allow minors to apply, but they must have an adult 18 or over (not necessarily a parent or guardian) sign the application.

Ten states employ "presumptive eligibility" for both Medicaid and CHIP,35 allowing certain qualified entities, such as shelters, to enroll youth into either program. They are Colorado, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Montana, New Jersey, and New York. Seven states (Colorado, Iowa, Massachusetts, New Jersey, Oregon, Pennsylvania, and Utah) now have "Express Lane Eligibility" for CHIP, and twelve states and territories (Alabama, Colorado, Iowa, Louisiana, Maryland, Massachusetts, New Jersey, New York, Oregon, South Carolina, South Dakota, and the Virgin Islands) have such eligibility for Medicaid for applicants who had previously been enrolled in other benefit programs.36 This permits states to use data and eligibility from other public benefit programs when determining eligibility for children in Medicaid and CHIP and helps cut through red tape. Finally, as of 2016, 29 states had no five-year waiting period for Medicaid for lawfully present immigrant children, and 19 states had eliminated the waiting period for CHIP for such children.[37]

Analysis

Due to the challenges of living on the streets or in inadequate, substandard, or overcrowded housing, unaccompanied youth are particularly vulnerable to health care problems. Unaccompanied youth should have a basic right to health care and be empowered to proactively seek care, rather than putting off seeking care until medical issues progress. It is essential that state programs cover unaccompanied youth and reduce barriers to their enrollment in and use of that health care coverage.

35 Tricia Brooks et al., *Report: Medicaid and CHIP Eligibility, Enrollment, Renewal, and Cost-Sharing Policies as of January 2016: Findings from a 50-State Survey*, The Henry J. Kaiser Family Foundation 51-52, Table 13 (Jan. 2016), http://files.kff.org/attachment/report-medicaid-and-chip-eligibility-enrollment-renewal-and-cost-sharing-policies-as-of-january-2016-findings-from-a-50-state-survey.

36 *Express Lane Eligibility for Medicaid Coverage*, Centers for Medicare & Medicaid Services, https://www.medicaid.gov/medicaid/outreach-and-enrollment/express-lane/index.html.

37 Brooks, *supra* note 34.

Noteworthy State Programs

Hawaii's QUEST Integration program places no restrictions on when an unaccompanied minor may apply. The program covers children from birth until the age of 21 and does not require any copay for a broad array of covered services, including unlimited physician's office visits, prescriptions, annual eye doctor appointments, contraceptives, preventative and diagnostic dentist appointments, and outpatient mental health. Hawaii, like other states, imposes a requirement that applicants be residents of the state and United States citizens. Otherwise, however, Hawaii's program is both accessible and favorable to youth of any age who are applying for health care without a parent or guardian. However, the program has an enrollment cap of 125,000 individuals. Currently, that cap has been met and the program is not accepting new applications.

Maine's MaineCare covers a broad range of care and has an uncomplicated system for applying in which unaccompanied children under the age of 18 are treated as the single household member for purposes of determining income eligibility. The monthly income maximum for coverage is $1,634, but the MaineCare website encourages applicants who earn more to apply regardless because some income may not be counted for purposes of determining eligibility. Most enrollees will not have to pay a premium. However, the website notes that some families may have to pay a premium between $8 and $64 for their children's coverage. Finally, Maine, like many other states, requires applicants to attach proof of income through recent pay stubs, a copy of a tax return if it exists, and a social security card for those applying for care on their own behalf, which may present barriers to some unaccompanied youth. MaineCare's application does not require any parental income information from children living alone, nor does it require any information about assets held by the applicant if the applicant is a minor applying on his or her own behalf. The relatively light burden of applying coupled with the broad array of coverage Maine offers provides a good model to other states considering adopting more formal policies on covering youth who lack parents or adult guardians to apply for them.

Recommendations

- Reinstate the enhanced match rate for CHIP programs;
- Establish clear eligibility for unaccompanied minors to apply for Medicaid and CHIP;
- Remove burdensome enrollment requirements such as proof of parental income, proof of payment of taxes, permanent residence, and other documentation that unaccompanied youth may lack;
- Reduce or eliminate copays for youth experiencing homelessness;
- Provide outreach to youth experiencing homelessness to enroll them in appropriate programs; and
- Expand CHIP to include youth through 21 years of age.

Research Methodology and Limitations

To research a state's policy on access to health care coverage, we first looked at the state's website to determine which department administers the Medicaid and CHIP programs and which state health insurance programs cover children. In some cases, we used the Kaiser Commission on Medicaid and the Uninsured's January 2012 report, "Performing Under Pressure: Annual Findings of a 50-State Survey of Eligibility, Enrollment, Renewal, and Cost-Sharing Policies in Medicaid and CHIP, 2011-2012" to assist us in making this determination. Some states have additional health insurance programs for children separate and apart from CHIP and Medica*id.* Some states, such as Florida or Illinois, automatically consider applications for eligibility for these unique programs when a resident applies for CHIP and/or Medicaid, streamlining the application process and eliminating bureaucratic barriers to coverage.

In some states, the application policies for all government insurance programs available to children were listed clearly on the website, usually under a "Frequently Asked Questions" section or under a heading such as "Eligibility." However, not all state coverage and application policies are clear on state websites. Some websites provide a general eligibility guide but do not specifically mention adolescents applying without a parent or guardian. Some provide a clear policy as to the eligibility or application process for CHIP, while saying nothing about general Medicaid eligibility. Finally, some states do not have any eligibility guidance at all for the various insurance programs available to cover children's health care.

In such cases, more detailed information was necessary, so we reviewed electronic copies or PDFs of these states' applications (where available) to determine if the application itself provided clear guidance. If nothing in the application clarified the guidelines for unaccompanied minor applicants, we then called the implementing state agency's hotline listed on their website or on the application. Hotline representatives were generally helpful and knew their state's policies regarding unaccompanied youth applying for coverage. However, some state hotline personnel indicated there was no formal policy regarding coverage for such youth.

If the representatives could not communicate a state policy, we then contacted homeless advocates in these states to see what experiences they had in enrolling homeless children in CHIP or Medica*id.* Sometimes these advocates would simply confirm what we already knew – that the state had no formal policy for enrolling unaccompanied youth in health insurance programs. If this was the case, our final step was to phone a cross section of local offices of the administering agency to see how these branch offices considered minors applying for benefits on their own behalf.

In our policy summaries, we largely used language directly from the respective state's websites, but omitted or changed some wording for focus and ease of reading, including replacing "child" or "children" with "youth."

Consent & Confidentiality

Background

In addition to financial obstacles to health care access, minors also face barriers related to consent and confidentiality—a harsh reality given their increased susceptibility to health problems. As a method of survival, many unaccompanied youth engage in dangerous activities that put their physical and mental health at risk. Statistics vary, but most studies have found that 15-30% of youth experiencing homelessness are victims of sexual exploitation, often involving exchanging sex for necessities such as food or shelter.[38] Though this population is disproportionately in need of access to confidential health care and health education, minors under the age of 18 face consent barriers and barriers to confidentiality that impede their access to health care. Depending on their age, unaccompanied youth may or may not be legally authorized to give consent for their own care and by definition do not have a parent or guardian to give consent on their behalf. Even if they can obtain care, limitations on the confidentiality of that care may also exist.

Consent to Care

Unaccompanied youth who are age 18 or older are able to give consent for their own care on the same basis as other adults. However, minors under age 18 may or may not be able consent to care depending on the specifics of state and federal law, as well as the types of services they are seeking. Generally, the consent of a parent is required for health care that is provided to a minor child, except when medical treatment is necessary to save the minor's life. However, every state has numerous laws that allow minors to give consent for their own care under some circumstances. These laws are based either on the status of the minor or the type of health services sought.

Every state has laws that allow one or more of the following groups of minors to consent for their own health care: emancipated minors, minors living apart from their parents, married minors, minors in the armed services, pregnant minors, minor parents, high school graduates, or minors over a certain age. Our analysis focuses on unaccompanied youth – minors who are living apart from their parents but have not been emancipated and who do not fall within one of the groups traditionally afforded greater consent rights under state law such as pregnant minors.

Additionally, every state has laws that allow minors of varying ages to consent to one or more of the following types of health care services: general medical care, emergency care, family planning or contraceptive services, pregnancy related care, sexually transmitted infection care,[39] HIV/AIDS care, care for reportable infectious diseases, care for sexual assault, drug or alcohol care, and outpatient mental health

38 *Report to Congress on the Runaway and Homeless Youth Programs, FY 2012 and 2013*, Family and Youth Services Bureau, U.S. Dept. of Health & Human Serv. 60, https://www.acf.hhs.gov/sites/default/files/fysb/rhy_report_to_congress_fy1213.pdf.

39 We use the term "sexually-transmitted infection" except where referring to language specifically found in statutes, which may include "sexually-transmitted disease" or "venereal disease."

services. Our analysis focuses on statutes that allow minors to consent to mental health care, substance abuse treatment, care for sexually-transmitted infections, general medical care, abortion, and sexual assault exams.

Due to high levels of trauma, unaccompanied homeless youth are at higher risk for mental health and substance abuse challenges than their housed peers. However, it can be difficult for youth to find youth-focused mental health and substance abuse treatment services and, even when they do, many states require that minors have the consent of their parent or guardian to receive services. Some states have allowed minors to consent to outpatient treatment while requiring parental or guardian consent for inpatient treatment. In many situations, parents and guardians are an integral and essential part of addressing an adolescent's mental health challenges or substance abuse. But given the realities of the lives and family relationships of many unaccompanied youth, it is commendable that some states do not mandate consent to treatment by or disclosure to a parent or guardian. Instead, these state guidelines and regulations direct health care providers to encourage youth to allow providers to inform the child's parent or guardian that the child is seeking treatment. In the absence of parental support, youth –especially those experiencing the trauma of homelessness – need access to treatment, without which they could experience lifelong challenges related to mental illness and drug or alcohol dependency.

DUE TO HIGH LEVELS OF TRAUMA, UNACCOMPANIED HOMELESS YOUTH ARE AT HIGHER RISK FOR MENTAL HEALTH AND SUBSTANCE ABUSE CHALLENGES THAN THEIR HOUSED PEERS. HOWEVER, IT CAN BE DIFFICULT FOR YOUTH TO FIND YOUTH-FOCUSED MENTAL HEALTH AND SUBSTANCE ABUSE TREATMENT SERVICES AND, EVEN WHEN THEY DO, MANY STATES REQUIRE THAT MINORS HAVE THE CONSENT OF THEIR PARENT OR GUARDIAN TO RECEIVE SERVICES.

Similarly, as children approach adulthood and become sexually active, they are at greater risk of contracting sexually-transmitted infections and/or becoming pregnant. Unaccompanied youth are at particular risk given the higher incidence of sex trafficking noted above. Additionally, they are at high risk of sexual assault. Most states allow minors to consent to the treatment of sexually-transmitted infections; and many states also allow, but do not mandate, providers to notify parents or guardians of the youth's treatment. Regarding sexual assault, several states allow minors to consent to examination and necessary treatment, with some jurisdictions mandating notification of care to the minor's parent or guardian. Most states severely restrict an unemancipated minor's ability to consent to obtaining an abortion, and most require parental notification, parental consent, or a court order.

Given that unaccompanied youth are extremely vulnerable to mental health, substance abuse, and sexual health problems, it is essential that youth be able to access care and services for these health conditions without the significant deterrent presented by parental consent and notification requirements.

Confidentiality of Health Care Records

In addition to consent, it is equally important that unaccompanied youth have the right to confidentiality of their medical records. With respect to confidentiality of health care records, unaccompanied youth who are age 18 or older are generally entitled to the same confidentiality protections as other adults. The confidentiality of care for those who are under age 18, however, may be governed by different rules. In almost every state where an unaccompanied youth is allowed to consent to certain health care services, the health care records derived from those services are afforded the confidentiality and privacy protections granted to all such records, regardless of whether the patient is a minor or an adult. In other states, however, the relevant statutes that authorize the youth to consent to medical services also give the provider of those services the discretion to notify the youth's parent or legal guardian.

Numerous state and federal laws affect the confidentiality of health care information. At the federal level, Medicaid and Title X of the Public Health Service Act guarantee confidentiality to minors seeking family planning services. Also, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides certain safeguards for protected health information. Courts have interpreted the federal Medicaid statute to require family planning services to be provided on a confidential basis to sexually active minors who desire them. Title X, the only federal program dedicated to

providing family planning services to low-income women and teenagers, provides for confidential services to people regardless of age. In particular, the federal medical privacy regulations issued pursuant to HIPAA rules contain important provisions that affect medical privacy for both adults and minors. For our purposes, we will focus on HIPAA and state medical privacy laws as they relate to the confidentiality of health care information of minors.

HIPAA rules are meant to assure patients (adults and minors) that their protected health information will be kept confidential and that only limited information will be disclosed for purposes other than patient care. HIPAA rules (along with other federal and state privacy and health laws) determine the confidentiality of health care that is provided to an adolescent who is a minor based in part on whether the minor can give consent for his or her own care. Thus, even in this federal law, there is an important link between the minor consent laws and confidentiality protections. However, even when the law authorizes a minor to give consent for care, it may also grant discretion to a physician to notify the minor's parents. The specifics in this regard vary significantly from state to state. Many of the health services needed by unaccompanied youth fall within the scope of states' minor consent laws. Also, many unaccompanied youth fall within the groups of minors who are authorized to give consent for their own care. Often, however, youth themselves, their health care providers, and the sites where they seek care are not aware of the

different ways in which laws may allow these youth to give their own consent for care and receive it on a confidential basis.

A person's ability to access and control disclosures of their own medical records may be the single most important right a person has under HIPAA. Before HIPAA, a person's right to access or copy their medical records often depended on the laws in the applicable state. Now, HIPAA sets the national standard, or "floor," meaning that states can give a person greater rights to access and control their protected health information, but state laws cannot take away the fundamental access and confidentiality rights a person has under HIPAA. HIPAA generally gives a parent the right to his or her child's medical records. However, as we have noted, there are some exceptions. HIPAA does not allow a parent or guardian to have access to a minor's protected health information (a) when the minor is the one who consents to care and the consent of the parent is not required under state or other applicable law; (b) when the minor obtains care at the direction of a court or a person appointed by the court; or (c) when, and to the extent that, the parent agrees that the minor and the health care provider may have a confidential relationship.

IT IS IMPERATIVE THAT MINORS ARE PROVIDED ACCESS TO HEALTH SERVICES. ACCESS MEANS NOT ONLY REMOVAL OF MONETARY BARRIERS AND THE ABILITY TO CONSENT TO SERVICES, BUT ALSO GIVING YOUTH THE CONFIDENCE THAT THEIR HEALTH CARE RECORDS AND CHOICES WILL BE KEPT CONFIDENTIAL.

In general, although the HIPAA rules recognize the necessity for confidentiality and control of a minor's health care records, it allows health care providers to maintain their professional and ethical obligations to protect the confidentiality of their patients consistent with applicable state laws.

Under numerous state laws, minors are entitled to consent to a range of sensitive health services. In turn, this provides certain confidentiality and control rights related to the health care records generated pursuant to such services. While most states have statutes governing the release of medical information, many appear to be less stringent than the requirements of the HIPAA rules regarding the release of information to a parent or guardian.

A minor's ability to control his or her health care records is based on whether or not the applicable state laws explicitly authorize a minor to do so. When state law either requires or permits disclosure to parents or guardians, HIPAA allows the health care provider to comply with that law. Unfortunately, there appears to be a growing trend that when a state is silent on the subject, it is up to the health care provider to decide whether to maintain the confidentiality of those health care records or disclose them to a parent requesting access. In such cases, the health care provider's professional

and ethical obligations and the provider's opinion about what is in the best interest of the minor, dictate the outcome.

Confidentiality and control of health care records continues to be debated at the state and federal level. Parents, youth, and health care providers must look to all relevant sources to determine who has the right to control and/or access a minor's health care records. These sources include, but are not limited to, federal privacy and confidentiality laws (e.g., Title X, HIPAA, Medicaid, and 42 C.F.R. §2.1, et. seq.), state minor consent laws, state medical record privacy laws, and court cases interpreting and applying these laws.

It is imperative that minors are provided access to health services. Access means not only removal of monetary barriers and the ability to consent to services, but also giving youth the confidence that their health care records and choices will be kept confidential. Lawmakers appear to be cognizant of the fact that while parental involvement is usually desirable, many minors will not seek services they need if they have to tell their parents or if health care providers are required or allowed to do so. This area of the law is continuously evolving, and we must support and protect the rights of minors to access confidential health care services while encouraging supportive parental guidance and involvement.

Fast Facts

- 28 jurisdictions allow minors to consent to mental health treatment separate and apart from treatment for substance abuse (as noted below, some impose additional restrictions based on age, inpatient vs. outpatient treatment, or type of treatment);
  - 3 jurisdictions require parental consent or notification for electroconvulsive therapy and/or psychotropic medications, even where minors may consent to other types of mental health treatment;
  - 5 jurisdictions allow minors 16 years or older to consent to in-patient mental health services;
- 6 jurisdictions allow minors to receive outpatient treatment without parental notification (with exceptions where the provider determines there is a compelling need to notify);
  - 1 jurisdiction does not require parental notification to receive treatment but requires the provider to involve parents before the end of the treatment, absent counter-indications;
  - 4 jurisdictions mandate parental notification when a minor is admitted to a health care facility for in-patient mental health treatment;
- 45 jurisdictions allow minors to consent to non-residential treatment for substance abuse (as noted below, some impose additional restrictions based on age, inpatient vs. outpatient treatment, or type of treatment);
  - 7 jurisdictions allow minors as young as 12 to consent to treatment for substance abuse;
  - 13 jurisdictions allow treatment providers to inform parents that a minor is receiving treatment;

  - Absent the minor's consent, 5 jurisdictions prohibit treatment providers from notifying a minor's parent or guardian that the minor has sought or is receiving treatment for substance abuse;
  - 3 jurisdictions prohibit minors from consenting to methadone replacement therapy even where minors may consent to other types of treatment for substance abuse;
- 53 jurisdictions allow minors to consent to the diagnosis and treatment of sexually transmitted infections;
  - 6 jurisdictions limit or prevent treatment providers from notifying a minor's parent or guardian that the minor has sought or is receiving treatment for sexually transmitted infection without the parent's consent;
  - 13 jurisdictions give treatment providers the discretion to notify a minor's parent or guardian that the minor has sought or is receiving treatment for a sexually transmitted infection;
- 42 jurisdictions limit a minor's ability to consent to an abortion, requiring one or more of the following: parental notification, parental consent, or a court order allowing the procedure without involvement of the minor's parent or guardian; and
- 13 jurisdictions allow minors, regardless of their legal immigration status, to consent to examination and treatment relating to a sexual assault.

Purposes and Findings

The six categories of services researched were (a) general medical care, (b) exposure to and treatment of sexually transmitted infections, (c) treatment of substance abuse problems (drug and alcohol), (d) diagnosis and treatment of mental illness, (e) abortion, and (f) examination and treatment following a sexual assault. We focused on voluntary treatment and did not perform a comprehensive survey of statutes governing involuntary commitment or treatment, especially with respect to mental health and treatment for substance abuse. The chart at Appendix 16 summarizes our findings.

While a number of jurisdictions allow unaccompanied minors to consent to general (non-surgical, except in emergencies) care, other jurisdictions impose specific age minimums (ranging from 14 to 18) that minors must reach to consent to general medical care, even if the minors are separated from their parents and manage their own financial affairs.

The vast majority of jurisdictions allow minors to consent to the diagnosis and treatment of communicable diseases, reportable diseases, and/or specifically sexually transmitted infections. While a few jurisdictions require the minor be of a minimum age, the remainder of the jurisdictions simply provide that a minor may give consent for these narrow purposes without specifying any age minimum. A few jurisdictions specifically prohibit the provider from notifying the minor's parents without the consent of the minor. Other jurisdictions mandate parental notification in particular circumstances (e.g., positive HIV test if the minor requires immediate hospitalization). However, most jurisdictions allow the provider the discretion to decide whether or not to do so.

Similarly, many jurisdictions allow minors to consent to treatment for substance abuse, but a few specifically exclude methadone replacement therapy from the scope of this consent. While a few jurisdictions require the minor be of a minimum age, the vast majority of jurisdictions simply provide that a minor may give consent for this narrow purpose without specifying any age minimum. A number of jurisdictions specifically prohibit the provider from notifying the minor's parents absent consent from the minor, but the vast majority allow the provider the discretion to do so or not.

Many jurisdictions allow minors to consent to mental health treatment (with or without imposing a minimum age), and many establish different requirements for inpatient and outpatient care. The age of consent for outpatient treatment tends to be lower than the age of consent for inpatient treatment. While many jurisdictions give providers the discretion to notify parents of outpatient treatment, notification for inpatient treatment is frequently mandated even if parental consent was not required as a condition of admission. Finally, a number of jurisdictions require parental consent for psychotropic medication or electroconvulsive therapy even if a minor may be admitted for general treatment without such parental consent.

Absent a court order, the vast majority of jurisdictions prevent unemancipated minors from obtaining abortions without either parental notification and/or written parental consent. Few jurisdictions make exceptions if the mother is at risk of serious bodily harm or death. A number of the statutes in this subsection have been held unconstitutional unless they include a provision allowing for judicial bypass.

In the case of sexual assault, a number of jurisdictions allow minors to consent to diagnosis and treatment, including in circumstances where the parent cannot be reached. Most of these jurisdictions allow the provider to notify the minor's parents, but some require notice to be given to parents (unless the parent is suspected of committing the abuse).

Confidentiality laws focus on the provider's obligation to notify a minor's parent or legal guardian and generally mandate notification under certain circumstances (admission, psychotropic drugs, emergency), allow notification at the provider's discretion, or prohibit notification absent the minor's consent under certain circumstances. State laws governing parental notification also tend to be specific to the treatment at issue, and may differ based on whether the minor is seeking mental health treatment, treatment for substance abuse, or treatment for sexually transmitted infections. Most abortion statutes address notification issues separately.

Analysis

It is important that unaccompanied youth be allowed to access and consent to all health care services they require, including mental health services for the treatment of mental health conditions and drug and alcohol abuse or addiction, and services related to sexually transmitted infections and sexual assault. These are essential, potentially life-altering health care needs that no youth should go without simply because they do not have a parent available or do not want their parent notified. Additionally, children should not be deterred from accessing services that may help

them resolve issues related to separation from their families. Similarly, unaccompanied youth should have the independent right to consent to health care when a parent or guardian cannot or will not. Many jurisdictions accordingly have empowered youth to consent to their own treatment at least for mental health, substance abuse, and sexually transmitted infections, in some cases prohibiting the provider from notifying the youth's parents, or at least not making such notification mandatory.

Noteworthy Statutes

Vermont allows minors 12 years of age or older who are "suspected" of being dependent upon a regulated drug or alcohol or to have a "venereal disease" to consent to medical treatment and hospitalization once their dependency (in the case of drug abuse or alcoholism) has been validated by a licensed physician. See Vt. Stat. Ann. tit. 18, § 4226(a) (2017). The statute requires treatment providers to notify a parent or guardian if the minor requires immediate hospitalization but does not otherwise mandate parental notification.

Under Virginia law, a minor of any age is deemed to be an adult for the purposes of consenting to outpatient care or rehabilitation for substance abuse and mental illness or emotional disturbance, and treatment of "venereal diseases" and family planning. See Va. Code Ann. § 54.1-2969 (2017).

In Idaho, "[a]ny person of ordinary intelligence and awareness sufficient for him or her generally to comprehend the need for, the nature of and the significant risks ordinarily inherent in, any contemplated hospital, medical, dental or surgical care, treatment or procedure is competent to consent thereto on his or her own behalf." Idaho Code Ann. § 39-4503 (2017). In addition to this broad statement, Idaho also specifically allows minors 14 and older to consent to treatment for sexually-transmitted diseases, and minors to request treatment for substance abuse. See Idaho Code Ann. § 39-3801 (2017). (However, Idaho also prohibits un-emancipated minors from obtaining an abortion without written parental consent or court order. See Idaho Code Ann. § 18-609A (2017).)

The District of Columbia allows minors of any age to consent to a wide array of health services for the prevention, diagnosis or treatment of pregnancy, termination of pregnancy, substance abuse, mental health, and sexually transmitted disease. See D.C. Mun. Regs., tit. 22-B, § 600.7 (2017). Birth control is also to be provided to minors regardless of marital status or parental consent. D.C. Mun. Regs. Tit. 22-B, § 603.1 (2017). There is also a more specific provision in District of Columbia law allowing minors to obtain outpatient mental health services other than medication without parental or guardian consent if they are voluntarily seeking the services and providing the services is clinically indicated for their well-being. D.C. Code§ 7-1231.14 (2017). A hospital providing inpatient care to a minor under 16 years of age may not administer psychotropic medication without parental consent except under certain specific and limited circumstances outlined in the statute. D.C. Code § 7-1231.08. This provision of District of Columbia law strikes a good balance between parental

rights and the rights of minors with regard to inpatient care and the administration of psychotropic medication.

Recommendations

- Establish statutory guidelines so licensed health care practitioners can provide medical care and services to an unaccompanied youth who consents if the medical practitioner reasonably believes that the youth understands the benefits and risks of the care and is giving informed consent, and the care would be to the minor's benefit;
- Establish statutory immunity from civil or criminal prosecution for licensed health care practitioners who in good faith render medical care or service to unaccompanied youth;
- Repeal and reject policies requiring mandatory disclosure of medical care provided to unaccompanied youth to parents or other third parties and institute procedures to enable youth to refuse disclosure of confidential medical information to any third parties except in cases of mandated reporting for child abuse or other care-mandated reasons;
- Establish procedures for voluntary and involuntary commitment specific to minors in all jurisdictions;
- Repeal and reject parental consent as a condition for outpatient or voluntary commitment of a minor 14 years of age or older for the treatment of mental health problems or substance abuse; and
- Establish procedures for review of a minor's voluntary or involuntary commitment and automatically apply the procedures if a minor objects to commitment.

Research Methodology and Limitations

To compile state and territorial statutes regarding the consent rights of minors for mental health or substance abuse treatment, our search used the following terms: Mental Health, Voluntary, Commitment, Minor, Child, Substance Abuse, Drug, Alcohol, Hospitalization. We also included statutes regarding the parental notification requirements and consent rights of minors for sexual health and pregnancy care. Search terms for these statutes included: Pregnant, Abortion, Consent, Notification, Minor, Sexual Abuse, Sexually-Transmitted Disease, and Venereal Disease. In our statute summaries, we omitted or changed some wording for focus and ease of reading. For example, in some cases we replaced the language "parent or guardian" with "guardian" and "child" or "juvenile" with "minor." A minor is considered to be any person younger than 18 years of age who has not been legally adjudicated to be emancipated or emancipated as a matter of law for purposes of giving consent to health care treatment. Our summaries describe those statutes that indicate whether or not a minor may consent to treatment for mental health problems or substance abuse with or without their guardian's consent. If a jurisdiction did not have an explicit statute relating to the right of minors to consent to outpatient treatment or voluntary commitment of minors for mental health or substance treatment, we retrieved any general statutes relating to the ability of a person to consent to medical or health care treatment.

In nearly all jurisdictions there are provisions for the voluntary and involuntary commitment of people and, in most, provisions relating to substance abuse treatment. We did not however include such provisions unless the provision dealt specifically with a minor's voluntary or involuntary commitment or treatment for mental health disorders or alcohol or drug dependency. When applicable, we noted when a court found unconstitutional a state or territory's parental consent or notification statute for abortion.

Appendix of Relevant Laws

- Appendix 14 - Overcoming Financial Barriers State Provisions
- Appendix 15 - Consent & Confidentiality Statutes
- Appendix 16 - Health Care Access For Unaccompanied Youth Chart Summary

XII. DEFINITIONS, TERMINOLOGY AND LABELS DESCRIBING UNACCOMPANIED YOUTH

Background

Definitions do not exist in a statutory vacuum: they are integral to statutory schemes and in some cases impact who is granted legal protections, who is assigned responsibilities, and who programs can serve. Definitions play a particularly important role for young people transitioning into adulthood. For instance, after reaching the age of 18 youth in most states age out of the foster care system, meaning they are no longer considered children eligible for child welfare services. Twenty percent become homeless, unable to access many important child welfare supports and services due to their new distinction under law as adults.[40] Without stable housing, many young people struggle. By the age of 24, only one in two young people who have aged out of foster care will have gainful employment.[41] How we define youth in child welfare statutes has very real, tangible consequences for the young people whose lives these programs shape. Our unwillingness to confront definitions and understand that young people continue to need supports and services past the age of 18 has real, tangible, and damaging effects.

Two issues related to definitions were researched for this analysis: how the statutes define young people and whether the statutes include definitions of "runaway" and "homeless children and youth".

Fast Facts

- 12 jurisdictions include a definition of the term "youth;"
- 48 jurisdictions establish age 18 as the age of adulthood;
- 1 jurisdiction establishes the age of childhood as under age 17;
- 7 jurisdictions establish the age of childhood or youth as encompassing persons older than 18 (excluding special conditions);
- 19 jurisdictions explicitly define the term "runaway," "habitual runaway," and "chronic runaway;" and
- 20 jurisdictions explicitly define the terms "homeless child," "homeless youth," "homeless minor" or "homeless student."

40 *51 Useful Aging Out of Foster Care Statistics: Social Race Media*, National Foster Youth Institute (May26, 2017), https://www.nfyi.org/51-useful-aging-out-of-foster-care-statistics-social-race-media/. See also, Missed Opportunities: Youth Homelessness in America, Chapin Hall, Voices of Youth Count 10, (2017) (nearly one-third of youth experiencing homelessness had experiences with foster care and nearly half had been in juvenile detention, jail, or prison. While these statistics do not reveal the nature of relationships between systems and homelessness, they do suggest that these systems offer important entry points for preventing large numbers of youth from becoming homeless.)

41 *Id.*

Purpose and Findings

We sought to determine and analyze the terms for young people that jurisdictions typically define. These are "child" (52 jurisdictions) and/or "minor" (48 jurisdictions). "Juvenile" is used less frequently (20 jurisdictions). On rare occasion, jurisdictions use the term "infant" to include persons up to age 18 (7 jurisdictions). Many statutes use more than one term to describe essentially the same group of young persons.

The term "youth" is defined in twelve jurisdictions: Arizona, Colorado, Connecticut, Florida, Mississippi, Montana, Oregon, Texas, Washington, District of Columbia, Northern Mariana Islands, and Puerto Rico. In only one of those jurisdictions (Puerto Rico), however, does the maximum age parameter for this group exceed 17 years of age, which is also the typical maximum age limit associated with the jurisdictions' definitions of "child," "juvenile," and "minor."

In the overwhelming majority of jurisdictions, persons are considered children, minors, juveniles, or youth if they are under 18 years of age. One jurisdiction (Texas) establishes the age of childhood as under 17 years of age. On the opposite end, seven jurisdictions surpass the age of 17 limitation: Alabama and Nebraska define a minor as under age 19; Mississippi, South Carolina, and the District of Columbia define minor as someone under age 21; and Oregon and Puerto Rico establish 21 as their cut-off for childhood. In seven jurisdictions (Georgia, Illinois, Missouri, Nevada, Ohio, South Dakota, and Utah), the cut-off for childhood is also age 21 for those persons in the custody of a Department of Family Services or under court supervision. And in two jurisdictions (New York and Vermont), the cut-off is age 19 and 21 respectively for those individuals who are still in secondary school.

Nineteen jurisdictions include explicit definitions of the term "runaway." Those jurisdictions are: Alaska, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Tennessee, Utah, and Vermont.

Twenty-three jurisdictions specifically define "homeless child," "homeless youth," homeless minor," or "homeless student," including Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Kansas, Louisiana, Maine, Michigan, Minnesota, Missouri, Nevada, New Hampshire, New Jersey, New York, North Carolina, South Carolina, Texas, Vermont, Washington and West Virginia.

Twenty-seven jurisdictions do not explicitly define "runaway" but clearly include this group of young people in a broader grouping of young persons in high-risk situations. Eight jurisdictions do not explicitly define "homeless child," "homeless youth," "homeless minor," or "homeless student," but include this group of young people in a broader grouping of young persons in high-risk situations. Many of these jurisdictions use terms such as "dependent" or "in need of services" for these children and youth. In fewer instances, youth who run away from home and unaccompanied youth are among the young people defined by statute as "incorrigible" (Arizona), "delinquent" (Indiana), "vagrant" (Mississippi), or "status offender."

Analysis

The fact that so few jurisdictions have established statutory definitions of the term "youth" indicates that statutes have not kept pace with contemporary understanding of human development and the distinctions between its childhood and adolescent phases. The fact that so many jurisdictions determine the age of majority to be age 18 indicates that older youth are not viewed as different from adults, despite what we have learned in recent years about the developing adolescent brain. It may also suggest that the public sector's feeling of responsibility towards individuals diminishes beyond age 17.

THE FACT THAT SO MANY JURISDICTIONS DETERMINE THE AGE OF MAJORITY TO BE AGE 18 INDICATES THAT OLDER YOUTH ARE NOT VIEWED AS DIFFERENT FROM ADULTS, DESPITE WHAT WE HAVE LEARNED IN RECENT YEARS ABOUT THE DEVELOPING ADOLESCENT BRAIN.

However, these statutes simply do not align with socially and scientifically accepted comprehension of youth development, brain development and cultural norms. Society at large recognizes that young people are never truly "independent" at age 18. For instance, Sallie Mae found that parent income and savings funded 29% of the costs associated with young people's college attendance, second only to scholarships and grants received by young people.[42] Moreover, many laws and regulations that allow young people to continue to receive supports and services long after they turn 18 have broad support. For instance, while the Affordable Care Act (ACA) remains a highly contentious and polarizing issue, ACA provisions that permit young people to remain on their parents' insurance plan until age 26 maintains support from 85% of Americans.[43]

This data helps to demonstrate that most Americans reject the notion that supports and services should be cut off at age 18. The inclusion of young people ages 18 and older in categories other than "adult" in six jurisdictions appears to recognize this reality, and moreover, suggests an opportunity for other jurisdictions to move in the same direction.

Although youth who have run away and unaccompanied homeless youth reside in every state and territory, a majority of jurisdictions do not have specific definitions of these populations. This is likely reflective of the large absence of focused attention

42 *How America Pays for College 2016*, Sallie Mae, https://news.salliemae.com/files/doc_library/file/HowAmericaPaysforCollege2016FNL.pdf

43 Richard Gonzales, *Only 26 Percent of Americans Support Full Repeal of Obamacare, Poll Finds*, NPR (Dec. 2, 2016), https://www.npr.org/sections/thetwo-way/2016/12/02/504068263/kaiser-poll-only-26-of-americans-support-full-repeal-of-obamacare

by these jurisdictions on children and youth in runaway and homeless situations. Inclusion of explicit definitions for runaway and homeless youth, in the context of protections, opportunities, and supports would naturally signal states' recognition that these groups of young people have unique life circumstances and needs that require targeted opportunities and supports.

Some jurisdictions' terminology and definitions for youth in high-risk situations reflect a punitive or blaming attitude toward these young people. Terms such as "vagrant," "unruly," or "incorrigible" have negative connotations. Further, definitions of "runaway" that establish absence "without permission" from the young person's guardian implies rebelliousness on the youth's part, rather than the more likely circumstance that the young person has been kicked out by the guardian or has fled the home environment for safety reasons. For more discussion on the negative effects of laws that frame unaccompanied youth in a negative light, see "Status Offenses."

Noteworthy Statutes

New Jersey's definition of "homeless youth" merits consideration both because it includes persons 21 years of age or younger within its scope and because it acknowledges that even these older young people are in need of "appropriate care and supervision." N.J. Rev. Stat. § 9:12A-4 (2017).

Florida, Maine, Missouri, New Hampshire, Montana and Washington State's definitions of "homeless child" or "homeless student" track the language of the federal McKinney-Vento Homeless Assistance Act's education provisions, which explicitly encompasses children and youth who are sharing the housing of others or "doubled-up" with family and friends due to economic necessity. Similarly, Montana, New Mexico, North Carolina, and Utah all refer directly to the McKinney-Vento Act. See Fla. Stat. § 1003.01(12) (2017); Me. Rev. Stat. Ann. tit. 20-A, § 1 (2017); Mo. Rev. Stat. § 167.020 (2017); Mont. Code Ann. §20-5-101 (2017), N.D. Cent. Code §15.1-19-08 (2017); N.H. Rev. Stat. Ann. § 193:12 (2017); Wash. Rev. Code. Ann. § 7.70.065 (2017); N.M. Laws S.B. No. 213 (2017); N.C. Gen. Stat. § 115C-366 (2017); Utah Code Ann. §78B-3-406 (2017).

New York's definition of "homeless youth" is noteworthy as well. It defines homeless youth as any person 24 years of age or under who is homeless, at-risk of being homeless, is no longer eligible for foster care on the basis of age, or has run away from home; or any person under 18 years of age who is emancipated and is homeless or at-risk of becoming homeless. Cal. Gov't Code § 12957 (2017).

Recommendations

- Establish a definition of "youth" that is distinct from "child;"
- Extend eligibility for publicly-funded supports and services to include young people up to age 24;
- Explicitly define "runaway child" and "runaway youth" in both criminal and civil statutes;
- Explicitly define "homeless child" and "homeless youth" in both criminal and civil statutes using the definition found in the education subtitle of the McKinney-Vento Act;
- Establish separate definitions of "missing child" and "runaway child;" and
- Replace judgmental and negative terminology for youth in high-risk situations (e.g., unruly, incorrigible, vagrant) with neutral terminology.

Research Methodology and Limitations

To compile state and territorial statutes defining and classifying young people and young people in runaway and homeless situations, our search used the following terms: Adult, Child, Infant, Juvenile, Minor, Minority, Majority, Nonage, Youth, Homeless, Runaway, Run(s) Away, Absent and, Home.

Because these words appear countless times throughout each state's statute, our search focused upon the most pertinent definitions of these terms. Typically, the definitions we selected to summarize occur in titles of the code most likely to affect young people. In some instances, we drew upon definitions of these terms in other titles if the term was not defined in a more obvious "children and families" title.

With regard to our investigation of the definition of "child," "youth," and other terms describing young people, the research focused on age parameters. Other determinants that could also classify one as a child, such as mental disability, were not captured.

With regard to our search for definitions of "runaway youth" and "homeless youth," we looked for explicit definitions of these populations. In the case of homeless youth, if no such definition existed for that population in the statute, we did capture in the compendium the statute's definition of "homeless" generally, in the belief that one could reasonably combine the definitions of "child" or "youth" with "homeless" to construct a statutory definition of "homeless youth."

Appendix of Relevant Laws

- Appendix 17 - Definitions of Child, Infant, Juvenile, Minor, and Youth
- Appendix 18 - Classifications of Homeless and Runaway Youth

XIII. EMANCIPATION

Background

When unaccompanied youth cannot safely be reunited with their parents, they often must care for themselves. Many minors who have run away may not want to return home for safety reasons. While some youth might have identified other adults in their lives to support them, such as relatives, mentors or teachers, others may lack such social supports, forcing them to live independently. These unaccompanied minors face significant legal barriers to self-sufficiency, including the inability to obtain housing, purchase a vehicle, or engage in other transactions integral to living on their own.

Emancipation ends the legal authority that a parent has over a child, allowing an unaccompanied youth to become a young adult while still under the legal age of majority. To youth seeking stability and economic empowerment without the aid of a parent or guardian, the ability to control one's own finances or property can be transformative. Through emancipation, youth gain the right to consent to their own health care without the parental consent or notification typically required of youth seeking medical or mental health care.[44]

THROUGH EMANCIPATION, YOUTH GAIN THE RIGHT TO CONSENT TO THEIR OWN HEALTH CARE WITHOUT THE PARENTAL CONSENT OR NOTIFICATION TYPICALLY REQUIRED OF YOUTH SEEKING MEDICAL OR MENTAL HEALTH CARE.

While emancipation can be liberating for unaccompanied minors, these youth typically retain no legal entitlement to financial benefits, medical care or inheritances from their parent or guardian,[45] an important factor to be aware of when advising youth regarding emancipation. The consequences of an emancipation order vary from state to state, yet emancipated minors also generally cannot vote, drive, consume alcohol or enter the armed forces before reaching the established minimum age for those particular privileges.

Notably, many states consider marriage as a means of legal emancipation for minors,[46] which could hold the potential to facilitate the abuse or exploitation of minors in nonconsensual relationships. Laws on when a minor can marry vary by jurisdiction,

44 Soo Jee Lee, *A Child's Voice vs. A Parent's Control: Resolving Tension between the Convention on the Rights of the Child U.S. Law*, 117 Colum. L. Rev. 687 (Apr. 2017), available at https://www.jstor.org/stable/pdf/44177167.pdf?refreqid=excelsior%3A467a0170fcf252b84bdf4438517e4867.

45 Lauren C. Barnett, *Having Their Cake and Eating It Too? Post-emancipation Child Support as a Valid Judicial Option*, 80 U. Chi. L. Rev. 1799 (2013), available at https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=5687&context=uclrev.

46 For example: Cal. Fam. Code § 7002.

based on factors such as the age of the spouse and whether the state holds a statutory minimum age for marriage.[47] Mandating that youth receive an emancipation order prior to marriage curbs the risk of exploitation.

Since 2011, select states have amended statutes to expand the privileges afforded after emancipation: Indiana now allows emancipated youth to enlist in the military, while Michigan has noted that emancipated youth can apply for welfare and medical assistance.[48] Furthermore, the New Mexico Supreme Court held in 2012 that a minor emancipated for certain purposes had the right to seek child support.[49]

Fast Facts

- 33 jurisdictions have established processes for emancipation;
- In 15 of these jurisdictions, parental consent is required for emancipation, but such consent can be waived in 11 of those 15;
- 24 jurisdictions establish 16 as the minimum age to petition for emancipation;
- 1 jurisdiction establishes 14 (California) and 1 establishes 17 (Wyoming) as the minimum age to petition for emancipation;
- 2 jurisdictions (Alabama and Puerto Rico) establish 18 years old as the minimum age to petition for emancipation;
- 5 jurisdictions establish procedures with no minimum age;
- 21 jurisdictions recognize emancipation in limited circumstances but do not set forth a statutory process for becoming emancipated; and
- 7 jurisdictions with statutory processes also recognize emancipation without judicial action.

Purpose and Findings

This chapter examines: 1) which jurisdictions provide statutory emancipation processes; 2) minimum ages; 3) parental consent and other eligibility criteria for becoming emancipated; and 4) the consequences of emancipation.

Thirty-three jurisdictions provide a process by which young people can become legally emancipated by a court.

The most common minimum age to petition for emancipation is 16 years old, with 24 jurisdictions establishing that limit: Alaska, Arizona, Arkansas, Connecticut, Florida, Georgia, Illinois, Iowa, Louisiana, Maine, Michigan, Montana, Nevada, New Mexico, North Carolina, Oregon, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and the Virgin Islands. California permits youth as young as 14 years old to petition for emancipation, Wyoming at 17 years old, and Puerto Rico at 18 years

47 *Understanding State Statutes on Minimum Marriage Age and Exceptions*, Tahirih Justice Center: Forced Marriage Initiative, http://www.tahirih.org/wp-content/uploads/2016/11/2018-State-Marriage-Age-Requirements-Statutory-Compilation.pdf (last updated May 24, 2018).

48 Ind. Code § 31-34-20-6; Mich. Comp. Laws §§ 722.4-4e.

49 Barnett, *supra* note 45.

old. Five jurisdictions do not specify any minimum age: Indiana, Kansas, Mississippi, Oklahoma, and Tennessee.

Ten jurisdictions specifically require parental consent for emancipation. Five of those jurisdictions require parental consent by prohibiting emancipation unless youth are living on their own with the consent of parents: California, Nevada, South Dakota, Virginia, and Wyoming. The remaining five jurisdictions require parental consent as part of the court process for granting emancipation: Alaska, Louisiana, Oregon, Puerto Rico, and the Virgin Islands. All five of the latter jurisdictions allow courts to waive the consent requirement. For example, courts in Alaska do not need parental consent to grant emancipation if such consent is difficult to obtain. Courts in Puerto Rico and the Virgin Islands can waive consent if the parents have treated the young person roughly or had a negative influence on the youth.

Common requirements for emancipation include attaining a minimum age, living apart from parents, managing oneself, and being able to support oneself financially.

Some jurisdictions permit youth to become emancipated without a court proceeding if they and their parents agree. For example, in Puerto Rico, a parent and youth can agree to emancipation and complete the process by signing a notarized declaration.

Twenty-one additional jurisdictions recognize emancipation in limited circumstances, including minors who marry or join the armed forces, but do not set forth a statutory process for becoming emancipated. Seven of the jurisdictions that provide a statutory process for becoming emancipated also recognize emancipation upon marriage or military service.

Only two jurisdictions (American Samoa and Northern Mariana Islands) have no statutory references to emancipation whatsoever.

Emancipation has many positive consequences for youth, but young people should be aware that it can also carry negative consequences such as permitting the youth to be treated as an adult within the criminal court system thus subjecting them to harsher punishments. In most states with emancipation, however, it allows the youth greater independence and the ability to support him or herself and obtain needed health care, shelter and housing. Emancipation can also allow youth to enter into contracts, enlist in the military, and marry.

Analysis

The availability of an emancipation process is essential for youth to live independently. It is encouraging that a majority of jurisdictions have recognized this need. The remaining jurisdictions should also establish emancipation procedures. Youth should be able to initiate the procedures independently and should not have to obtain parental consent. In some cases, neglectful or abusive parents may withhold consent to punish their children. The law should not permit such a harmful outcome.

Emancipation procedures should permit courts the maximum flexibility to grant emancipation according to the best interests of the youth. Young people develop

independent living skills at different ages and, as such, emancipation statutes should not limit courts by establishing minimum age limits. Rather, courts should make an independent assessment of each youth's ability to live independently. Courts should also have the flexibility to determine the purposes for which a young person will be considered an adult. Such purposes should include controlling their income, consenting to medical care, living independently, entering into contracts and purchasing property. Young people should be aware that emancipation may permit courts to treat them as adults for criminal purposes as well, as it explicitly does in Wyoming.

Emancipation without court involvement could be very attractive to young people whose parents consent to emancipation, as it would likely be faster, easier and less costly than judicial emancipation. However, it may be possible for a parent to abuse the process by coercing a youth to agree to emancipation. Robust safeguards against parental abuse should therefore be included. Alternatively, simplified court procedures should be developed for emancipation, with the mandatory appointment of counsel for the youth.

Noteworthy Statutes

Indiana's law contains some admirable provisions. It does not establish a minimum age for emancipation and does not require parental consent. Youth must state that they wish to be independent and show that they can support themselves. They must also show that they have acceptable living arrangements and understand the consequences of emancipation. This statute protects a young person's right to become legally independent, but also requires the court to ensure the youth understands what emancipation means and that the youth has a safe place to live. Emancipated youth in Indiana have the right to enter into contracts, enlist in the military, marry, own property, and consent to medical care. See Ind. Code Ann. §31-34-20-6 (2017).

The law in the Virgin Islands maintains certain legal protections for young people even after they are emancipated. Emancipated minors cannot enter into any contract that would obligate them to pay a sum greater than their annual income, appear in a lawsuit without a guardian ad litem, or sell real property without the court's approval. Jurisdictions may consider whether the benefits of maintaining such protections for young people outweigh the limitations on the youth. See V.I. Code Ann. tit. 16, Ch. 9, §§ 221-254 (2017).

Recommendations

- Establish emancipation procedures in all jurisdictions, with no minimum age restriction, but rather an individualized assessment of each youth's ability to live independently;
- Permit young people to initiate the emancipation process;
- Repeal and reject parental consent as a condition for emancipation;
- Permit emancipation for all purposes, except for those as defined by constitution or statute, such as voting or use of alcoholic beverages;
- Establish procedures for parents and youth to agree to emancipation without court involvement or create simplified court procedures with mandatory appointment of counsel for the youth. Such procedures should contain robust safeguards for youth to prevent abuse of the process by parents; and
- Grant post-emancipation financial payments from parents to minors on a case-by-case basis.
  - Explanation: Some sort of financial support for minors would decrease reliance on public assistance programs while recognizing the generally accepted notion that parents have an obligation to support their children until at least the age of 18. The amount afforded towards youth from parents could be calculated based on state child support guidelines.[50] This principle is exemplified by the July 2012 case of Jhette Diamond (*Diamond v. Diamond*), which held that a child could be considered legally emancipated but continue to receive support payments under specific circumstances.[51]
  - According to Lauren C. Barnett of the University of Chicago, several states' emancipation procedures leave room for a concept of "partial emancipation" along the lines of *Diamond v. Diamond*.[52]

Research Methodology and Limitations

To compile statutes regarding emancipation, our search used the following terms: Emancipation, Age of Majority, Minority, Removal of Disabilities, and Nonage.

In our statute summaries, we omitted or changed some wording for focus and ease of reading. For example, in some cases we replaced the language "parent or guardian" with just "guardian." Also, we often used the term "emancipation" interchangeably with other phrases, including "removal of the disabilities of minority" and "removal of the disabilities of nonage."

Our summaries describe those statutes that specify the process for a minor to become emancipated. If a jurisdiction did not have an explicit emancipation statute, we retrieved any definitions of an emancipated minor that were available in the code, even if they were from very issue-specific statutes.

In several jurisdictions, a parent or guardian may petition for the minor's emancipation

50 *Id.*
51 283 P.3d 260 (N.M. 2012).
52 Barnett, *supra* note 45.

independent of the minor wanting to petition on his/her own. We did not include these provisions in our summary, nor did we record some provisions common to many emancipation statutes. For example, in most jurisdictions, emancipation will not alter a minor's status concerning certain constitutional or statutory laws. Most jurisdictions will not let an emancipated minor buy alcohol until the age of 21 or vote until age 18. For these types of restrictions on emancipation, please refer to the particular statutes.

Appendix of Relevant Laws

- Appendix 19 - Emancipation Statutes

APPENDIX 1

State-by-State Guide to Obtaining ID Cards

For the full State-by-State Guide to Obtaining ID Cards, produced by National Network for Youth, please visit https://www.nn4youth.org/wp-content/uploads/Access-to-Identification-for-Minor-Youth_eCopy-FINAL.pdf.

APPENDIX 2

Status Offenses—Running Away Statutes

Alabama

Runaway youth may be taken into custody without a warrant by a police officer. As soon as reasonably possible, the police officer must return the youth to the custody of the youth's guardian, unless the youth's placement in detention or shelter care appears required. If the police officer chooses to take the runaway youth to a detention or shelter care facility, the youth will be reviewed at intake to determine if the youth should be placed in detention or shelter care as a dependent or delinquent youth or a child in need of supervision. The Code outlines criteria for determining whether a youth shall remain in detention or shelter care beyond 72 hours. These include (a) if the juvenile court or court intake officer finds that the youth has no parent, legal guardian, legal custodian, or other suitable person to provide supervision and care, (b) release of the youth would present a clear and substantial threat of a serious nature to the person or property of others and where the youth is alleged to be delinquent, (c) release of the youth would present a serious threat of substantial harm to the youth, (d) the youth has a history of failing to appear for hearings before the juvenile court, or (e) the youth is alleged to be delinquent for possessing firearms. Code of Ala. § 12-15-128 (2017). However, the Code of Alabama does not directly address proceedings concerning runaway youth. Code of Ala. § 12-15-127 (2017).

Alaska

Runaway youth may be taken into custody without a warrant by a police officer. The police officer must (a) return the youth to the custody of the youth's guardian if the guardian's residence is in the same community in which the youth was found, except that the officer may not return the youth to a guardian if the officer has reasonable cause to believe that the minor has experienced physical or sexual abuse in the guardian's household; or (b) take the youth to a nearby location agreed to by the minor's guardian if the guardian does not consent to return of the youth and the officer does not have reasonable cause to believe the minor has experienced physical or sexual abuse in the guardian's household, or (c) bring the youth to a runaway shelter or other location under the supervision of the Department of Health and Social Services. Alaska Stat. § 47.10.141 (2017). A court may declare the runaway youth a child in need of aid if the youth is habitually absent from home and is in need of services. Alaska Stat. § 47.10.011 (2017). A child in need of aid may be released into the custody of the child's guardian under the supervision of the Department of Health and Social Services and ordered to participate in treatment. A court may also order the custody of the child to be transferred to the Department of Health and Social Services. Alaska Stat. § 47.10.080 (2017). Alaska also provides funding and oversight for runaway programs and runaway shelters to address the needs of runaway youth. Alaska Stat. § 47.10.300 et seq. (2017).

Arizona

Runaway youth may be taken into temporary custody without a warrant by a police officer. The police officer must return the youth to the custody of the youth's guardian or transfer custody of the youth to the juvenile court. A.R.S. § 8-303 (2017). A runaway may be declared an incorrigible child by the juvenile court. A.R.S. § 8-201 (2017). An incorrigible child may be subject to treatment, counseling, special education, special supervision, and protection. A.R.S. § 8-234 (2017). The custody of an incorrigible child may be placed with the child's guardian, a relative, an appropriate unrelated adult, or with a public or private childcare agency. A.R.S. § 8-341 (2017). With some exceptions, a juvenile shall not be detained in a police station, jail, or lockup where adults charged with or convicted of a crime are detained. A.R.S. § 8-303; 8-305 (2017).

Arkansas

A juvenile may be taken into custody without a warrant by a police officer, law enforcement, a juvenile division of circuit court judge during juvenile proceedings concerning the juvenile or a sibling of the juvenile, or a designated employee of the Department of Human Services if the juvenile is subjected to neglect and the Department of Human Services assesses the family and determines that the juvenile under the custody or care of the mother are at substantial risk of serious harm such that the child needs to be removed from the custody or care of the mother; the child is dependent; or circumstances or conditions of the child are such that continuing in his or her place of residence or in the care and custody of the parent, guardian, custodian, or caretaker presents an immediate danger to the health and physical well-being of the child. Such custody shall not exceed seventy-two (72) hours, unless the deadline falls on a weekend or holiday, though if there is an immediate danger to the health or physical well-being of the child, the Department of Human Services shall place the child into protective custody. Ark. Code Ann. § 12-18-1001 (2017). If a youth is taken into custody with or without a warrant, the officer taking the youth into custody shall immediately make every effort possible to notify the custodial guardian of the juvenile's location. Ark. Code Ann. § 9-27-313 (2017). The police officer must return the youth to the custody of the youth's guardian or transfer custody to the juvenile court. Ark. Code Ann. § 9-27-313 (2017). The family of a youth who has left home without sufficient cause, permission, or justification may be declared a family in need of services. Ark. Code Ann. § 9-27-303 (2017). A family in need of services may be subject to family services, parental training, supervision of the youth, or transfer of the custody of the youth to Department of Human Services. Ark. Code Ann. § 9-27-332 (2017).

California

A youth may be taken into temporary custody without a warrant if it appears that the youth is beyond the control of the youth's guardian or persistently or habitually refuses to obey the reasonable orders or directions of the guardian. Cal. Welf. & Inst. Code § 625 (2017). A police officer may find it reasonable to take a runaway youth into temporary custody using these guidelines. The youth is typically returned

to the custody or his/her guardian within 24 hours of being taken into custody. When a runaway youth is adjudged a ward of the court, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the youth. The court usually will order the care, custody, and control of the youth to be under the supervision of a probation officer who can place the youth in the approved home of a relative or nonrelative, extended family member, a suitable licensed community care facility, or with a foster family agency, who in turn will place the youth with a suitable licensed foster family home or certified family home. The court may order counseling or other treatment services and may require the guardian to participate, unless the guardian's participation is deemed by the court to be inappropriate or potentially detrimental to the youth. Once the court declares a youth a ward, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the youth. A 2014 Amendment to § 727 provided that a probation officer may not place a ward in a homeless shelter. Cal. Welf. & Inst. Code §§ 207, 601, 602, 625, 727 (2017).

Colorado

A runaway youth may be taken into custody without a warrant by a police officer. The youth may be declared a dependent child by the court. After a youth is declared a dependent child, the youth may be returned to the custody of the youth's guardian or placed in an appropriate living situation under the guidance of the county Department of Social Services. A dependent child may be placed in the home of the child's guardian or in the home of a relative, with or without court supervision. A dependent child may also be placed in the custody of a child care facility or the Department of Social Services. The court must ensure that the youth's placement with a relative or in a foster care home is in the best interests of the child by seeking out documentation of proper screening and background checks. The child may also be ordered to undergo treatment. The court shall approve a treatment plan catered to the needs of the dependent child. C.R.S. §§ 19-3-102, 19-3-401,19-3-508 (2017).

Connecticut

A police officer may transport a runaway youth ages 16 or 17 with sole written consent of the youth who appears to be away from home without permission of a parent or guardian. The police officer must transport the youth to a public or private facility that offers services to runaway youth, but not the Department of Corrections, the Connecticut Juvenile Training School or a local police detention facility. If practicable, the facility shall inform the youth's guardian of the youth's presence at the facility within 12 hours. Conn. Gen. Stat. § 17a-185 (2017). A family with a youth that has run away without just cause may be declared a family with service needs. Conn. Gen. Stat. § 46b-120 (2017).

Delaware

The Delaware Code does not directly address runaway youth. Delaware has, however, adopted the Interstate Compact on Juveniles for the purpose of cooperating with other states to return juveniles when their return is sought and accept the return

of juveniles whenever a juvenile residing in Delaware is found or apprehended in another state. See Del. Code tit. 31 § 5203 (2017).

Florida

A runaway youth may be taken into custody without a warrant by a police officer. The officer may release the youth into the custody of the youth's guardian or to a Department-approved family-in-need-of-services or child-in-need-of-services provider. Fla. Stat. § 984.13 (2017). The youth may be declared a child in need of services if the youth persistently runs away and reasonable efforts to prevent the youth from running away, such as services and treatment, have not succeeded. Fla. Stat. § 984.03 (2017). A child in need of services may be ordered to undergo treatment and counseling, placed in a childcare facility, or assigned to an agency that has a contract with the state to provide services. Fla. Stat. § 984.22 (2017).

Georgia

A runaway youth may be taken into custody without a warrant by a police officer. O.C.G.A. § 15-11-410 (2017). The officer shall release the youth into the custody of the youth's guardian or deliver the youth to the juvenile court for assessment. O.C.G.A. § 15-11-410-411 (2017). If this is the first time the youth has run away from home, then any proceedings involving the youth will be dismissed at the request of the youth's guardian. O.C.G.A. § 15-11-405 , 473, 481, 540 (2017). The juvenile court may declare the youth a child in need of services. O.C.G.A. 15-11-§442 (2017). The court may also declare the youth a a runaway or status offender. O.C.G.A. § 15-11-381 (2017). Once the court has declared a youth a child in need of services, the court may release the youth into the custody of the youth's guardian, order the commitment of the youth to the Department of Juvenile Justice, and order the youth to undergo counseling and other treatment. O.C.G.A. §§ 15-11-442 (2017).

Hawaii

A runaway youth may be taken into custody without a warrant by a police officer. The officer shall release the youth into the custody of the youth's guardian or deliver the youth to family court or an appropriate agency for assessment. H.R.S. § 571-31 (2017). The court may order the placement of the youth in a shelter care facility or may order informal treatment and counseling. H.R.S. § 571-31.5, 571-32 (2017). A runaway youth may be considered a youth at risk or a youth in need of services by the Office of Youth Services because of the youth's contact with police and the youth's potential social, emotional, and psychological problems and may be referred to a Youth Service Center. HRS § 352D-3 (2017).

Idaho

A runaway youth may be taken into custody without a warrant by a police officer or by a private citizen until the youth can be delivered into the custody of a police officer. The police officer shall then transfer custody to the youth's guardian or deliver the youth to a juvenile shelter care facility or community-based diversion program to await a hearing. Idaho Code § 20-516 (2017). A hearing may be avoided if the youth is referred to a community-based diversion program for services and treatment

or informally supervised by the Probation Department. Idaho Code § 20-511 (2017). A runaway can be declared a status offender by the court. If a youth commits two status offenses (such as running away, truancy, or curfew violations) in one year, the court may declare the youth a habitual status offender. Idaho Code § 20-521 (2017).

Illinois

A runaway youth may be taken into custody without a warrant by a police officer. 705 ILCS 405/3-4 (2017). The police officer shall then make reasonable efforts to contact the youth's guardian and, with the youth's consent, release the youth into the custody of the youth's guardian. If, however, the officer is unable after reasonable efforts to contact the guardian, the guardian lives unreasonably far away, or the minor refuses to be taken to his/her home or other appropriate resident, the officer shall transport the youth to an agency providing crisis intervention services, including, when appropriate, mental health services for voluntary or involuntary admission. If no crisis intervention services exist, the officer may transport the minor to a court services department. 705 ILCS 405/3-4 (2017). The Juvenile Court may declare the youth a minor requiring authoritative intervention ("MRAI"). 705 ILCS 405/3-3 (2017). If declared a MRAI, the court may release the youth into the custody of the youth's guardian, commit the youth to the Department of Children and Family Services, or, in certain situations, order the youth partially or completely emancipated. 705 ILCS 405/3-24 (2017). Interim crisis intervention services are also available for runaway youth, which includes authorization to permit the minor a temporary living arrangement. 705 ILCS 405/3-5 (2017).

Indiana

A runaway youth may be taken into custody by a police officer, or probation officer or caseworker when a police officer is not available and the youth is in immediate danger and an order from the court cannot be readily obtained. Ind. Code § 31-34-2-3 (2017). A youth may also be taken into custody if an officer has probable cause to believe that a youth has committed a delinquent act. Ind. Code § 31-37-4-2 (2017). If a youth is taken into custody without an order of the court, the person taking the youth into custody may release the youth or deliver the youth to a place designated by the juvenile court and shall promptly notify the youth's guardian and an intake officer. Ind. Code §§ 31-34-3-1, et seq., 31-34-4-1, et seq. (2017). The juvenile court may declare a runaway youth a delinquent child. Ind. Code § 31-37-2-2 (2017). The juvenile court may (a) order supervision of the delinquent child by the Probation Department, (b) order the delinquent child to receive outpatient treatment (i) at a social service agency or psychological, psychiatric, or educational facility, or (ii) from an individual practitioner, (c) remove the delinquent child from the child's home and place the child in another home or shelter care facility, child caring institution, group home or secure private facility including, in each case, authorization to control and discipline the delinquent child, (d) award wardship to a person or shelter care facility, (e) partially or completely emancipate the delinquent child, (f) order the delinquent child or the child's guardian to receive family services, or (g) order a person who is a party to refrain from direct or indirect contact with the delinquent child. Ind.

Code § 31-37-19-1 (2017).After a preliminary inquiry and upon approval by the juvenile court, the intake officer may implement a program of informal adjustment if the officer has probable cause to believe that the child is a delinquent child. Ind. Code § 31-37-9-1 (2017).

Iowa

A runaway youth may be taken into custody without a warrant by a peace officer. The peace officer may take the youth into custody with the purpose of determining whether the youth should be reunited with the youth's guardian, placed in shelter care, or placed in a runaway placement center where available. Iowa Code § 232.19 (2017). Iowa offers its counties the opportunity to develop a runaway treatment plan to address the problem of chronic runaways. The runaway treatment plan must include the establishment of a Runaway Assessment Center to provide assessment and family counseling services for chronic runaways. Iowa Code §§ 232.195, 232.196 (2017). A youth will be considered a chronic runaway if the youth runs away more than once in a 30 day period or three or more times in a year. Iowa Code § 232.2 (2017).

Kansas

A law enforcement officer may take a youth into custody if the officer reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found, has probable cause to believe the child is a runaway or a missing person or a verified missing person entry for the child exists in the National Crime Information Center Missing Person System, or reasonably believes the child is a victim of human trafficking, aggravated human trafficking or commercial sexual exploitation of a child. K.S.A. § 38-2231 (2017). If a person provides shelter to a child whom the person knows is a runaway, that person shall promptly report the child's location either to a law enforcement agency or to the child's parent or other custodian. K.S.A. § 38-2231 (2017). Kansas also has a detailed procedure for placing runaways in secure facilities. Kansas Atty. Gen. Op. 1988-130 (1988).

Kentucky

A runaway youth may be taken into custody without a warrant by a police officer. Ky. Rev. Stat. § 630.030 (2017). The peace officer shall then contact a court-designated worker who shall determine the appropriate placement for the youth. The youth may be released into the custody of the youth's guardian, or placed in an emergency shelter or other appropriate facility. If the youth is not released to the youth's guardian, the peace officer shall also file a complaint with the juvenile session of the District Court explaining why the youth was taken into custody and not released into the custody of the youth's guardian. Ky. Rev. Stat. § 630.040 (2017). If a youth runs away more than three times in a one-year period, the youth will be considered a habitual runaway. Running away may also be classified as a status offense. Ky. Rev. Stat. § 600.020 (2017). The court may order a youth classified as a status offender into nonsecure custody or order treatment or services. Ky. Rev. Stat. § 630.120 (2017).

Louisiana

A runaway youth may be taken into custody without a warrant by a peace officer if the peace officer has reason to believe that the child's family is in need of service. LSA-Ch.C. Art. 736 (2017). A family in need of services is, among other thing, a family with a youth who has run away from home. (2017). Once a youth is taken into custody, the peace officer must release the child into the custody of the youth's guardian or promptly take the child to a shelter care facility. LSA-Ch.C. Art. 736 (2017). As soon as practicable after a youth is received by a shelter care facility or secure detention facility, the court or probation officer authorized by the court shall release the child to the child's parents, guardian, or other relatives or caretakers upon written promise to bring the child to court as required by the court. If the court finds release is not appropriate, the court may require continued custody pending a hearing. LSA-Ch.C. Art. 738 (2017). The court may declare a runaway youth's family as a family in need services. A family in need of services may be ordered to undergo treatment or counseling or the youth may be placed in a child care facility. LSA- Ch.C. Art. 779 (2017). Alternatively, a family may be involved in an informal family service plan in order to avoid formal court orders regarding the family and the runaway youth. LSA-Ch.C. Art. 744 (2017).

Maine

A runaway youth may be taken into interim care without a warrant by a police officer. The youth may not be involuntarily held for longer than six hours. The officer must then contact the Department of Human Services, which will designate a place where the youth shall be placed. Either the Department of Human Services or the police officer must contact the youth's parent, guardian, or legal custodian as soon as possible. The Department of Human Services shall inform the youth and the youth's parent, guardian or legal custodian of the social services available to them and encourage them to voluntarily accept the services. 15 Me. Rev.Stat. Ann. tit. 15, §3501 (2017).

Maryland

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then either release the youth into the custody of the youth's guardian upon their written promise to bring the child before the court when requested by the court or deliver the child to shelter care. Md. Code , Courts and Judicial Proceedings § 3-8A-14 (2017); § 3-8A-15 (2017). While the Maryland Code does not directly address proceedings concerning runaway youth, a runaway youth may be declared a child in need of supervision if it is found that the youth is either habitually disobedient, ungovernable and beyond the control of the person having custody of him/her, or is endangering the youth's own safety or the safety of others. Md. Code , Courts and Judicial Proceedings § 3-8A-01 (2017). A child in need of supervision may be subject to probation or rehabilitative services, or may be placed in the custody of the Department of Juvenile Justice, the Department of Health and Mental Hygiene, or a public or private childcare agency. Md. Code , Courts and Judicial Proceedings § 3-8A-19 (2017).

Massachusetts

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then release the youth into the custody of the youth's guardian or deliver the youth to a temporary shelter facility. Mass. Ann. Laws ch. 119, § 39H (2017). A runaway youth may be declared a child in need of services by the juvenile court. A child in need of services may be (a) ordered to undergo social services, (b) placed with the youth's guardian, a relative, a probation officer, or a private agency, or (c) may be committed to the Department of Children and Families. Mass. Ann. Laws ch. 119, § 39G (2017).

Michigan

A child who is found violating any law or ordinance or personal protection order may be taken into custody without a warrant by a police officer, sheriff, deputy sheriff, county agent, or probation officer. The youth shall not be held in any detention facility unless the youth is completely isolated from other detainees to avoid contact with adult prisoners. The youth's parent, guardian, or custodian must be immediately notified. The police officer shall then either release the youth into the custody of the youth's guardian or bring the youth in front of the appropriate court for a preliminary hearing. Mich. Comp. Laws § 712A.14 (2017). The court has the power to make a variety of orders concerning a runaway youth, including placement decisions and orders for treatment and services. Mich. Comp. Laws § 712A.18 (2017).

Minnesota

A runaway youth may be taken into custody without a warrant by a peace officer. The peace officer shall then notify the youth's guardian that the youth has been taken into custody. Minn. Stat. § 260C.175 (2017). The officer may then release the child into the custody of the youth's guardian or deliver the child to an appropriate child care facility. Minn. Stat. § 260C.176 (2017). A runaway youth may be declared a child in need of services by the juvenile court. Minn. Stat. § 260C.007 (2017). The court may order the youth to undergo counseling or treatment, may subject the youth to supervision by a probation officer, or transfer the custody of the youth to a responsible adult or child care facility. Minn. Stat. § 260C.201 (2017).

Mississippi

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then either release the child into the custody of the child's guardian or bring the youth before the Youth Court. Miss. Code Ann. § 43-21-301 (2017); Miss. Code Ann. §43-21-303 (2017). A runaway may be declared a child in need of supervision by the court. Miss. Code Ann. § 43-21-105 (2017). A child in need of supervision may be (a) released to the child's guardian subject to any conditions and limitations as the court may prescribe, (b) released under the supervision of Youth Court, (c) ordered terms of supervision that may include participation in a constructive program of service, education, or restitution, (d) placed in a public or private childcare

facility, or (e) given other alternatives. Miss. Code Ann. § 43-21-607 (2017). An informal conference is available where a service plan will be established for the youth in order to avoid formal court procedures. Miss. Code Ann. § 43-21-405 (2017).

Missouri

A youth whose behavior, environment, or associations are injurious to his welfare or who is without proper care, custody or support may be taken into custody by a police officer. The parent or guardian of the child taken into custody shall be notified as soon as possible. Mo. Rev. Stat. § 211.131 (2017). A runaway youth may qualify as such a youth and be taken into custody. The juvenile court (in certain counties, the family court) may declare a runaway youth a child in need of care and treatment. Mo. Rev. Stat. § 211.031 (2017). Once a court determines the child is in need of care and treatment, the child may be placed in the custody of his/her guardian while under the supervision of the juvenile court, may be placed with a childcare agency, or ordered to undergo treatment or counseling. Mo. Rev. Stat. § 211.181 (2017).

Montana

A runaway youth may be questioned and taken into custody by a peace officer resulting in a potential petition that the youth is a youth in need of intervention. Mont. Code Ann. § 41-5-331 (2017). The police officer shall then either release the youth into the custody of a responsible person who promises that the youth will appear for all court proceedings or deliver the youth to a temporary shelter facility. Mont. Code Ann. § 41-5-322 (2017). The court may declare a runaway youth a youth in need of intervention. Mont. Code Ann. § 41-5-103(51)(a)(ii) (2017). A youth in need of intervention shall be placed in a residence that ensures that the youth is accountable, that provides for rehabilitation, and that protects the public. A youth in need of intervention also may be placed on probation, or ordered to undergo treatment or counseling. Mont. Code Ann. § 41-5-1512 (2010). Informal proceedings are available as well, in order to avoid formal court proceedings. Mont. Code Ann. § 41-5-1301 (2017).

Nebraska

A runaway youth may be taken into temporary custody without a warrant by a peace officer. Neb. Rev. Stat. § 43-248 (2017). The peace officer must take reasonable measures to notify the guardian of the youth and either release the youth into the custody of the youth's guardian or deliver the youth to a probation officer for assessment and placement in an appropriate facility. Neb. Rev. Stat. § 43-250 (2017). A runaway youth may be considered a status offender. Neb. Rev. Stat. § 43-245 (2017). A runaway youth also may be considered a delinquent child in need of special supervision. Neb. Rev. Stat. § 28-709 (2017). The court may order a child in need of supervision to remain in the child's home subject to supervision, or may make an order committing the child to the care of some suitable institution, the care of some reputable citizen of good moral character, the care of a suitable family, or the care and custody of the Department of Health and Human Services. Neb. Rev. Stat. § 43-284 (2017).

Nevada

A runaway youth may be taken into custody without a warrant by a peace officer. The peace officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or deliver the youth to the Juvenile Court or a temporary place of detention. The Juvenile Court may declare the youth a child in need of supervision. If this is the youth's first proceeding concerning the need for supervision, the court shall admonish the youth to obey the law, to refrain from running away again, and maintain a record of the admonition. The court shall also refer the youth, without formal proceedings, to services available in the community for counseling, behavioral modification, and social adjustment. If this is not the first proceeding concerning the youth's need for supervision, the court may place the youth in the custody of the youth's guardian under the supervision of the court or place the youth in a private or public childcare facility. Nev. Rev. Stat. Ann. §§ 62C.010 (2017), Nev. Rev. Stat. Ann. 62B.320 (2017), Nev. Rev. Stat. Ann. 62E.410 (2017), Nev. Rev. Stat. Ann. 62E.110 (2017).

New Hampshire

A runaway youth may be taken into custody without a warrant by a police officer when there are reasonable grounds to believe the youth has run away or is in danger. N.H. Rev. Stat. Ann. 169-D:8 (2017). The police officer must then release the youth into the custody of the youth's guardian or deliver the youth to the court where the youth will be placed with a guardian, relative, in a temporary shelter facility, or an alcohol crisis center certified to accept juveniles. N.H. Rev. Stat. Ann. 169-D:10 (2017). The court may order a child in need of services to undergo services, to participate in programs, or to be placed in an appropriate facility. N.H. Rev. Stat. Ann. 169-D:17 (2017). Alternatively, the youth may be placed in a diversion program that offers services and other alternatives to formal court proceedings. N.H. Rev. Stat. Ann. 169-D:17 (2017).

New Jersey

A runaway youth may be taken into custody without a warrant by a police officer. N.J. Rev. Stat. § 2A:4A-31 (2017). The police officer shall release the youth from custody within six hours. The police officer may transport the youth to the home of the youth's guardian or another responsible adult and inform the youth of available services. N.J. Stat. § 2A:4A-32 (2017). Diversion services and juvenile-family crisis services may be available to runaway youth. N.J. Stat. § 2A:4A-71.1 et seq. (2017).

New Mexico

A law enforcement agent who receives a report from a parent, guardian, or custodian that a child has left home without permission may (a) return the child to the parent, guardian, or custodian unless safety concerns are present, (b) hold the child for up to 6 hours if the parent, guardian, or custodian cannot be located, or (c) after 6 hours, take the child into protective custody. N.M. Stat. Ann. § 32A-1-21 (2017); N.M. Stat. Ann. § 32A-3B-3 (2017). A runaway youth may be declared the child of a family in

need of services. N.M. Stat. Ann. § 32A-3A-2 (2017). A court may also formally order the family to undergo services and treatment. N.M. Stat. Ann. § 32A-3B-15 (2017).

New York

The New York Statutes do not directly address taking a runaway into custody or formal court proceeding related to runaway youth. Social Services may classify a runaway youth as a destitute child and provide the youth with services if proper care is not available at home. N.Y. Soc. Serv. Law § 398 (2017).

North Carolina

A runaway youth may be taken into custody without a warrant by a police officer. N.C. Gen. Stat. § 7B-1900 (2017). The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or deliver the youth to a juvenile court counselor for assessment. The youth may not be held in custody for more than 12 hours, or 24 hours if youth is taken into custody during the weekend. N.C. Gen. Stat. § 7B-1901 (2017). The Juvenile Court may declare a runaway youth an undisciplined juvenile. N.C. Gen. Stat. § 7B-1501 (2017). An undisciplined juvenile may be ordered to undergo evaluation and treatment concerning the juvenile's physical and mental health. N.C. Gen. Stat. § 7B-2502 (2017). The court may order an undisciplined juvenile to be placed, under the supervision of the court, with the juvenile's guardian, a relative, the Department of Social Services, or a private child-placing agency. The court may also place the juvenile under the protective supervision of a juvenile court counselor. N.C. Gen. Stat. § 7B-2503 (2017).

North Dakota

A runaway youth may be taken into custody without a warrant by a police officer. N.D. Cent. Code, § 27-20-13 (2017). The police officer shall then either release the youth into the custody of the youth's guardian or deliver the youth to a shelter care facility or to the Juvenile Court. N.D. Cent. Code, § 27-20-15 (2017). While the North Dakota Century Code does not directly address proceedings concerning runaway youth, a runaway youth may be declared an unruly child. An unruly child is, among other things, a child who is (a) habitually disobedient of the reasonable and lawful commands of the child's guardian, (b) ungovernable, (c) willfully in a situation dangerous or injurious to the health, safety, or morals of the child, or (d) has committed an offense applicable only to a child. N.D. Cent. Code, § 27-20-02 (2017).

Ohio

A runaway youth may be taken into custody without a warrant by a police officer or by an authorized officer of the court. The police officer shall not deliver the youth to a shelter care facility without a court order unless it is in the best interests of the youth. Ohio Rev. Code Ann. 2151.31 (2017). While the Ohio Revised Code Annotated does not directly address proceedings concerning runaway youth, a runaway youth may be declared an unruly child if the youth does not submit to the reasonable control of the youth's guardian by reason of being wayward or habitually disobedient. Ohio Rev. Code Ann. 2151.022 (2017).

Oklahoma

A runaway youth may be taken into custody without a warrant by a peace officer or by an employee of the Juvenile Court. The peace officer or court employee shall then release the youth into the custody of the youth's guardian, or take the youth to court-designated facilities if necessary to protect the youth's wellbeing and deliver the youth to the court for proceedings and placement. Okla. St. tit. 10A, § 2-2-101 (2017). A runaway youth may be declared a child in need of supervision. Okla. St., tit. 10A, § 2-1-103 (2017). A child in need of supervision may be (a) placed on probation, (b) placed with the youth's guardian under supervision of the court, (c) ordered to participate in counseling or other social services, (d) placed in a private child care facility, (e) placed in the custody of the Office of Juvenile Affairs, (f) ordered to pay compensation, restitution or fines, engage in community service, lose driving privileges, and face weekend detention in places other than juvenile detention centers, and (g) ordered to participate in the Juvenile Drug Court Program. Okla. St. tit. 10A, § 2-2-503 (2017).

Oregon

A runaway youth may be taken into custody without a warrant by a peace officer, a counselor, an employee of the Department of Human Services, or by any other person authorized by the Juvenile Court. The person taking custody shall then release the youth into the custody of the youth's guardian or deliver the youth to a shelter care facility approved by the Juvenile Court to provide care for runaway youth. The person taking custody shall consult the youth and the youth's guardian concerning whether they prefer the youth to be placed in a shelter care facility or returned home. If the youth indicates that the youth will not remain at home if returned there, the person taking custody shall deliver the youth to a shelter care facility. ORS § 419B.150 (2017). Regardless of where the youth is taken, the youth's guardian must be notified. ORS § 419B.160 (2017). If the runaway youth's circumstances indicate a need for either delinquency or dependency proceedings, the person who took the youth into custody or the shelter care facility shall deliver the youth to the Juvenile Court. ORS § 419B.168 (2017).

Pennsylvania

A runaway youth may be taken into custody without a warrant by a police officer. 42 Pa. Cons. Stat. § 6324 (2017). The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian, deliver the youth to the court, or deliver the youth to a detention or shelter care facility. 42 Pa. Cons. Stat. § 6326 (2017). While the Pennsylvania Statutes do not directly address proceedings concerning runaway youths, a runaway youth may be declared a dependent child by the court. A dependent child is, among other definitions, a child who (a) is without proper parental care, subsistence, education, or control; (b) is without or abandoned by a guardian, (c) has committed specific acts of habitual disobedience of the reasonable and lawful commands of the child's guardian, or (d) is ungovernable and found to be in need of care, treatment, or supervision. 42 Pa. Cons. Stat. § 6302 (2017). A dependent child may be permitted to remain in the home of the child's guardian subject to supervision by the court; may be placed temporarily

with a relative or other adult deemed qualified; may be placed temporarily with a public or private childcare agency; or may be placed permanently with a relative or other appropriate adult, if continuation of the child in his or her home is contrary to the welfare, safety, or health of the child, reasonable efforts to eliminate the need to take the child from his or her home were unsuccessful, and reasonable efforts are made to place removed siblings together. 42 Pa. Cons. Stat. § 6351 (2017).

Rhode Island

A delinquent or wayward youth may be taken into custody without a warrant by a police officer. The youth may not be detained in custody for more than 24 hours without being referred to the family court for consideration. R.I. Gen. Laws § 14-1-25 (2017). A runaway youth may be declared a wayward child by the court. R.I. Gen. Laws § 14-1-3 (2017). A wayward child may be placed on probation, under supervision in the child's home, in the custody of a relative or other suitable person, or in the custody of the director of children, youth and families. R.I. Gen. Laws § 14-1-32 (2017). The court has the power to make other orders not specified if they are in the best interest of the youth. R.I. Gen. Laws § 14-1-37 (2017).

South Carolina

The South Carolina Code Annotated does not explicitly address taking a runaway youth into custody. Running away is, however, considered a status offense. S.C. Code Ann. § 63-1-40 (2017). A status offender may be ordered to participate in the Youth Mentor Program. S.C. Code Ann. § 63-19-1430 (2017) or may be committed to the Department of Juvenile Justice for up to 90 days. S.C. Code Ann. § 63-19-1440 (2017). The court may also order the youth to undergo treatment, to endure a period of probation, or to be placed in the custody of a public or private childcare agency. S.C. Code Ann. § 63-19-1410 (2017).

South Dakota

A runaway youth may be taken into custody without a warrant by a police officer. S.D. Codified Laws § 26-7A-12 (2017). The police officer shall then notify the youth's guardian and deliver the youth to an intake officer for assessment. S.D. Codified Laws §§ 26-7A-13.1; S.D. Codified Laws §§ 26-7A-15 (2017). A runaway youth may be declared a child in need of supervision. S.D. Codified Laws § 26-8B-2 (2017). A child in need of supervision may be (a) subject to probation, (b) assigned to a supervised work program, (c) subject to treatment, or (d) placed with the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center. S.D. Codified Laws § 26-8B-6 (2017).

Tennessee

A runaway youth may be taken into custody without a warrant by a police officer. Tenn. Code Ann. § 37-1-113 (2017). The police officer shall then release the youth into the custody of the youth's guardian or deliver the youth to the juvenile court. Tenn. Code Ann. § 37-1-115 (2017). A runaway youth may be declared an unruly child by the juvenile court. Tenn. Code Ann. § 37-1-102 (2017). An unruly child may be subject to probation, a fine, or community service. The court may also order an

unruly child to participate in services provided by the Department of Children Services. The court may also place an unruly child in the custody of a childcare facility, a child welfare agency, or the Department of Children Services, but must choose the least restrictive option necessary. Tenn. Code Ann. § 37-1-132 (2017).

Texas

A runaway youth may be taken into custody without a warrant by a police officer. Tex. Fam. Code Ann. § 52.01 (2017). The officer shall then release the youth into the custody of the youth's guardian, deliver the youth to a school official, or deliver the youth to the juvenile court for assessment. Tex. Fam. Code Ann. § 52.02 (2017). A runaway youth may be declared a status offender. Tex. Fam. Code Ann. § 51.02 (2017). The juvenile court may order a status offender to be placed into the custody of the youth's guardian, a relative, a foster home, or a public or private institution or agency. Tex. Fam. Code Ann. § 54.04 (2017).

Utah

A runaway youth may be taken into custody without a warrant by a peace officer. The peace officer shall then notify the youth's guardian and release the youth into the custody of the youth's guardian. If the youth's guardian cannot be located or if the youth's welfare is in danger, the peace officer shall deliver the youth to a shelter for care and assessment. Utah Code Ann. § 78A-6-112 (2017). A runaway youth may be considered a status offender by the juvenile court. Utah Code Ann. § 62A-4a-101 (2017). The juvenile court has jurisdiction over runaway youth as status offenders and may place the youth on probation or under protective supervision in the youth's own home, or may place the youth in state supervision with the Probation Department of the court. The court may also place the youth in the legal custody of (a) a relative or other suitable person, (b) the Division of Child and Family Services, (c) the Division of Youth Corrections, or (d) the Division of Mental Health without probation or supervision. The court also may refer the youth to the Department of Human Services to provide dispositional recommendations and services. Utah Code Ann. § 78A-6-117 (2017).

Vermont

A runaway youth may be taken into custody without a warrant by a police officer. Vt. Stat. Ann. Tit. 33, § 5301 (2017). The police officer shall then either release the youth into the custody of the youth's guardian or deliver the youth to a shelter designated by the Commissioner of Social and Rehabilitation Services as qualified to assist youth who have run away for the purpose of reuniting them with their parents, guardian, or legal custodian. Vt. Stat. Ann. tit. 33, § 5303 (2017). If the youth is delivered to a shelter, the shelter shall make efforts to reunite the youth with the youth's guardian. Vt. Stat. Ann. tit. 33, § 5303 (2017). The youth shall not remain at the shelter for more than 21 days. Vt. Stat. Ann. tit. 33, § 5303 (2017). If reunification measures are not successful, then the youth must be brought before the juvenile court. Vt. Stat. Ann. tit. 33, § 5303 (2017). A runaway youth may be declared a child in need of care or supervision. Vt. Stat. Ann. tit. 33, § 5318 (2017). A child in need of care or

supervision may be (a) released into the custody of the youth's guardian, (b) subject to protective services, or (c) may be placed in the custody of the Department of Social and Rehabilitation Services, a foster care home, or a child placing agency. Vt. Stat. Ann. tit. 33, § 5318 (2017).

Virginia

A runaway youth may be taken into custody without a warrant by a police officer. Va. Code Ann. § 16.1-246 (2017). The police officer shall then deliver the youth to an intake officer at the juvenile court. The intake officer shall then release the youth, return the youth to the youth's home, or place the youth in shelter care. Va. Code Ann. § 16.1-247 (2017). A runaway youth may be declared a child in need of supervision. Va. Code Ann. § 16.1-228 (2017). A child in need of supervision may be released into the custody of the youth's guardian subject to certain conditions and limitations, may be placed in a child care facility or independent living situation, or may be placed in the legal custody of a relative or other qualified individual, a child welfare agency, or private childcare institution. Va. Code Ann. § 16.1-278.4 (2017).

Washington

A runaway youth may be taken into custody without a warrant by a police officer if the youth's guardian has reported to a law enforcement agency that the youth has run away. The police officer shall then deliver the youth to a crisis residential center for assessment and care. Wash. Rev. Code § 13.32A.050 (2017). The crisis residential center must inform the guardian of the youth of the youth's presence at the center and arrange transportation for the youth to the youth's guardian's home or an out-of-home placement such as a foster care or child care facility. Wash. Rev. Code § 13.32A.090 (2017). The guardian of a runaway youth may file a petition alleging that the youth is an at-risk youth. Wash. Rev. Code § 13.32A.191 (2017). The court may order an at-risk youth to undergo treatment and counseling and may order the youth to keep in regular contact with a designated agency. Wash. Rev. Code § 13.32A.196 (2017). The youth may also be subject to permanent out-of-home placement if necessary. Wash. Rev. Code § 13.32A.160 (2017). The public shall be excluded from a child in need of services hearing if the judicial officer finds that it is in the best interest of the child or if either parent requests that the public be excluded from the hearing. Wash. Rev. Code § 13.32A.200 (2017).

West Virginia

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or, if necessary, deliver the youth to an appropriate court or magistrate for a detention hearing. W. Va. Code § 49-4-705 (2017). The youth may be considered a status offender. W. Va. Code § 49-1-202 (2017). The court may (a) order the runaway youth to participate in services offered by the Department for Juveniles and (b) may order the youth placed in a child care facility and transfer custody of the youth to the Department. W. Va. Code § 49-4-712 (2017).

Wisconsin

A runaway youth may be taken into custody without a warrant by a police officer. Wis. Stat. § 938.19 (2011). The police officer shall then either release the youth into the custody of the youth's guardian after counseling or warning the youth as appropriate, or deliver the youth to a runaway home. If the youth is delivered to a runaway home, the parents shall be notified immediately and a detention hearing shall be held. Wis. Stat. § 938.20 (2017). The court may declare the youth a juvenile in need of protection or services. Wis. Stat. § 938.13 (2011). The court may order a juvenile in need of protection or services to undergo counseling, may subject the juvenile in need of protection or services to court supervision, and may either release the juvenile in need of protection or services into the custody of the youth's guardian, or place the youth with a relative, a child caring institution, or in non-secure custody. Wis. Stat. § 938.345 (2017).

Wyoming

A runaway youth may be taken into custody without a warrant by a police officer. Wyo. Stat. § 14-6-405 (2017). The police officer shall then notify the youth's guardian and either release the youth into the custody of his/her guardian or place the youth in shelter care pursuant to a court order. The youth may be placed in shelter care without a court order only if the youth's safety is in danger or to ensure that the youth appears before the court for proceedings. Wyo. Stat. § 14-6-406 (2017). The juvenile court may declare a runaway youth a child in need of supervision and running away may be considered a status offense. Wyo. Stat. § 14-6-402 (2017). The court may (a) release a child in need of supervision into the custody of the youth's guardian under protective supervision of the court, (b) transfer custody of a child in need of supervision to a relative or other responsible adult under protective supervision of the court, or (c) transfer temporary custody to a private or public child care agency. The court may also order the youth to undergo treatment and counseling. Wyo. Stat. § 14-6-429 (2017).

American Samoa

A runaway youth may be taken into custody without a warrant by a police officer. Am. Samoa Code Ann. § 45.0201 (2017). When a youth is taken into temporary custody, the officer shall notify a parent, guardian, or legal custodian as soon as possible and within 12 hours, and inform the parent, guardian, or custodian that if the child is placed in detention in a shelter facility, all parties have a right to a prompt hearing to determine whether the child is to be detained further. Am. Samoa Code Ann. § 45.0202 (2017). The youth shall be released to the care of the youth's parents or other responsible adult unless his/her immediate welfare or the protection of the community requires that the youth be detained. Am. Samoa Code Ann. § 45.0203. A runaway youth may be declared a child in need of supervision and subject to court orders. Am. Samoa Code Ann. § 45.0103 (2017); Am. Samoa Code Ann. § 45.0352 (2017).

District of Columbia

A runaway youth may be taken into custody without a warrant by a police officer. D.C. Code Ann. § 16-2309 (2017). With all reasonable speed, custody of the youth shall be given to the youth's guardian or a shelter care facility or the youth shall be brought to Social Services for need assessment. D.C. Code § 16-2311 (2017).

Guam

The Guam Code does not directly address runaway youth. Guam has, however, adopted the Interstate Compact on Juveniles for the purpose of cooperating with other states to return juveniles when their return is sought and accept the return of juveniles whenever a juvenile residing in Guam is found or apprehended in another state. 9 Guam Code Ann. 90.82 (2017).

Northern Mariana Islands

After the child has been adjudged a delinquent child, the court may, and usually should, proceed very informally as at a conference to consider the causes of the delinquency and the recommendations of all concerned as to the best disposition of the child within the limits of the law, particularly with regard to the custody, supervision, and schooling or training of the child. Rules of Juvenile Delinquency Procedure, Rule 6 (1996). In all situations not governed by the provisions of these rules or otherwise by law or rules of procedure duly promulgated by the court, the court may adopt the procedure it deems best suited to enable it to dispose of the case promptly, justly, and in the best interests of the child. Rules of Juvenile Delinquency Procedure, Rule 7 (1996). *Available at* http://www.cnmilaw.org/pdf/court_rules/R08.pdf.

Puerto Rico

A peace officer may apprehend a minor without prior court order when there are reasonable grounds to believe that he/she has perpetrated an offense in his presence. 34 L.P.R.A. Ap. I-A § 2.4 (2017). The peace officer who apprehended the minor will have the duty of immediately contacting any of the parents, relatives, or guardians. 34 L.P.R.A. Ap. I-A § 2.6 (2017). The resolutory measure may be nominal, conditional or custody. The court shall take into consideration criteria that allow for individualization of the needs of the minor. 34 L.P.R.A. Ap. I-A § 8.4 (2017). After determining the resolutory measure, unless the court indicates otherwise, the term of supervision or custody will be concurrent with any other terms imposed on the minor. 34 L.P.R.A. Ap. I-A § 8.6 (2017).

Virgin Islands

A child may be taken into custody by a law enforcement officer having reasonable grounds to believe that the child has run away. 5 V.I. Code Ann. § 2511 (2017). A law enforcement officer taking a child into custody shall notify the child's parents, guardian, custodian, or other person responsible for his/her care. The law enforcement officer then shall (a) release the child to his parents, guardian, custodian, or other person responsible for his/her care, (b) bring the child to the intake officer, (c) deliver the child to a place of detention or shelter care, or (d) deliver the child to a medical

facility. 5 V.I. Code Ann. § 2513 (2017). The court may permit the child to remain with his/her parents, guardian, or other person responsible for his/her care, place the child on probation under the Youth Services Administration, or order such care and treatment as the court may deem best including detention care or shelter care as appropriate. 5 V.I. Code Ann. § 2521 (2017).

APPENDIX 3

Status Offenses—Truancy Statutes

Alabama

Compulsory school age is 6 to 17 years old. A police officer or attendance officer may take custody of a truant youth and then shall deliver the youth to the custody of the person having charge or control of the youth during school hours. Attendance officers are responsible for monitoring truancy. Attendance officers, principals, superintendents, and probation officers may file petitions with the juvenile court alleging that a youth is habitually truant. A habitual truant may be declared a child in need of supervision and be subject to court orders. Code of Ala. § 16-28-3 (2017); Code of Ala. § 16-28-17 (2017); Code of Ala. § 16-28-18 (2017); Code of Ala. § 16-28-21 (2017); Code of Ala. § 16-28-22 (2017).

Alaska

Compulsory school age is 7 to 16 years old. The governing body of each school district shall establish policies and procedures to address truancy. Alaska Stat. § 14.30.010 (2017); Alaska Stat. § 14.30.030 (2017).

Arizona

Compulsory school age is 6 to 16 years old. Truancy is defined as an unexcused absence for at least one class period of the school day. A habitual truant is a student who is truant for at least five days within a school year. A police officer may take a truant youth into custody without a warrant. A habitual truant may be declared an incorrigible child and be subject to court orders. A.R.S. 15-803 (2017); A.R.S. 8-303 (2017).

Arkansas

Compulsory school age is 5 to 17 years old. The Board of Directors of each school district is responsible for developing policies and procedures regarding school attendance. School districts may create a truancy board which will recommend methods for improving school attendance. Police officers may take a truant youth into custody and then shall deliver the youth to home, school, or a truancy center, which shall not be a jail, juvenile detention center, or police department. The family of a truant youth may be declared a family in need of services and be subject to court orders. A.C.A. § 6-18-201 (2017); A.C.A. § 6-18-209 (2017); A.C.A. § 6-18-221 (2017); A.C.A. § 6-18-226 (2017); A.C.A. § 9-27-303 (2017).

California

Compulsory school age is 6 to 18 years old. Any student who is absent or tardy for more than a 30-minute period without valid excuse three or more times in a school year will be considered a truant and must be reported to an attendance supervisor or superintendent. A conference shall be held to address the student's truancy. If a

student is reported as a truant three or more times in a school year, the student will be considered a habitual truant. During school hours, a truant youth may be taken into custody by a police officer, an attendance officer, or a school administrator and then shall be delivered to the youth's home, to school, or to a nonsecure youth service center or community center designated by the school district for counseling. Habitual truants may be referred to an attendance review board who may provide counseling and community services to the youth. A habitual truant may also be declared a ward of the court and be subject to court orders. Cal. Educ. Code §§ 48200, 48260, 48262, 48263, 48264, 48265 (2017); Cal. Welf. Inst. Code § 601 (2017).

Colorado

Compulsory school age is 6 to 16 years old. School attendance is also mandatory for students attending on-line schools. Colorado grants local Boards of Education of each school district power to create a written policy regarding attendance requirements and penalties for noncompliance. The Boards shall also designate attendance officers who are responsible for investigating unexcused absences. Parole officers may not be designated as attendance officers. Students who are enrolled in public school and have four unexcused absences from in any one month or ten unexcused absences during any school year shall be considered habitually truant. The Boards shall adopt and implement best practices and research-based strategies, policies and procedures identifying, monitoring, and working with habitually truant youth, with a focus on ensuring that the student remains enrolled in school. These policies and procedures shall also focus on guardian and local community services groups' involvement when practicable to identify the reasons for the student's truancy. Judicial proceedings may occur as a last resort in order to enforce the compulsory school attendance policies and provisions. C.R.S. § 22-33-104 (2017); C.R.S. § 22-33-107 (2017); C.R.S. § 22-33-108 (2017).

Connecticut

Compulsory school age is 5 to 18 years old. Connecticut grants cities and towns the power to adopt ordinances concerning truancy. Connecticut also grants local school boards the power to adopt policies and provisions concerning truancy. The policies and provisions shall include guardian involvement, child and family services, and a system of monitoring unexcused absences in order to respond immediately to a student's nonattendance. A student who is enrolled in a public or private school and either has four unexcused absences in one month or ten unexcused absences in a school year is considered a truant. A student who has twenty unexcused absences in a school year is considered a habitual truant. Conn. Gen. Stat. § 10-198a (2017); Conn. Gen. Stat. § 10-200 (2017); Conn. Gen. Stat. § 46b-120 (2017).

Delaware

Compulsory school age is 5 to 16 years old. A student in grades kindergarten through 12 who has three or more unexcused absences in a school year is considered a truant. Police officers may take custody of youth who appear to be off school grounds without authorization and return the youth to his/her school or detain the youth at the police

station in a non-criminal area for a period not to exceed 2 hours for the purpose of notifying the youth's parent or guardian. Truant students may be subject to truancy conferences and court proceedings. The court has the power to order a variety of remedies that may apply to the student, including counseling, treatment, community service, curfews, and alternative education. Del. Code tit. 14 § 2702 (2017); Del. Code tit. 14 § 2723 (2017); Del. Code tit. 14 § 2725 (2017); Del. Code tit. 14 § 2730 (2017).

Florida

Compulsory school age is 6 to 15 years old. Florida places the responsibility of monitoring nonattendance on local school boards. Florida also sets out procedures focused on addressing truancy, including contact with student's guardians, conferences focused on developing a plan to address a student's truancy, referrals to family services, court proceedings, and efforts by school officials to locate truant youth and return them to their homes or schools. Superintendents may file a truancy petition or a child in need of services petition in order to involve a habitual truant in court proceedings. Youth found to be habitual truants can be considered a child in need of services and may be ordered to make up missed school work, pay fines, perform community service, and participate in counseling. Habitually truant means that the child has 15 unexcused absences within 90 calendar days. Fla. Stat. §§ 1003.21, 1003.26, 1003.27 (2017).

Georgia

Compulsory school age is 6 to 15, until a youth's sixteenth birthday. A youth that appears to be absent from school during school hours without authorization may be taken into custody by a police officer and then delivered to the youth's guardian or school. School official must file proceedings in order to enforce compulsory school attendance requirements. A truant youth may be considered a status offender, and may be subject to court orders. O.C.G.A § 20-2-690.1 (2017); O.C.G.A § 20-2-698 (2017); O.C.G.A § 20-2-699 (2017); O.C.G.A § 15-11-381 (2017).

Hawaii

Compulsory school age is at least five years on or before July 31st of the school year to 17 years old. A youth may be excused from compulsory school attendance by a superintendent or family court judge if over the age of 15 and suitably employed. A family court judge may also excuse a youth for other appropriate reasons. A truant youth may be brought before a family court judge for proceedings if a petition is filed by a school official or police officer concerning the youth's nonattendance. Additionally a youth may be taken into custody by a police officer if it is believed the youth is not attending school. H.R.S. § 302A-1132 (2017); H.R.S. § 302A-1135 (2017); H.R.S. § 571-31 (2017).

Idaho

Compulsory school age is 7 to 15 years old. A student who repeatedly violates compulsory school attendance requirements is considered a habitual truant. A habitual truant may be denied enrollment in a school by a board of trustees or may be temporarily suspended by the school superintendent. Punishment for truancy is

guardian-focused and a parent or guardian may be directly prosecuted for knowingly allowing a child to become a habitual truant. However, truancy is considered a status offense and a suspected truant may be taken into custody by a peace officer. If a youth commits two status offenses (such as running away, truancy, or curfew violations) in one year, the court may declare the youth a habitual status offender. Habitual status offenders may be placed on probation or placed in a juvenile shelter care facility. Idaho Code § 20-516 (2017); Idaho Code § 20-520 (2017); Idaho Code § 20-521 (2017); Idaho Code § 33-202 (2017); Idaho Code § 33-205 (2017); Idaho Code § 33-206 (2017); Idaho Code § 33-207 (2017).

Illinois

Compulsory school age is 6 to 17 years old. Regional superintendents and directors shall collect data concerning truants and submit that data to the State Board of Education. School districts and counties may employ truancy officers to monitor truant students, including investigating unexcused absences and taking truant youth into custody. If a youth is beyond the control of the youth's guardian and has been absent from school without authorization after notice has been provided, a truancy petition may be filed. Truant minors must be provided with supportive services and counseling before punitive measures, such as suspension and expulsion, may be taken. A chronic truant is a youth, subject to compulsory school attendance, who is absent without valid cause for 5% or more of the previous 180 regular attendance days. A chronic truant student may be declared a truant minor in need of supervision. A truant minor in need of supervision may be subject to a mandatory educational plan, a service plan, counseling, fines, and between 20 and 40 hours of community service. If truancy persists, a complaint can be filed in county circuit court against the person(s) having custody for failure to comply with the code.. 105 ILCS 5/26-1 (2017); 105 ILCS 5/26-2a (2017); 105 ILCS 5/26-3d (2017); 105 ILCS 5/26-5 (2017); 105 ILCS 5/26-7 (2017); 105 ILCS 5/26-8 (2017); 105 ILCS 5/26-12 (2017); 105 ILCS 5/26-15 (2017); 105 ILCS 5/34-4.5 (2017); 705 ILCS 405/3-33.5 (2017).

Indiana

Compulsory school age is 7 through the earliest to occur of (a) graduation, (b) a person's 18th birthday, or (c) such person's attainment of age 16 or older and such person meeting the requirements concerning an exit interview enabling withdrawal. Attendance officers have the responsibility of monitoring truancy. Attendance officers and police officers may take truant youth into custody and then shall deliver the youth to the youth's school. Attendance officers or the superintendent shall report a child who is habitually absent from school to an intake officer of the juvenile court or the Department of Child Services. Habitually truant youth may be declared delinquent and may be subject to court orders. Ind. Code §§ 20-33-2-4 (2017), 20-33-2-6 (2017), 20-33-2-23 (2017), 20-33-2-24 (2017), 20-33-2-25 (2017), 20-33-2-43 (2017); Ind. Code 31-37-2-3 (2017).

Iowa

Compulsory school age is 6 to under 16 years old by September 15th of a given school year. If a child reaches age 16 on or after September 15 of a given school year, the child remains of compulsory age until the end of the regular calendar year. A truant is any child of compulsory attendance who fails to attend school without a reasonable excuse for the absence. A truancy officer may take a truant youth into custody and then shall deliver the youth to school and notify the youth's guardian. A school district shall attempt to discover the cause of a student's truancy and ensure that the student attends in the future. An attendance cooperation process may be developed to ensure the student's attendance. If these informal procedures are unsuccessful, a truant may be referred to the county attorney for mediation and prosecution. Mediation may result in referrals to social services, counseling, and an agreement concerning the student's future attendance. Iowa also grants school districts and nonpublic schools the power to prescribe reasonable rules for the punishment of truants. Iowa Code § 299.1a (2017); Iowa Code § 299.5a (2017); Iowa Code § 299.6 (2017); Iowa Code § 299.8 (2017); Iowa Code § 299.9 (2017); Iowa Code § 299.11 (2017).

Kansas

Compulsory school age is 7 to 17 years old. A police officer may take a truant youth into custody and then shall deliver the youth to school or to the child's parent or custodian. When a child who is required to attend school and is inexcusably absent on either (a) three consecutive days, (b) five days in any semester, or (c) seven school days in any school year, whichever occurs first, the child shall be considered as not attending school as required by law. When nonattendance occurs, the youth's guardian shall be notified and a report shall be delivered to the Secretary of Social and Rehabilitation Services or the district attorney who shall investigate the matter. A truant youth may be declared a child in need of care and be subject to a court order. K.S.A. § 38-2231 (2017); K.S.A. § 38-2232 (2017); K.S.A. § 72-1111 (2017); K.S.A. § 72-1113 (2017).

Kentucky

Compulsory school age is 6 to 17 years old. If a student is absent or tardy without a valid excuse for three or more days, the student will be considered a truant. Any student reported as a truant two or more times will be considered a habitual truant. Local Boards of Education have the power to adopt policies that require students to comply with compulsory school attendance requirements, require truants to make up unexcused absences, impose sanctions on truants and habitual truants, and implement and utilize early intervention and prevention programs. Pupil personnel are responsible for monitoring truancy within their district and have the power to fully investigate truant youth. KRS § 159.130 (2017); KRS § 159.140 (2017); KRS § 159.150 (2017).

Louisiana

Compulsory school age is 7 to 17 years old. A truant youth may be taken into custody without a warrant by a police officer. School officials shall report truant youth to Family or Juvenile Court for proceedings. A student shall be considered habitually

absent if the youth has five unexcused absences in one semester and reasonable efforts taken by school officials have not resulted in regular school attendance by the youth. The family of a truant youth may be declared a family in need of services and be subject to court order. La. R.S. 17:221 (2017); La. R.S. 17:233 (2017); La. Ch.C. Art 730 (2017); La. Ch.C. Art. 736 (2017).

Maine

Compulsory school age is 7 to 16 years old. A student who has completed grade 6 is habitually truant if the student is absent without excuse for ten full days in one school year or for seven consecutive days. A student who is at least 7 years old but has not completed grade 6 is habitually truant if the student is absent without excuse for seven full days or for five consecutive days. Habitual truants shall first be reported to the school superintendent for informal proceedings, including involvement of the truant's guardian and other necessary measures. If this informal process does not correct the student's truancy, the superintendent shall notify the parent by hand or registered mail written notice of required school attendance. After scheduling at least one parent meeting, to which a local prosecutor may be invited, the superintendent may report habitual truants to law enforcement authorities and police officers may offer a habitual truant transportation to school. Me. Rev. Stat. Ann. tit. 20-A, §§ 5001-A, 5051-A (2017).

Maryland

Compulsory school age is 5 to 15 years old. Principals and teachers must report the names of students who have been absent without lawful excuse to the superintendent or designated person. The superintendent shall investigate the circumstances of the truancy, may provide counseling to the student and student's guardian regarding the availability of social and educational services, and may report the student's truancy to the Department of Juvenile Justice for proceedings. A student who is habitually truant may be declared a child in need of supervision and be subject to court orders. Md. Code, Education § 7-301 (2017); Md. Code, Education § 7-302 (2017); Md. Code, Courts and Judicial Proceedings § 3-8A-01 (2017).

Massachusetts

Compulsory school age is 6 to 16 years old. If in the best interest of the student, a student may obtain an employment permit from the superintendent of schools that will excuse compulsory school attendance. Supervisors of Attendance are responsible for investigating unexcused student absences. Supervisors of Attendance may take truant youth into custody and then shall deliver them to school. A student who persistently fails to attend school may be declared a child in need of services and may be subject to court orders. Mass. Ann. Laws ch. 76, § 1 (2017); Mass. Ann. Laws ch. 76, § 20 (2017); Mass. Ann. Laws ch. 119, § 39G (2017).

Michigan

Compulsory school age is from age 6 to the child's 18th birthday (16th birthday for children born before Dec. 1, 1998). Attendance officers are responsible for monitoring attendance and may hold conferences with truants and their guardians to address

attendance problems. A child who is habitually truant; who while attending school is incorrigibly turbulent, disobedient, insubordinate, or acts immorally; or who does not attend school and frequents streets and other public places without lawful business purpose, may be declared a juvenile disorderly person and ordered to attend a special ungraded school. Youth who are repeatedly absent from school may also be subject to court orders aimed at addressing their attendance problems. Mich. Comp. Laws § 380.1561 (2017); Mich. Comp. Laws § 380.1596 (2017); Mich. Comp. Laws § 380.1586 (2017); Mich. Comp. Laws § 712A.2 (2017).

Minnesota

Compulsory school age is 7 to 16 years old, but a 17-year old may not withdraw from school without a guardian's consent. A continuing truant is a student who, if in elementary school, is absent without excuse for three or more days in one school year, and if in middle or high school, three or more class periods on three days in one school year. An attendance officer or school official may refer a continuing truant to the school attendance review board. The school attendance review board may direct the continuing truant to take advantage of available community-based truancy projects and service centers in order to address the attendance problem. If these services are ineffective, then the school attendance review board may report the continuing truant to the county attorney for judicial proceedings or participation in the truancy mediation program which formally addresses a student's nonattendance. Police officers may take truant youth into custody and then shall transport the youth to the youth's home or school, or a truancy service center. Minn Stat. § 260A.01 (2017); Minn. Stat. § 120A.22 (2017); Minn. Stat. § 120A.05 (2017); Minn. Stat. § 260A.02 (2017); Minn. Stat. § 260A.06 (2017); Minn. Stat. § 260A.07 (2017); Minn. Stat. § 260C.143 (2017).

Mississippi

Compulsory school age is 6 to 16 years old on September 1st of a given school year. School attendance officers are responsible for monitoring truants, including locating youth who are absent without excuse, investigating causes of nonattendance, providing services and counseling that address nonattendance, and coordinating with social and welfare services. Truant youth may be subject to court proceedings. A Youth Court may declare a truant youth a child in need of supervision and prescribe court orders to address the youth's truancy. Miss. Code Ann. § 37-13-91 (2017); Miss. Code Ann. § 43-21-105 (2017).

Missouri

Compulsory school age is 7 to 16 years old and can be up to 17 years old in specific districts. Attendance officers are responsible for investigating and monitoring truant youth. School attendance officers may arrest any truant without a warrant. A habitual truant may be subject to court proceedings in Juvenile or Family Court. A habitual truant may be declared a child in need of care or treatment and be subject to court orders. A habitual truant may also be compelled to attend truancy school. Mo. Rev. Stat. § 167.031 (2017); Mo. Rev. Stat. § 167.071 (2017); Mo. Rev. Stat. § 211.031 (2017);

The Compulsory Attendance Law, Missouri Department of Elementary & Secondary Education, https://dese.mo.gov/governmental-affairs/freqaskques/Attendance (last visited June 28, 2017).

Montana

Compulsory school age is 7 to 16 years old or until the student completes the work for 8th grade, whichever is later. Attendance officers are responsible for monitoring truancy, including enforcing compulsory school attendance and taking truants into custody and delivering them to school. If a truancy officer discovers that a youth is not attending school because the youth must work to support himself/herself or his/her family, the truancy officer shall report the youth to the authorities charged with relief of the poor. Habitual truancy occurs when a student is absent without excuse for ten days or more in a semester. A habitual truant may be declared a youth in need of intervention and be subject to court order. Mont. Code Ann. §§ 20-5-102, Mont. Code Ann. § 41-5-103 (2017).

Nebraska

Compulsory school age is 6 to 17 years old. Attendance officers are responsible for monitoring and enforcing compulsory school attendance. Truant youth may be required to attend meetings concerning their nonattendance and may be subject to educational counseling and evaluation. A truant youth may be considered a status offender and may be declared a child in need of supervision and subject to court orders. Neb. Rev. Stat. § 79-201 (2017); Neb. Rev. Stat. § 79-208 (2017); Neb. Rev. Stat. § 79-209 (207); Neb. Rev. Stat. § 28-709 (2017); Neb. Rev. Stat. § 43-245 (2017).

Nevada

Compulsory school age is 7 to 18 years old. A youth may be exempt from compulsory school attendance if the youth must work to support the youth's guardian. A police officer may take a youth into custody for truancy if the youth has been reported to law enforcement by a school official. Upon taking custody the officer shall deliver the youth to school or to the youth's parents. Truancy is considered to have occurred when a student is absent without excuse for at least one period of the school day. Any student who has been declared a truant three or more times within one school year must be declared a habitual truant. A habitual truant may be declared a child in need of supervision and be subject to court orders. Nev. Rev. Stat. Ann. § 201.090 (2017); Nev. Rev. Stat. Ann. § 392.040 (2017); Nev. Rev. Stat. Ann. § 392.100 (2017); Nev. Rev. Stat. Ann. § 392.130 (2017); Nev. Rev. Stat. Ann. § 392.140 (2017); Nev. Rev. Stat. Ann. § 392.160 (2017).

New Hampshire

Compulsory school age is 6 to 17 years old. Truant officers are responsible for monitoring attendance and have the power to take a truant youth into custody and deliver the youth to school. A truant youth may be referred to the court and declared a child in need of services. N.H. Rev. Stat. § 169-D:2 (2017); N.H. Rev. Stat. § 193:1 (2017); N.H. Rev. Stat. § 189:36 (2017); N.H. Rev. Stat. § 169-D:17.

New Jersey

Compulsory school age is 6 to 16 years old. An attendance officer or a police officer may take a truant youth into custody and then shall deliver the truant youth to school or to the youth's parent or guardian. The attendance officer may arrest a vagrant child or habitual truant without a warrant. If efforts to address a youth's truancy problem are not successful, then the youth may be referred to the courts. The youth may be declared a juvenile delinquent and be subject to court orders. N.J. Stat. § 18A:38-27 (2017); N.J. Stat. § 18A:38-28 (2017); N.J. Stat. § 18A:38-29 (2017).

New Mexico

Compulsory school age is 5 to 18 years old. A student may be granted hardship leave by the local superintendent with written, signed permission from the parent. After the first incident of truancy, a youth's school shall send written notice to the youth's home. If the truancy persists, the youth will be referred to the court. A truant youth may be declared a child in need of supervision or the youth's family may be declared a family in need of services. Such a declaration would subject the youth or the youth's family to court orders. N.M. Stat. Ann. § 22-12-2 (2017); N.M. Stat. Ann. § 22-12-7 (2017); N.M. Stat. Ann. § 32A-3A-2 (2017).

New York

Compulsory school age is 6 to 16 years old. Supervisors of attendance, attendance teachers, and attendance officers are responsible for monitoring truancy. They may take truant youth into custody. A truant youth may be considered a school delinquent and be subject to school mandated punishment. Truant youth may be referred to family court in certain instances, such as bringing a weapon to school. When habitual truancy is alleged, the school district must outline steps taken to improve school attendance when filing a petition. A truant youth may be declared a person in need of supervision and may be subject to court orders. N.Y. Educ. Law § 3205 (2017); N.Y. Educ. Law § 3213 (2017); N.Y. Educ. Law § 3214 (2017); N.Y. Educ. Law § 3232 (2017); N.Y. Family Ct. Act § 712 (2017).

North Carolina

Compulsory school age is 7 to 16 years old. A truant youth may be taken into custody without a warrant by a police officer. The principal of a school shall notify a youth's guardian if the youth is truant and the guardian will be expected to ensure that future unexcused absences do not occur. If a youth is absent ten or more times in a year, the youth will be considered habitually absent. A habitually absent youth may be declared an undisciplined child and may be subject to court orders. N.C. Gen. Stat. § 115C-378 (2017); N.C. Gen. Stat. § 7B-1501 (2017); N.C. Gen. Stat. § 7B-1900 (2017).

North Dakota

Compulsory school age is 7 to 16 years old. Teachers and administrators are responsible for monitoring school attendance and for reporting truant youth to the school superintendent. The superintendent may report the truant youth to the county attorney who may file a petition with the court. A truant youth may be declared a

child in need of services and may be subject to court orders. N.D. Cent. Code § 15.1-20-01 (2017); N.D. Cent. Code § 15.1-20-03 (2017); N.D. Cent. Code, § 27-20-02 (2017).

Ohio

Compulsory school age is 6 to 18 years old. Attendance officers are responsible for monitoring school attendance. Attendance officers may take a truant youth into custody and then shall deliver the youth to school. A habitual truant is a student who is absent without excuse for sixty consecutive hours in a single month or for at least ninety hours in a school year. A superintendent may report a habitual truant to the juvenile court. A habitual truant may be declared a dependent, unruly, or delinquent child and may be subject to court orders. Ohio Rev. Code Ann. 2151.022 (2017); Ohio Rev. Code Ann. 3321.01 (2017); Ohio Rev. Code Ann. 3321.02 (2017); Ohio Rev. Code Ann. 3321.13 (2017); Ohio Rev. Code Ann. 3321.17 (2017); Ohio Rev. Code Ann. 3321.22 (2017).

Oklahoma

Compulsory school age is 6 to 17 years old. A truant youth may be taken into custody by a peace officer, attendance officer, or a school administrator and then shall be delivered to school, the youth's home, a nonsecure youth service or community center, or a community intervention center. A truant youth may be declared a child in need of supervision and may be subject to court order. Okla. St. tit. 70, § 10-105 (2017); Okla. St., tit. 70, § 10-109 (2017); Okla. St. tit. 10A, § 2-1-102–103 (2017).

Oregon

Compulsory school age is 6 to 18 years old. Attendance supervisors are responsible for monitoring truancy. The guardian of a truant youth will be notified and required to ensure that the youth attend school in the future; however, the guardian has a right to request an individualized educational program or, if the youth is already in such a program, a review of that program Or. Rev. Stat. § 339.010 (2017); Or. Rev. Stat. § 339.055 (2017); Or. Rev. Stat. § 339.080 (2017).

Pennsylvania

Compulsory school age is age 8 to the child's 17th birthday. A student who fails to comply with the laws of compulsory school attendance or a habitual truant may be referred to a school or community based attendance improvement program or youth services or a citation may be filed before the appropriate court against a person in parental relation to the child if the child is under 15, or against either the child or the parent if the child is 15 or over. Habitual truants age 15 or older convicted of nonattendance may be fined for each incident of nonattendance up to $300 dollars, sentenced to perform community service, or required to complete an attendance improvement program. Truant youth may be taken into custody by a police officer, attendance officer, or other authority figures. Upon taking custody the authority figure must notify the youth's guardian and deliver the youth to school. A habitual

truant's license shall be suspended for 90 days on first offense and 6 months for a subsequent offense. 24 Pa. Cons. Stat. § 13-1326 (2017); 24 Pa. Cons. Stat.. §§ 13-1333 to 13-1333.4 (2017); 24 Pa. Cons. Stat. § 13-1338 (2017); 24 Pa. Cons. Stat. § 13-1343 (2017).

Rhode Island

Compulsory school age is 6 to 18 years old. A parent or guardian may withdraw a child from school at age 16 under limited circumstances and upon receipt of a waiver of the compulsory attendance requirement. A student who appears to be absent from school without excuse may be taken into custody without a warrant by a police officer. A habitual truant is a student who habitually and willfully is absent from school. A habitual truant may be (a) declared a wayward child, (b) subject to court orders, probation, custody options, and/or community service, (c) may lose his/her driver's license, and (d) the child's parents may be subject to counseling. R.I. Gen. Laws § 16-19-1 (2017); R.I. Gen. Laws § 16-19-6 (2017); R.I. Gen. Laws § 14-1-3 (2017); R.I. Gen. Laws § 14-1-25 (2017); R.I. Gen. Law § 14-1-32 (2017); R.I. Gen. Laws § 16-67.1-3 (2017).

South Carolina

Compulsory school age is 5 to 17 years old. The Board of Trustees for a school district is responsible for reporting a student's nonattendance to the Juvenile Court. Truancy is considered a status offense and a truant youth may be subject to court proceedings and court orders. If a student violates a court order concerning school attendance, the student may be found in contempt and declared delinquent. S.C. Code Ann. § 59-65-10 (2017); S.C. Code Ann. § 59-65-50 (2017); S.C. Code Ann. § 63-19-20 (2017); S.C. Code Ann. § 63-19-1440 (2017).

South Dakota

Compulsory school age is 6 to 18 years old. Truancy officers have the responsibility of monitoring school attendance. Truancy officers and police officers may take a truant youth into custody without a warrant and then shall deliver the youth to school. A truant youth may be declared a child in need of supervision and be subject to court order. S.D. Codified Laws § 13-27-1 (2017); S.D. Codified Laws § 13-27-19 (2017); S.D. Codified Laws § 26-8B-2 (2017).

Tennessee

Compulsory school age is 6 to 17 years old. Truant youth may be taken into custody by a police officer and then shall be delivered to the youth's guardian, to school, or to a truancy center. If a student is absent without excuse for five or more days in one school year, the student's teacher or principal shall report the student to the superintendent. A truant youth may be declared an unruly child and subject to court orders. Truant youth may also be compelled to attend truancy school. Tenn. Code Ann. § 49-6-3001 (2017); Tenn. Code Ann. § 49-6-3007 (2017); Tenn. Code Ann. § 49-6-3012 (2017), Tenn. Code Ann. § 37-1-102 (2017).

Texas

Compulsory school age is 6 to 18 years old. A peace officer or attendance officer may take a truant youth into custody for the purpose of returning the youth to 'his/her school campus. Attendance officers are responsible for monitoring school attendance, may review attendance records and maintain investigative records on attendance requirement violations, and may enforce attendance by (a) enforcing the school's truancy prevention measures, if any, (b) referring the student to truancy court for truant conduct if the student fails to attend school on 10 or more days or parts of days within a six-month period in the same school year without being excused by the school, or (c) filing a criminal negligence case in court against the parent/ guardian/ custodian who fails to bring a child to school after receiving notice of truancy. Tex. Educ. Code § 25.085 (2017); Tex. Educ. Code § 25.091 (2017); Tex. Educ. Code § 25.0915 (2017); Tex. Educ. Code § 25.093 (2017); Tex. Fam. Code § 65.003 (2017).

Utah

Compulsory school age is 6 to 18 years old. A truant minor is any school age minor who is absent from school without a valid excuse. Truant minors will receive a truancy citation requiring them to appear before the truancy control officer. A habitual truant is a school-aged minor who is at least 12 years old and is either truant at least ten times in a year or fails to cooperate with efforts by school authorities to resolve his/her attendance problems. Truancy specialists may be appointed to help enforce compulsory school attendance. A truant youth may be taken into custody by a police officer, truant officer, or school administrator and then shall be delivered to school, the youth's home, or a truancy-receiving center. A truant youth may also be referred to the Division of Child and Family Services. Utah Code Ann. § 53A-11-101 (2017); Utah Code Ann. § 53A-11-104 (2017); Utah Code Ann. § 53A-11-105 (2017).

Vermont

Compulsory school age is 6 to 16 years old. Truancy officers are responsible for monitoring nonattendance. Principals and teachers are responsible for reporting students who are absent without excuse to the truant officer and superintendent. Truancy officers may take a truant youth into custody and deliver the youth to school. A truant youth may be declared a child in need of care or supervision and be subject to court orders. Vt. Stat. Ann. tit. 16, § 1121 (2017); Vt. Stat. Ann. tit. 16, § 1125 (2017); Vt. Stat. Ann. tit. 16, § 1126 (2017); Vt. Stat. Ann. tit. 16, § 1128 (2017) ; Vt. Stat. Ann. tit. 33, § 5318 (2017).

Virginia

Compulsory school age is 5 to 17 years old on September 30th of a given school year. Attendance officers have the responsibility of monitoring school attendance. Attendance officers and police officers may take a truant youth into custody without a warrant and then shall deliver the youth to school or a truancy center. A truant youth may be declared a child in need of supervision and may be subject to court orders. Va. Code Ann. § 22.1-254 (2017); Va. Code Ann. § 22.1-258 (2017); Va. Code Ann. § 22.1-266 (2017); Va. Code Ann. § 22.1-267 (2017).

Washington

Compulsory school age is 8 to 17 years old. A police officer or school official may take a truant youth into custody and then shall deliver the youth to school, the youth's guardian, or a truancy program. A school district may refer a truant student to a community truancy board, enter into an agreement with the student and the student's guardian concerning school attendance, or, if other actions have been ineffective, file a petition with the Juvenile Court. If the court deems it necessary, it shall assume jurisdiction over the truant student and any future incidents of non-attendance shall be reported to the court. The truant student may also be subject to court orders concerning attendance. Wash. Rev. Code § 28A.225.010 (2017); Wash. Rev. Code § 28A.225.020 (2017) Wash. Rev. Code § 28A.225.030 (2017) Wash. Rev. Code § 28A.225.035 (2017) Wash. Rev. Code § 28A.225.060 (2017).

West Virginia

Compulsory school age is 6 to 16 years old. Attendance officers are responsible for monitoring school attendance. After five total unexcused absences in a year, the attendance director must give written notice to the child's parent, guardian, or custodian. A truant youth and his/her guardian must attend a conference in order to discuss and address the youth's attendance. A truant youth may also be declared a status offender and subject to court orders. A parent, guardian, or custodian who does not ensure the child complies with attendance laws may be directly prosecuted. W. Va. Code § 18-8-1 (2017), W. Va. Code § 18-8-4 (2017); W. Va. Code § 49-1-202 (2017).

Wisconsin

Compulsory school age is 6 to 18 years old. A police officer or attendance officer may take a truant youth into custody without a warrant. A habitual truant is a student who is absent from school five or more days in one school year. Wisconsin grants its local governments the power to create ordinances concerning truancy. The ordinances may grant the court power to order a habitual truant to attend school, pay a fine, attend counseling, take part in community service, attend an educational program, or be subject to supervision, house arrest, or a curfew. Wisc. Stat. § 118.15 (2017); Wisc. Stat. § 118.16 (2017); Wisc. Stat. § 118.163 (2017); Wisc. Stat. § 938.19 (20172015).

Wyoming

Compulsory school age is 7 to 15 years old on September 15th of a given school year. A habitual truant is any student with five or more unexcused absences in one school year. Attendance officers are responsible for monitoring school attendance and counseling students with attendance problems. The district attorney shall be notified of any habitual truant and shall initiate court proceedings in juvenile court. A habitual truant may be declared a child in need of supervision and may be subject to court orders. Wyo. Stat. § 14-6-402 (2017); Wyo. Stat. § 21-4-101 (2017); Wyo. Stat. § 21-4-102 (2017); Wyo. Stat. § 21-4-104 (2017); Wyo. Stat. § 21-4-107 (2017).

American Samoa

Compulsory school age is 5 to 18 years old. A truant officer shall investigate cases of truancy. A truant youth may be declared a child in need of supervision and may be subject to court orders. American Samoa Code Annotated § 16.0302 (2017); Am. Samoa Code Ann. § 16.0308 (2017); Am. Samoa Code Ann. § 45.0103 (2017).

District of Columbia

Compulsory school age is 5 to 17 years old. A police officer may take a truant youth into custody and deliver the youth to the school in which the youth is enrolled. A habitual truant may be declared a child in need of supervision and be subject to court proceedings. D.C. Code § 38-202 (2017); D.C. Code § 38-203 (2017); D.C. Code § 38-207 (2017); D.C. Code § 16-2301 (2017).

Guam

Compulsory school age is 5 to 15 years old. An attendance officer may take a truant youth into custody and deliver that youth to the school or to a guardian. Truant means a pupil found absent from school without a reasonable excuse from a parent. A habitual truant is a youth that has incurred twelve or more unexcused absences in a year. The Superintendent shall appoint employees as attendance officers. The attendance officers, as well as any peace officer, principal, or Dean may, without a warrant, take any truant found away from his/her home and who has been reported truant during school hours into custody. The attendance officer, upon taking a truant into custody, shall deliver the truant promptly either to the truant's parent or to the school which the pupil attends. If the child is a habitual truant, the attendance officer, with the concurrence of the principal of the pupil's school, shall bring the child before the Family Court. If the court finds that the allegations of habitual truancy are sustained by evidence, it may order that the child be detained and maintained in a school supervised by the court for the remainder of the current school term, or it may order that the child be turned over to the custody of the Division of Social Services where the child shall be provided casework treatment and services. The habitual truant's school principal must request the superintendent file a petition concerning the truancy in the Family Court or Superior Court of Guam. 17 Guam Code Ann. § 6102 (2017); 17 Guam Code Ann. § 6401 (2017); 17 Guam Code Ann. § 6402 (2017); 17 Guam Code Ann. § 6403 (2017); 17 Guam Code Ann. § 6404 (2017); 17 Guam Code Ann. § 6407 (2017).

Northern Mariana Islands

Compulsory school age is 6 to 16 years old. 3 CMC § 1141 (2017).

Puerto Rico

Compulsory school age is 5 to 18 years old. The Secretary of Education is responsible for developing policies and procedures concerning school attendance. 3 P.R. Laws Ann. § 143b (2017).

Virgin Islands

Compulsory school age is 5 to 18 years old. When a youth is absent from school without an acceptable excuse, a teacher, principal, attendance officer, school official, or police officer may take the youth into custody until a guardian is summoned and asks for the youth's release. A youth may also be referred to the Department of Human Services for Children, Youth and Families if they are truant. A truant may be labeled an incorrigible truant and could be referred to the Family Division of the Territorial Court. An incorrigible truant is a youth of compulsory school age who willfully, deliberately, and continuously absents him/herself from school and who fails to respond to services provided by the Departments of Education and Social Welfare. 17 V.I. Code Ann. § 82 (2017); 17 V.I.C. § 89 (2017).

APPENDIX 4

Status Offenses—Curfew Statutes

Alabama

There is no general state statute regarding curfews. However, Jefferson County, Alabama has a law allowing the Jefferson County Commission to regulate and restrict the activity of minors under 17 years of age in unincorporated areas of the county in public places and establishments. Ala. Code § 45-37-73 (2017).

Alaska

A municipality may, by ordinance, provide a curfew for persons under 18 years of age. The court may impose a fine of not more than $250 for a violation of this section. In place of a fine imposed for a municipal curfew ordinance violation, the court shall allow a defendant to perform community work. Alaska Stat. §§ 29.35.085(a)–(c) (2017).

Arizona

The Board of Supervisors of a county may enact ordinances under its police authority prescribing reasonable curfews for minors and fines not to exceed $300 for violation of such ordinances. A minor is not in violation of a curfew if the minor is (a) accompanied by a parent, guardian, or an adult having supervisorial custody, (b) is on an emergency errand, or (c) has been specifically directed to the location on reasonable, legitimate business or some other activity by the parent, guardian, or adult having supervisorial custody. A.R.S. §11-251(40) (2017).

Arkansas

For curfew violations, the prosecutor may file a family in need of services petition in circuit court or a citation in district court. A.C.A. § 9-27-306(c)(2) (2017).

California

A fee for the actual costs of administrative and transportation services for a minor in violation of a curfew ordinance to his/her residence, or to the custody of his/her parents or legal guardian, may be charged jointly or severally to the minor, his/her parents, or legal guardian. However, this fee may be waived upon a showing that the parents or legal guardian made reasonable efforts to exercise supervision and control over the minor or showing that the minor, his/her parents, or his/her legal guardian lack the ability to pay the fee. In this case, community service may be imposed in lieu of the fee. Cal. Welf. & Inst. Code § 625.5(e) (2017). A peace officer may not book (fingerprint and photograph) a minor for a violation of a curfew ordinance. 80 Ops. Cal. Atty. Gen. 149 (1997).

Colorado

The Board of County Commissioners has the power to discourage juvenile delinquency through the imposition of curfews applicable to juveniles or the restraint and punishment of loitering by juveniles. C.R.S. § 30-15-401(1)(a)(VI)(d.5) (2017).

Connecticut

Any municipality may prohibit the loitering in the nighttime by minors on the streets, alleys, or public places within its limits. Conn. Gen. Stat. § 7-148(c)(7)(F)(iii) (2017).

Delaware

The Family Court shall have concurrent criminal jurisdiction with the Justice of the Peace Courts in all proceedings concerning alleged curfew violations pursuant to any municipal ordinance. Del. Code tit. 10 §922(c) (2017).

Florida

A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday or between the hours of 12:01 a.m. and 6:00 a.m. on Saturdays, Sundays, and legal holidays. A written warning will be issued for the first violation and a fine of $50 will be imposed for each subsequent violation. A county or municipal ordinance may provide restrictions more or less stringent than the curfew above. Fla. Stat. §§ 877.22(1)–(4);877.25 (2017).

Georgia

In Georgia, curfews vary by city. Generally, they apply to minors and are from 11 p.m. to 6 a.m. weekdays and midnight to 6 a.m. on weekends. A child may be taken into custody by a law enforcement officer or a duly authorized officer of the court where there are reasonable grounds to believe that a child has run away from his or her parent, guardian, or legal custodian, or the circumstances are such as to endanger a child's health or welfare unless immediate actions is taken. O.C.G.A. §§ 15-11-410(a)(2) (2017).

Hawaii

Any child under 16 years of age who goes or remains on any public street, highway, public place, or private place held open to the public after 10:00 p.m. or before 4:00 a.m., unaccompanied by either a parent or guardian is subject to adjudication. There are exceptions to this restriction in cases of necessity or when permitted so to do in writing by a judge of the Family Court. Any child found in violation of the curfew and his/her parents or guardians may be required to participate in such counseling as the court deems appropriate. A county or municipality may enact a curfew that supersedes this curfew law. H.R.S. §§ 577-16; 577-16.5; 577-21 (2017).

Idaho

In Idaho, curfews vary by city. Generally, they apply to minors under 18 years and begin between 10pm and 1 a.m. and last to 5 a.m. Violation by a juvenile of a curfew established by a municipal or county ordinance shall be punishable by a fine not to exceed $300, detention (county jail prohibited), or both. Idaho Code § 20-549 (2017).

Illinois

The Illinois Child Curfew Act applies to juveniles under 17 years and imposes curfew hours of 11 p.m. to 6 a.m. weekdays and midnight to 6 a.m. weekends. 720 ILCS 5/12C-60 (2016)

Indiana

It is a curfew violation for a child 15 to 17 years of age to be in a public place between 11:00 p.m. and 5:00 a.m. Sunday through Thursday or between 1:00 a.m. and 5:00 a.m. Saturday and Sunday. For a child less than 15 years of age, it is a curfew violation to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day. If a city, town, or county determines that any curfew time established is later than is reasonable for public safety, the curfew time may be advanced by not more than two hours. Ind. Code § 31-37-3-2 to -4 (2017).

Iowa

A municipality may enact a curfew ordinance for minors, provided it does not violate constitutional safeguards. Op. Att'y Gen. No. 75-10-10 (1975).

Kansas

There is no explicit statute regarding curfews.

Kentucky

Under its police and home rule powers, a city can enact a juvenile curfew ordinance, provided it is not overbroad and it protects the First and Fourteenth Amendment rights of the individual. 84 Op. Att'y Gen. 264 (1984).

Louisiana

There is no explicit statute regarding curfews.

Maine

There is no explicit statute regarding curfews.

Maryland

After making independent factual findings demonstrating a local need for a juvenile curfew, the county commissioners in their respective jurisdictions may adopt a juvenile curfew ordinance. The ordinance shall state that a minor may not remain in a public place or on the premises of an establishment within the local jurisdiction between 12:00 a.m. and 5:00 a.m. unless the minor is (a) accompanied by a parent or guardian, (b) performing an errand at the direction of the parent or guardian until 12:30 a.m., (c) accompanied by a person at least 18 years of age and authorized by the parent or guardian, (d) engaged in legal employment activity or is going to or returning home from a legal employment activity, (e) involved in an emergency, (f) attending or returning directly home from a school, religious, or recreational activity supervised by adults, or (g) exercising First Amendment rights. A law enforcement officer may issue a civil citation for a violation of a juvenile curfew ordinance including a fine of not more than $500 for a first offense and not more than $1,000 for a second or subsequent offense. Md. Code Ann., Local Gov't, § 11-301–307 (2017).

Massachusetts

There is no explicit statute regarding curfews.

Michigan

No minor under the age of 12 years shall loiter, idle, or congregate in or on any public street, highway, alley, or park between the hours of 10:00 p.m. and 6:00 a.m. unless the minor is accompanied by a parent or guardian. A minor under the age of 16 years shall not loiter, idle, or congregate in or on any public street, highway, alley, or park between the hours of 12:00 a.m. and 6:00 a.m. unless the minor is accompanied by a parent or guardian or is upon an errand or other legitimate business directed by a parent or guardian. Mich. Comp. Laws §§ 722.751–52 (2017).

Minnesota

A county board may adopt an ordinance establishing a countywide curfew for unmarried persons under 18 years of age. If the county board of a county located in the seven-county metropolitan area adopts a curfew ordinance under this subdivision, the ordinance shall contain an earlier curfew for children under the age of 12 than for older children. Minn. Stat. § 145A.05(7a) (2017).

Mississippi

Municipal governing authorities may, under existing law, enact police regulations, including the imposition of curfews for minors in certain situations, provided they are not overbroad. Op. Att'y Gen. No. 2000-0637 (2000).

Missouri

There is no explicit statute regarding curfews.

Montana

The governing body of a county may adopt an ordinance that establishes a curfew hour after which minors will not be allowed on public streets, roadways, or lands of the county. The ordinance which must contain a description of the area covered by the curfew and must provide exceptions for approved activities. A person convicted of violating a curfew ordinance shall be punished by a fine in an amount not exceeding $75, a sentence of up to 10 hours of community service, or both. Mont. Code Ann. § 7-32-2302 (2017).

Nebraska

There is no explicit statute regarding curfews.

Nevada

There is no explicit statute regarding curfews.

New Hampshire

Any city by vote of its city council, and any town at any meeting, may adopt a curfew making it unlawful for any minor under 16 years of age to be on any public street or in any public place after 9:00 p.m., unless accompanied by a parent, guardian, or

other suitable person. Any minor in violation shall be taken home and the parent or guardian shall be notified that a subsequent violation will result in a misdemeanor offense for the custodian of the minor. N.H. Rev. Stat. Ann. § 31:43-a to -g (2017).

New Jersey

A municipality is authorized and empowered to enact an ordinance making it unlawful for a juvenile under 18 years of age within the discretion of the municipality to be on any public street or in a public place between the hours of 10:00 p.m. and 6:00 a.m., unless the juvenile is (a) accompanied by a parent or guardian, (b) engaged in, or traveling to or from, a business or occupation, (c) engaging in errands involving medical emergencies, (d) attending extracurricular school activities, or (e) participating in other cultural, educational, and social events sponsored by religious or community-based organizations. A municipality may also enact an ordinance making it unlawful for a juvenile under 18 years of age within the discretion of the municipality to be in any public place during the hours when the juvenile is required to be in attendance at either a public or non-public school, unless the juvenile is accompanied by a parent or guardian or has written permission from the educational authority. Violators shall be required to perform community service and may be subject to a fine of up to $1,000. N.J. Stat. Ann. § 40:48-2.52(a)–(d) (2017).

New Mexico

There is no explicit statute regarding curfews.

New York

A town may enact a juvenile curfew law pursuant to its home rule police powers if it proves that the provision bears a substantial relationship to an important governmental objective, but it may not charge parents with a violation, punishable by fine and/or imprisonment, if their minor children violate the curfew. Op. Att'y Gen. 2005-13 (2005).

North Carolina

A county or city may by an appropriate ordinance impose a curfew on persons under 18 years of age. N.C. Gen. Stat. § 153A-142 (2017); N.C. Gen. Stat. §160A-198 (2017).

North Dakota

There is no explicit statute regarding curfews.

Ohio

The Board of County Commissioners may adopt a curfew for persons under 18 years of age where it is deemed necessary for the immediate preservation of the public peace, health, or safety in any of the unincorporated areas of such county. Any person under the age of 18 years who violates the provisions of a curfew shall be apprehended and charged as being an unruly child and taken before the juvenile court. Ohio Rev. Code Ann. § 307.71 (2017).

Oklahoma

A child under 18 years of age who is taken into custody for the alleged violation of a municipal ordinance relating to curfews may be held temporarily under the custodial care of a peace officer or other person employed by a police department only until the child's parent, legal guardian, legal custodian, attorney, or other responsible adult assumes custody if such a person cannot be located within a reasonable time of the taking of the child into custody. A child may also be held temporarily if such a person refuses to assume custody until temporary shelter is found for the child. In no event shall the child be placed in a jail, lockup, or adult detention facility. In no event shall the child be placed in a juvenile detention facility for more than 24 hours, excluding weekends and legal holidays, prior to an initial court appearance. Okla. St., tit. 10, § 2-2-103 (2017).

Oregon

No minor shall be in or upon any street, highway, park, alley, or other public place between the hours of 12:00 a.m. and 4:00 a.m. unless the minor is accompanied by a parent or guardian, engaged in a lawful pursuit or activity which requires the presence of the minor in such public places, or is emancipated. Any political subdivision may make regulations restricting curfew hours at least to the extent required above and may provide different periods of curfew for different age groups. Or. Rev. Stat. § 419C.680 (2017).

Pennsylvania

There is no explicit statute regarding curfews.

Rhode Island

No minor under 16 years of age shall be allowed to loiter on any curfew street (designated by Police Commissioners or Chiefs of Police) after 9:00 p.m. unless accompanied by some adult person. Any minor under 16 years of age, not accompanied by an adult person, who loiters on any curfew street after being directed by any police constable to cease loitering shall be fined an amount not to exceed $5. R.I. Gen. Laws § 11-9-11 to -12 (2017).

South Carolina

As long as ordinances mandating nocturnal curfews for juveniles are not impermissibly vague, such curfews are constitutional. 94-18 Op. Att'y Gen. 39 (1994).

South Dakota

There is no explicit statute regarding curfews.

Tennessee

It is unlawful for any minor between 17 and 18 years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the county between the hours of 11:00 p.m. and 6:00 a.m. Monday through Thursday and between the hours of 12:00 a.m. and 6:00 a.m. Friday through Sunday, unless

the minor is (a) accompanied by a parent or guardian, (b) on an errand as directed by a parent until 12:30 a.m., (c) traveling directly between the home and place of employment for the period from 45 minutes before to 45 minutes after work, (d) returning home by a direct route from (and within 30 minutes of the termination of) a school activity or an activity of a religious or other voluntary association until 1:00 a.m., (e) in the case of reasonable necessity, exercising First Amendment rights, or (f) in a motor vehicle in good faith interstate travel with parental consent. The curfew hours for any minor 16 years of age and under are 10:00 p.m. to 6:00 a.m. Monday through Thursday and 11:00 p.m. to 6:00 a.m. Friday through Sunday, subject to the exceptions above. A minor violating the provisions of this section shall commit an unruly act and any parent, guardian, or other person having care, custody, and control of a minor violating the provisions of this section shall be fined an amount not to exceed $50 for each offense. Tenn. Code Ann. § 39-17-1702 (2010).

Texas

To provide for the public safety, the Commissioners Court of a county by order may adopt a curfew to regulate the movements or actions of persons under 17 years of age during the period beginning 30 minutes after sunset and extending until 30 minutes before sunrise, during school hours, or both. Curfew hours may be different for certain days of the week and certain age groups different age groups of juveniles. An offense under this section is a Class C misdemeanor. Tex. Loc. Gov't Code Ann. § 351.903 (2017).

Utah

There is no explicit statute regarding curfews.

Vermont

A municipality may make regulations respecting children under 16 years of age who are allowed to loiter in the streets or other public places. Such regulations shall be conducive to their welfare and to the public good. Such municipality may fix a penalty of not more than $5 for each violation of such regulations to be recovered against the person having the custody of such child in a civil action on this statute. Vt. Stat. Ann. tit. 24, § 2151 (2017).

Virginia

Any locality may, by ordinance, prohibit loitering in, upon, or around any public place, whether on public or private property. Any locality may, by ordinance, also prohibit minors who are not attended by their parents from frequenting or being in public places, whether on public or private property between 10:00 p.m. and 6:00 a.m. or as the governing body deems proper. Punishment for violations of such ordinances are not to exceed that proscribed for a Class 3 misdemeanor. Va. Code Ann. § 15.2-926 (2017).

Washington

Any code city has the authority to enact an ordinance establishing times and conditions under which juveniles may be present on public streets, in public parks, or in any

other public place for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at rates beyond the capacity of the police to assure public safety. The ordinance shall not contain any criminal sanctions for a violation. Wash. Rev. Code § 35A.11.210 (2017).

West Virginia

County commissions are authorized to adopt an ordinance which establishes a curfew for persons under 18 years of age except when a county ordinance enacted hereunder conflicts with that of any municipality; in that case, the municipal ordinance shall prevail. W. Va. Code § 7-1-12 (2017).

Wisconsin

There is no explicit statute regarding curfews.

Wyoming

There is no explicit statute regarding curfews.

American Samoa

There is no explicit statute regarding curfews.

District of Columbia

A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the District of Columbia between 11:00 p.m. and 6:00 a.m. Sunday through Thursday and between 12:01 a.m. and 6:00 a.m. Saturday and Sunday. During the months of July and August, curfew hours are extended to the hours from 12:01 a.m. to 6:00 a.m. every day. A minor is not in violation of curfew if he/she is (a) accompanied by a parent or guardian, (b) on an errand at the direction of a parent or guardian without detour or stop, (c) in a motor vehicle, train, or bus involved in interstate travel, (d) engaged in, going to, or returning home from an employment activity without detour or stop, (e) involved in an emergency, (f) attending, going to, or returning home from an official school, religious, or other recreational activity sponsored by D.C., a civic organization, or another similar entity, or (g) exercising First Amendment rights. Any parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control, allows, the minor to remain in any public place or on the premises of any establishment within D.C. during curfew hours. The offense is punishable by a fine not to exceed $500 or community service. D.C. Code Ann. §§ 2-1542; D.C. Code Ann. § 1543 (2017).

Guam

The Supreme Court of Guam has found the following curfew law unconstitutional on its face. *In the Interest of K.D.Q.*, JD0300-98, Sup. Ct. of Guam (Juv. Div. 1998). Nonetheless, the law has not been repealed or amended to conform with the decision. A minor younger than 17 years old commits an offense if the minor remains in any of the alleys, streets or places of business and amusement, including parks, playgrounds or other public places or grounds in Guam between 10:00 p.m. and 5:00 a.m., unless the minor is accompanied by a guardian, parent or other person

charged with care and custody of the minor, the minor is traveling internationally or inter-island or between his or her home or place of residence and to a theater, his or her place of employment or where a church, municipal, school or university function is being held. Each separate offense, upon conviction, is punishable by a fine of $500. 9 Guam Code § 31.65 (2017).

Northern Mariana Islands

Local bill can establish curfew for juveniles. 1 N. Mar. I. Code § 1402(a) (2017).

Puerto Rico

There is no explicit statute regarding curfews.

Virgin Islands

Any child under 16 years of age commits an offense if he/she is found or remaining upon the streets or highways after 10:00 p.m. and is unaccompanied by a person legally responsible for the child's behavior shall be taken into custody by the police and held until released to the parent or guardian, who shall be notified forthwith, except where the child shows that he/she is in transit to or from his/her home to another place supervised by adults, either with the express consent or under the direction of his/her parent or guardian. In addition, the child may be subject to community service of up to 100 hours for the first offense; for subsequent and repeated offenses, the offending child may be subject to community service of up to 200 hours, a fine not to exceed $500, or both. A child who commits a second or subsequent violation of the curfew herein while operating a motor vehicle may have their driver's license suspended for a time not to exceed 6 months. 14 V.I. Code Ann. § 481 (2017).

APPENDIX 5

Summary Chart of Status Offenses

STATE	RUNAWAYS			TRUANCY			CURFEW		
	Is running away termed a status offense?	Can a runaway be taken into custody w/o a warrant by police?	How does the state classify a runaway?	What age range does com-pulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youth?	Is there an explicit curfew law and/or allowance for curfew ordin-ances?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply**?
Alabama	No	Yes	Dependent, delinquent, or child in need of supervision	6-17 yr. old	Yes	Child In Need of Aid (CINA)	No	##	Jefferson County has a curfew for those under 17
Alaska	No	Yes	Child In Need of Aid (CINA)	7-16 yr. old	Yes, if child in need of aid (CINA)	Violation of Alaska Law	Yes	Not Provided	Under 18 yr. old
Arizona	No	Yes	Incorrigible	6-16 yr. old	Yes	Incorrigible / Habitual Truant	Yes	Not Provided	Minor
Arkansas	No	Yes	Family in Need of Services (FINS)	5-17 yr. old	Yes	Family in Need of Services (FINS)	Yes	Not Provided	Not provided
California	No	Yes	Ward of the Court or homeless youth	6-18 yr. old	Yes	Habitual Truant / Ward of the Court	Yes	Not Provided	Minor
Colorado	No	Yes	Neglected or Dependent Child	6-16 yr. old	##	Habitual Truant	Yes	Not Provided	Juvenile
Connec-ticut	No	Yes, with written consent of youth	Family with Service Needs	5-18 yr. old	##	Habitual Truant, Family with Service Needs	Yes	Not Provided	Minor
Delaware	##	##	##	5-16 yr. old	Yes	Truant	Yes	Not Provided	Not provided
Florida	No	Yes	Child in Need of Services (CHINS)	6-15 yr. old	Yes	Habitual Truant, Child In Need of Services (CHINS)	Yes	11 pm - 5 am Sun pm to Fri. am, Midnight to 6 am Sat-Sun	Minor
Georgia	Yes	Yes	Status Offender, CHINS, and unruly	6-15 yr. old	Yes	Status Offender	Yes	Varies by city; generally 11pm-6am weekdays and midnight-6am weekends	Minor
Hawaii	No	Yes	Youth at Risk/ Youth in Need of Services	5-17 yr. old	Yes	Truant	Yes	10 pm-4 am	Under 16 yr. old
Idaho	Yes	Yes	Status Offender	7-15 yr. old	Yes	Habitual Truant, Status Offender	Yes	Varies by city; generally begins between 10pm and 1am, and lasts to 5am.	Generally minors under 18

STATE	RUNAWAYS			TRUANCY			CURFEW		
Illinois	No	Yes	Minor Requiring Authortative Intervention	6-17 yr. old	Yes	Truant Minor in Need of Supervision, Chronic Truant	Yes	11 pm- 6 am Sun. pm-Fri. am, Midnight-6 am, Sat.-Sun.	Minor under 17
Indiana	No	Yes	Delinquent Child	7-17 yr. old (subject to graduation or exit interview for children 16 yrs+)	Yes	Delinquent child	Yes	11 pm-5 am Sun. pm-Fri. am, 1 am-5 am Sat.-Sun.// 11 pm-5 am any day	15-17 yr. old/ Under 15 yr. old
Iowa	No	Yes	Chronic Runaway	6-15 yr. old	Yes	Truant	Yes	Varies by city	Minor
Kansas	No	Yes	Absent without consent	7-17 yr. old	Yes	Child in Need of Care	No	Varies by city	Varies by city
Kentucky	Yes	Yes	Status Offender, Habitual Runaway	6-17 yr. old	##	Truant, Habitual Truant	Yes	Varies by city	Varies by city
Louisiana	No	Yes	Family in Need of Services (FINS)	7-17 yr. old	Yes	Family in Need of Services (FINS), Habitually Truant	No	##	##
Maine	No	Yes	Interim Care	7-16 yr. old	##	Habitual Truant	No	##	##
Maryland	No	Yes	Child in Need of Supervision (CHINS)	5-15 yr. old	##	Habitual truant; Child in Need of Supervision (CHINS)	Yes	Midnight- 5 am	Under 18 yr. old (any minor)
Massa-chusetts	No	Yes	Child in Need of Supervision (CHINS)	6-16 yr. old	Yes	Child in Need of Services (CHINS)	No	##	##
Michigan	No	Yes	##	6-17 yr. old	##	Habitual Truant, Juvenile Disorderly Person	Yes	Midnight- 6 am /10 pm-6 am	Under 16 yr. old / Under 12 yr. old
Minnesota	No	Yes	Child in Need of Supervision (CHINS)	7-16 yr. old	Yes	Continuing Truant	Yes	Varies by county	Under 18 yr. old
Mississippi	No	Yes	Child in Need of Supervision (CHINS)	6-16 yr. old	##	Child in Need of Supervision (CHINS)	Yes	Varies by municipality	Minor
Missouri	No	##	Child in Need of Care and Treatment	7-16 yr. old (can be up to 17 in specific districts)	Yes	Habitual Truant, Child in Need of Care or Treatment	No	##	##
Montana	No	No	Youth in Need of Intervention (YINI)	7-16 yr. old (or until student completes 8th grade, whichever is later)	Yes	Youth in Need of Intervention (YINI), Habitual Truant	Yes	Varies by county	Minor
Nebraska	Yes	Yes	Status Offender, Delinquent Child in Need of Special Supervision	6-17 yr. old	##	Status Offender, Child in Need of Supervision (CHINS)	No	##	##

STATE	RUNAWAYS			TRUANCY			CURFEW		
Nevada	No	Yes	Child in Need of Supervision (CHINS)	7-18 yr. old	Yes	Habitual Truant, Child in Need of Supervision (CHINS)	No	##	##
New Hampshire	No	Yes	Child in Need of Supervision (CHINS)	6-17 yr. old	Yes	Child in Need of Services (CHINS)	Yes	After 9 pm	Under 16 yr. old
New Jersey	No	Yes	Absent without consent	6-16 yr. old	Yes	Vagrant Child, Habitual Truant, Juvenile Delinquent	Yes	10 pm-6 am	Under 18 yr. old
New Mexico	No	##	Family in Need of Servics (FINS)	5-18 yr. old	##	Child in Need of Supervision (CHINS), Family in Need of Services (FINS)	No	##	##
New York	No	##	Destitute child	6-16 yr. old	Yes	Person in Need of Supervision (PINS), School Delinquent	Yes	Varies by town	Minor
North Carolina	No	Yes	Un-disciplined Juvenile	7-16 yr. old	Yes	Habitually Absent, Undisciplined Child	Yes	Varies by county or city	Under 18 yr. old
North Dakota	No	Yes	Unruly Child	7-16 yr. old	##	Child in Need of Supervision (CHINS)	No	N/A	N/A
Ohio	No	Yes	Unruly Child	6-18 yr. old	Yes	Habitual Truant, Dependent/ Unruly/ Delinquent Child	Yes	Varies by county	Under 18 yr. old
Oklahoma	No	Yes	Child in Need of Supervision (CHINS)	6-17 yr. old	Yes	Child in Need of Supervision (CHINS)	Yes	Varies by municipality	Under 18 yr. old
Oregon	No	Yes	##	6-18 yr. old	##	##	Yes	Midnight-4 am	Minor
Penn-sylvania	No	Yes	Dependent Child	8-16 yr. old	Yes	Habitual Truant, Dependent	No	N/A	N/A
Rhode Island	No	Yes	Wayward Child	6-18 yr. old	Yes	Habitual Truant, Wayward Child	Yes	After 9 pm	Under 16 yr. old
South Carolina	Yes	##	Status Offender	5-17 yr. old	##	Status Offender, Delinquent	Yes	Not Provided	Not provided
South Dakota	No	Yes	Child in Need of Supervision (CHINS)	6-18 yr. old	Yes	Child in Need of Supervision (CHINS)	No	N/A	N/A
Tennessee	No	Yes	Unruly Child	6-17 yr. old	Yes	Unruly Child	Yes	11 pm-6 pm M-Thur., Midnight to 6 am, F-Sun.// 10 pm-6 am M-Thur., 11 pm-6 am, F-Sun.	17-18 yr. old / Under 16 yr. old
Texas	Yes	Yes	Status Offender; Child in Need of Supervision (CHINS)	6-17 yr. old	Yes	Truant	Yes	30 minutes after sunset and 30 minutes before sunrise, during school hours, or both.	Under 17 yr. old

STATE	RUNAWAYS			TRUANCY			CURFEW		
Utah	Yes	Yes	Status Offender	6-18 yr. old	Yes	Habitual Truant	No	N/A	N/A
Vermont	No	Yes	Child in Need of Care or Supervision	6-16 yr. old	Yes	Child in Need of Supervision (CHINS)	Yes	Varies by municipality	Under 16 yr. old
Virginia	No	Yes	Child in Need of Supervision (CHINS)	5-17 yr. old	Yes	Child in Need of Supervision (CHINS)	Yes	10 pm-6 am	Minor
Washing-ton	No	Yes	At Risk Youth; Child in need of services	8-17 yr. old	Yes	Truant	Yes	Varies by city	Juvenile
West Virginia	Yes	Yes	Status Offender	6-16 yr. old	##	Status Offender	Yes	Varies by ciounty	Under 18 yr. old
Wisconsin	No	Yes	Juvenile in Need of Protection or Services	6-18 yr. old	Yes	Habitual Truant	No	N/A	N/A
Wyoming	Yes	Yes	Status Offender, Child in Need of Supervision (CHINS)	7-15 yr. old	##	Habitual Truant, Child in Need of Supervision (CHINS)	No	N/A	N/A
American Samoa	No	Yes	Child in Need of Supervision (CHINS)	5-18 yr. old	##	Child in Need of Supervision (CHINS)	No	N/A	N/A
District of Columbia	No	Yes	##	5-17 yr. old	Yes	Child in Need of Supervision (CHINS)	Yes	11 pm - 6 am Sun. pm to Fri. am, Midnight to 6 am Sat., Sun. and every day during July and August	Minor
Guam	##	##	##	5-15 yr. old	Yes	Habitual Truant	Yes	10 pm-5 am	Under 17 yr. old
Northern Mariana Islands	No	##	Delinquent Child	6-16 yr. old	##	##	Yes	Not provided	Not provided
Puerto Rico	No	Yes (on probable cause)	##	5-18 yr. old	##	##	No	N/A	N/A
Virgin Islands	No	Yes	Person in need of supervision	5-18 yr. old	Yes	Incorrigible Truant	Yes	After 10 pm	Under 16 yr. old

APPENDIX 6

Discharge from the Juvenile Justice System Statutes

Alabama

While committed, each youth is to receive a comprehensive written review every nine months. Youths can be discharged directly or released into aftercare. At discharge, the juvenile court is to transfer custody to a person or state agency deemed suitable. Youths released from state training schools are to be provided with clothing, transportation home or to a place where a home or employment has been found for him or her, and an amount of money to be set by Departmental rule. The Department of Youth Services may, but is not required to, file a petition to appoint a guardian when in custody of a youth who does not have one in a position to exercise effective guardianship. Ala. Code §§ 12-15-411, 44-1-31, 44-1-34, 44-1-36, 44-1-37, 44-1-2 (2017).

Alaska

Alaska does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. The Department of Health and Social Services may release youths under such conditions and regulations as it considers proper. Alaska Stat. §§ 47.12.120, 47.12.160, 47.12.260 (2017).

Arizona

Arizona does not have a specific statute affecting release of youth from the juvenile justice system into homelessness.

Arkansas

Arkansas does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. A court may order aftercare when recommended by a Division of Youth Services treatment plan, but the statute does not require the treatment plan to address placement upon discharge. Ark. Code Ann. §§ 9-27-364, 9-27-509, 9-28-210 (2017).

California

California does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. Youths released from temporary detention may be discharged into their own custody if they are provided transportation home or to the place where originally taken into custody. The California Juvenile Court law directs that reunification of a youth with his or her family is to be a primary objective of the juvenile court. California law also provides for county welfare departments to receive the names and release dates for all youths committed for at least 30 days for the purpose of determining eligibility for health care benefits. California law provides for a grant program for juvenile justice reentry programs. Cal. Welf. & Inst. Code §§ 202, 207.2, 749.5 et seq., 14029.5 (2017).

Colorado

The Department of Human Services must make reasonable efforts to return a youth being discharged from commitment to the family or person who had custody of the youth prior to commitment, unless ordered otherwise by the court. If such placement cannot be made, the youth will be referred to his or her last known county of residence with 90 days notice before discharge. The county will then provide services to the youth pursuant to rules adopted by the state. Youths released under emergency conditions (such as overcrowding) are to be released pursuant to guidelines established by the Department of Human Services and the Judicial Department. Those guidelines should take into consideration the best interests of juveniles, the capacity of individual facilities, and the safety of the public. Colo. Rev. Stat. §§ 19-2-921, 19-2-924 (2017).

Connecticut

Juveniles brought before the Superior Court can be (i) detained, or (ii) released to the custody of a parent, guardian, or other suitable person. Juveniles committed to detention upon being convicted as delinquent of a serious juvenile offense shall be for a maximum of 18 months; provided that if the conviction is for a serious juvenile offense, the maximum commitment shall be 4 years, in each case as may be extended in accordance with Conn. Gen. Stat. § 46b-141. Commitment of children convicted as delinquent shall terminate when the child attains the age of 20 years old. The commissioner of children and families may file a motion for an extension of the commitment beyond the 18 month maximum period (or 4 year maximum period in cases of serious juvenile offense) on the grounds that such extension is in the best interest of the child or community. At any such extension hearing the court may, after finding that such extension is in the best interests of the child or community, continue the commitment for an additional period of up to 18 months except that such additional period may not continue beyond the juvenile's 20th birthday. Not later than 12 months after commitment, and no less frequently than every 12 months thereafter while the juvenile remains committed, the court shall hold a permanency hearing. At the permanency hearing, the court reviews a permanency plan developed by the Department of Children and Families that is directed to include a goal of (a) placement with a parent or guardian, (b) transfer of guardianship, (c) adoption, or, (d) upon showing of a compelling reason why it would not be in the best interests of the child to seek one of the above goals, another planned permanent living arrangement, which could include an independent living program. Conn. Gen. Stat. §§ 46b-133, 46b-141 (2017).

Delaware

Delaware does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. The Department of Services for Children, Youth and Their Families is responsible for making rules and regulations regarding the release of juveniles to aftercare supervision. Del. Code Ann. tit. 31, § 5101 (2017).

Florida

Florida does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. Institutions operated by local governments and the

state are generally encouraged to develop procedures to reduce the discharge of persons into homelessness. Fla. Stat. § 420.626 (2017).

Georgia

Adjudicated youths discharged by the Department of Juvenile Justice are to have suitable clothing, transportation home or to the county in which a suitable home or place of employment has been found for him or her, and an amount of money that the Board of Juvenile Justice may authorize. The Department of Juvenile Justice may establish parole or aftercare supervision programs to help youths on conditional release find homes and employment. Ga. Code Ann. § 49-4A-8 (2017).

Hawaii

Adjudicated youths may be released to their home, a group home or foster home, or other appropriate alternative. In addition, amongst the enumerated duties of a juvenile parole officer are the duties to assist in locating an appropriate residential placement, to seek suitable employment, and to assist in adjusting to community life. Haw. Rev. Stat. §§ 352-24, 352-25 (2017).

Idaho

Adjudicated youths may be released to their home, a residential community based program, a nonresidential community based treatment program, an approved independent living setting, or other appropriate residence. Idaho Code Ann. § 20-533 (2017).

Illinois

The Department of Juvenile Justice is directed to provide transitional and post-release treatment programs for committed youths, although the statute does not identify homelessness prevention as a necessary goal of such programs. At sentencing for an adjudicated youth, the court can declare the youth a ward of the court if it finds that doing so is in the best interests of the youth and the public. Once declared a ward of the court, the court has power to order a new custody arrangement. In several counties, the Department of Juvenile Justice is authorized to develop pilot programs for the reentry of serious youth offenders that can include placement services such as transitional programs to independent living. 705 Ill. Comp. Stat. 405/5-705, 405/5-740; 730 Ill. Comp. Stat. 5/3-2.5-20, 5/3-16-5 (2017).

Indiana

A juvenile may be released to a parent, guardian, custodian, or on the juvenile's own recognizance. Ind. Code § 31-37-6-6 (2017).

Iowa

The administrator and superintendent of the Iowa Juvenile Home are directed to assist discharged youth in finding suitable homes and employment. Iowa Code § 233B.1 (2017).

Kansas

Juveniles completing a term of incarceration are to be released "under appropriate

conditions," with notice given to the committing court and the juvenile's school district, if still required to attend school. Kan. Stat. Ann. § 38-2374 (2017).

Kentucky

Kentucky does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. The Department of Juvenile Justice is directed to promulgate regulations governing release preparation. State agencies were directed in 2004 to implement a homelessness prevention pilot program for persons discharged from mental health and foster care programs or from state prisons in Oldham County. This program was expanded statewide in 2016. Ky. Rev. Stat. Ann. §§ 15A.210, 194A.735 (2017).

Louisiana

Louisiana does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Maine

Juveniles committed to the custody of the Department of Health and Human Services receive a permanency hearing. A resulting permanency plan must consider the wishes of the child, in a manner appropriate to the child's age, and determine the child's placement. A youth may be placed in "another planned permanent living arrangement" if compelling reason is shown why it would not be in the youth's best interests to be returned home, placed with a relative, placed for adoption, or cared for by a permanency guardian. The permanency plan for a youth who is at least 16 years of age must determine the services needed to assist the youth in transitioning to independent living. Me. Rev. Stat. tit. 15, § 3315 (2017); Me. Rev. Stat. tit. 22, § 4038-B (2017).

Maryland

Maryland does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Massachusetts

Committed youths receive permanency hearings at least every 12 months. Youths released under supervision may be placed in any approved situation. Mass. Gen. Laws ch. 119, § 29B; Mass. Gen. Laws ch. 120, §§ 5, 12 (2017).

Michigan

Michigan does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Minnesota

Upon parole or discharge the Commissioner of Corrections may give a youth up to $10. Youths released from detention are released to a parent, guardian, or custodian, if deemed appropriate. Otherwise, youths are released to a member of the youth's extended family, kinship network, or to another suitable adult acceptable to the

youth. Minn. Stat. § 242.43 (2017); Juvenile Delinquency Procedure Rule 5.04, Subd(6) (2017).

Mississippi

Detention centers and the Department of Human Services are directed to ensure that transition plans are created for youth being released, although prevention of homelessness is not among the specifically listed requirements. Transition plans are to include information about the youth's home community and initial appointments with community service providers. The Division of Community Services' enumerated duties include the duty to implement aftercare programs and to advise and counsel youths in juvenile institutions in order to place them in proper environments after release. Miss. Code. Ann. 43-21-321, 43-21-605, 43-27-20 (2017).

Missouri

Missouri does not have a specific statute preventing release of youth from the juvenile justice system into homelessness; however, by statute, adjudicated youth are subject to aftercare supervision following release. Mo. Rev. Stat §§ 219.021, 219.026 (2017).

Montana

Montana's Code directs the Department of Corrections to adopt rules establishing standards for the discharge and parole supervision of adjudicated youth. Mont. Code Ann. § 52-5-102 (2010).

Nebraska

Treatment plans are to be developed for all committed youths upon admission and include reintegration planning. The Office of Juvenile Services is directed to promulgate rules and regulations for the discharged of committed youths and the coordination of parole and aftercare services. Provision of follow up and aftercare services are among the goals of the juvenile justice system by statute. Neb. Rev. Stat. Ann. § 43-402, § 43-405, § 43-407 (2017).

Nevada

The Nevada Code directs the Division of Child and Family Services to develop aftercare programs for released youth. Nev. Rev. Stat. Ann. § 432.011 (2017).

New Hampshire

Committed youths are subject to permanency planning, which may include guardianship with a fit and willing relative or other appropriate party, or another planned living arrangement. For youths discharged from the Youth Services Center, the commissioner of the Department of Health and Human Services is directed to adopt rules relating to discharge and subsequent return to such custody as is appropriate. N.H. Rev. Stat. Ann. §§ 169-B:19, 169-B:31-a, 621-A:4 (2017).

New Jersey

New Jersey does not have a specific statute preventing release of youth from the juvenile justice system into homelessness.

New Mexico

Young people in all cases begun under the Children's Code are to be released to a parent, guardian, or custodian. Adjudicated youth in New Mexico are released subject to a release plan, although New Mexico law does not set forth substantive requirements for the plan. N.M. Stat. Ann. §§ 32A-1-15, 32A-2-23.1 (2017).

New York

New York does not have a specific statute preventing release of youth from the juvenile justice system into homelessness. Youths who are conditionally released are subject to aftercare supervision. N.Y. Exec. Law. §§ 502; 510-a (2017).

North Carolina

The Department of Juvenile Justice and Delinquency Prevention is directed to promulgate rules and regulations defining a post-release supervision process for youths. The process shall involve developing a written plan for between 90 days and one year of post-release supervision based on the individualized needs of the juvenile and the protection of the public. The plan is to be developed subject to a planning conference involving as many of the following parties as possible: the juvenile, the juvenile's parent, guardian, or custodian, juvenile court counselor, and staff of the juvenile detention facility. N.C. Gen. Stat. § 7B-2514 (2017).

North Dakota

North Dakota does not have a specific statute preventing release of youth from the juvenile justice system into homelessness. The Division of Juvenile Services is authorized to develop a juvenile aftercare program. However, aftercare is not available to youths unless recommended by the superintendent of the North Dakota Youth Correctional Center and a suitable person will receive the youth to be placed in aftercare. N.D. Cent. Code Ann. §§ 12-52-01, 12-52-02 (2017).

Ohio

When youths are released from the Department of Youth Services prior to the completion of the prescribed minimum term of commitment, they are released subject to judicial supervision and a written treatment and rehabilitation plan that can include conditions of release. For other released youth the Department of Youth Services is responsible for locating homes and jobs, providing supervision, and arranging appropriate services to facilitate their reentry. The Department of Youth Services is also directed to recruit community organizations to provide reentry services for adjudicated youth. For youths released due to an overcrowding emergency, the Department must file a written progress report at least once every 30 days unless a court directs otherwise. Ohio Rev. Code Ann. §§ 2152.22, 5139.14, 5139.18, 5139.20 (2017).

Oklahoma

Oklahoma does not have a specific statute preventing release of youth from the juvenile justice system into homelessness. Amongst the enumerated powers and

duties of the Office of Juvenile Affairs are the power to release a juvenile on parole or to release a juvenile into a group home, transitional living program, independent living program, or other program, all subject to terms and conditions specified by the Office. Okla. Stat. tit. 10A, § 2-7-601-A (2017).

Oregon

Oregon law provides for the parole release of adjudicated youth to a parent or guardian or "to a suitable and desirable home or facility." Adjudicated youths conditionally released following a "second look" hearing are released under a written release plan that, while not specifically addressing homelessness, does need to include a description of support services and programs available to the youth. Or. Rev. Stat. §§ 420.031, 420.045, 420A.206 (2017).

Pennsylvania

Pennsylvania does not have a specific statute preventing release of youth from the juvenile justice system into homelessness.

Rhode Island

Adjudicated youth released from the state training school are released to their home and/or the care and custody of the Department of Children, Youth and Families. R.I. Gen. Laws. Ann. § 14-1-36.1 (2017).

South Carolina

The South Carolina Code directs the Department of Juvenile Justice to serve, advise, and counsel youths in institutions as may be necessary for their suitable post-release placement, and to supervise, guide, and counsel youths following release. Youths needing enhanced supervision, treatment, or monitoring may be assigned to aftercare. S.C. Code. Ann. §§ 63-19-350, 63-19-1840 (2017).

South Dakota

Youths discharged from the Department of Corrections are returned to the custody of their parents or prior guardians, except when the court appoints a new guardian at discharge. Aftercare may be developed for youths that have been conditionally released. S.D. Codified Laws §§ 26-7A-122, 26-11A-12, 26-11A-21 (2017).

Tennessee

The Office of Community Contact is directed to establish programs providing guidance, training, and rehabilitation for youths released from correctional institutions. Tenn. Code Ann. § 37-3-403 (2017).

Texas

The Texas Youth Commission is directed to develop a comprehensive plan for the successful reentry and reintegration of released youth. The Commission is also directed to develop a reentry and reintegration plan for each committed youth that includes, amongst other things, housing assistance and family counseling as needed. Youths released under supervision are to be provided clothing, transportation to the home

or county in which a suitable home or employment has been found, and an amount of money as determined by Commission rule. Tex. Hum. Res. Code Ann. §§ 221.009, 245.0535, 245.106 (2017).

Utah

The Board of Juvenile Justice Services is directed to discharge adjudicated youth pursuant to its policies and programs. Utah Code Ann. §§ 62A-7-506, 62A-7-701 (2017).

Vermont

The Commission on Juvenile Justice's enumerated duties include a duty to provide comprehensive aftercare with nonresidential post-release services. No later than seven days following a finding by the Court that a child is delinquent, a youth in custody is to be subject to a case treatment plan that includes a permanency goal and the means through which permanency will be achieved, in addition to a custody recommendation. The case plan is to include the input of the youth. Vt. Stat. Ann. tit. 3, § 3085c, tit. 33, §§ 5121, 5230, 5258, 5320, 5321 (2017).

Virginia

Virginia does not have a specific statutory provision preventing release of youth from the juvenile justice system into homelessness. For youths adjudicated as serious offenders, the Department of Juvenile Justice prepares progress reports prior to release that are directed to include comprehensive aftercare plans. Va. Code Ann. § 16.1-285.2 (2017).

Washington

A juvenile may only be released from the juvenile justice system into the custody of a responsible adult or the Department of Social and Health Services. Wash. Rev. Code Ann. § 13.40.050 (2017).

West Virginia

The Commissioner of Public Institutions has the authority to adopt rules and regulations regarding the discharge or parole of adjudicated youth. Additionally, the legislature states its intent that any reunification, permanency, or preplacement preventative services address the youth's safety. Prior to discharge, adjudicated youth are subject to an aftercare plan submitted to the circuit court that proposes post-discharge education, counseling, and treatment. The plan is to be submitted for comment to the youth's attorney, parents or guardians, probation officer, mental health professional, prosecuting attorney, and/or principal of the school that the youth will attend. Youths that may be the victims of abuse or neglect can also be subject to permanency planning as a result of a delinquency proceeding. W. Va. Code Ann. §§ 28-1-6, 49-1-105, 49-4-409, 49-4-402 et seq., 49-4-604 (2017).

Wisconsin

Every effort is to be made to release juveniles into the custody of a parent, guardian, or legal custodian. If the juvenile cannot be so released, the juvenile may be released into

the custody of a responsible adult after counseling or receiving a warning. A juvenile at least 15 years of age may be released without immediate adult supervision after counseling or receiving a warning. A runaway youth may be released to a runaway home. When juveniles are so released other than to the parent, guardian, or legal custodian, the person who took the juvenile into custody is directed to notify the juvenile's parent, guardian, and legal custodian that the juvenile has been released and to whom the juvenile was released. Wis. Stat. § 938.20 (2017).

Wyoming

Committed youth are subject to a court review every 6 months that is to include a review of the permanency plan for the youth following discharge. Wyo. Stat. Ann. §§ 14-6-229; 14-6-231 (2017).

American Samoa

American Samoa does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

District of Columbia

The District of Columbia does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Guam

Guam does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Northern Mariana Islands

The Northern Mariana Islands does not have a specific statute preventing release of youth from the juvenile justice system into homelessness.

Puerto Rico

Committed youths are subject to permanency planning according to their specific needs and situation. The Juvenile Institutions Administration is tasked with establishing programs to facilitate youth discharge. P.R. Laws Ann. Title 8, §§ 444, 555 (2017).

Virgin Islands

The Virgin Islands do not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

APPENDIX 7

Interstate Compact for Juveniles Statutes

Alabama

Ala. Code § 44-2-10 (2017).

Alaska

Alaska Stat. Ann. § 47.15.010 (2017).

Arizona

Ariz. Rev. Stat. Ann.§ 8-361 (2017).

Arkansas

Ark. Code Ann. § 9-29-401 (2017).

California

Cal. Welf. & Inst. Code § 1400 et. seq. (2017).

Colorado

Colo. Rev. Stat. Ann. § 24-60-702 (2017).

Connecticut

Conn. Gen. Stat. Ann.§ 46b-151h (2017).

Delaware

Del. Code Ann. tit. 31, § 5203 (2017).

Florida

Fla. Stat. Ann. § 985.802 (2017).

Georgia

Ga. Code Ann., § 49-4B-1 (2017).

Hawaii

Haw. Rev. Stat. § 582D-1 (2017).

Idaho

Idaho Code Ann. § 16-1901 (2017).

Illinois

45 Ill. Comp. Stat. Ann.§ 11/10 (2017).

Indiana

Ind. Code Ann. § 31-37-23-1 (2017).

Iowa

Iowa Code Ann. § 232.173 (2017).

Kansas

Kan. Stat. Ann.§ 38-1008 (2017).

Kentucky

Ky. Rev. Stat. Ann.§ 615.010 (2017).

Louisiana

La. Child. Code Ann. §§ 1661 et. seq. (2017).

Maine

Me. Rev. Stat. Ann. tit. 34-A, §§ 9901 et. seq. (2017).

Maryland

Md. Code Ann., Hum. Servs. §§ 9-301 et. seq. (2017).

Massachusetts

Mass. Gen. Laws Ann. ch. 120A, §§ 1 et. seq. (2017).

Michigan

Mich. Comp. Laws § 3.692 (2017).

Minnesota

Minn. Stat. Ann. § 260.515 (2017).

Mississippi

Miss. Code. Ann. § 43-25-101 (2017).

Missouri

Mo. Ann. Stat.§ 210.570 (2017).

Montana

Mont. Code Ann. § 41-6-101 (2010).

Nebraska

Neb. Rev. Stat.§ 43-1011 (2017).

Nevada

Nev. Rev. Stat.Ann. § 62I.015 (2017).

New Hampshire

N.H. Rev. Stat. Ann. §§ 169-A:1 et. seq. (2017).

New Jersey

N.J. Stat. Ann. § 9:23B-1 et. seq. (2017).

New Mexico

N.M. Stat. Ann. § 32A-10-9 (2017).

New York

N.Y. Interstate Compact on Juveniles §§ 1801 et. seq. (McKinney 2017).

North Carolina

N.C. Gen. Stat. Ann.§ 7B-4001 (2017).

North Dakota

N.D. Cent. Code § 12-66-01 (2017).

Ohio

Ohio Rev. Code Ann. § 2151.56 (2017).

Oklahoma

Okla. Stat. Ann. tit. 10A, §§ 2-9-101 et. seq. (2017).

Oregon

Or. Rev. Stat Ann. § 417.030 (2017).

Pennsylvania

11 Pa. Cons. Stat. Ann. § 890.2 (2017).

Rhode Island

R.I. Gen. Laws § 14-6.1-1 (2017).

South Carolina

S.C. Code Ann. § 63-19-2220 (2017).

South Dakota

S.D. Codified Laws § 26-12-15 (2017).

Tennessee

Tenn. Code Ann. § 37-4-101 (2017).

Texas

Tex. Fam. Code Ann. § 60.010 (Vernon 2017).

Utah

Utah Code Ann. §§ 55-12-100 et. seq. (2017).

Vermont

Vt. Stat. Ann. tit. 33, § 5721 (2017).

Virginia

Virginia Code Ann. § 16.1-323 (2017).

Washington

Wash. Rev. Code Ann. § 13.24.011 (2017).

West Virginia

W.V. Code Ann. § 49-7-301 (2017).

Wisconsin

Wis. Stat. Ann. § 938.999 (2017).

Wyoming

Wyo. Stat. Ann. § 14-6-102 (2017).

American Samoa

No explicit statute or bill.

District of Columbia

D.C. Code § 24-1102 (2017).

Guam

9 Guam Code §§ 90.80-84.

Northern Mariana Islands

No explicit statute or bill.

Puerto Rico

No explicit statute or bill.

Virgin Islands

5 V.I. Code Ann. § 701 et. seq. (2017).

APPENDIX 8

Services and Shelters for Unaccompanied Youth Statutes

Alabama

Runaway Services

The Department of Youth Services is responsible for providing services to runaway youth. Ala. Code § 44-1-24 (2017).

Child Care Facilities

The Department of Human Resources biennially licenses all institutions and agencies caring for, receiving, or placing minor children and may revoke such license for cause. Ala. Code § 38-2-6 (2017).

Homeless Shelters

Counties and municipalities may acquire, rehabilitate, develop, and establish homeless shelters and may fund any organization that operates a homeless shelter. Ala. Code § 11-96A-3 (2017).

Alaska

Runaway Shelters

A private residence may only be a shelter for runaways if it is designated and has a permit for providing shelter for runaway youth from the Department of Health and Social Services. Alaska Stat. § 47.10.392 (2017).

A youth may not reside at a shelter for runaways for longer than seven days unless special circumstances exist. Alaska Stat. § 47.10.394 (2017).

If there is anything to suggest that a youth admitted to a shelter for runaways has been the victim of abuse or neglect, the Department of Health and Social Services must be contacted within one working day. Alaska Stat. § 47.10.394 (2017).

A shelter for runaways will not be held accountable for any civil liability stemming from admitting or refusing to admit a runaway minor to the shelter/home, nor an action nor omission by a runaway minor who is admitted unless gross, intentional, or reckless misconduct has occurred. Alaska Stat. § 47.10.398 (2017).

Runaway Programs

Programs for runaway minors must obtain a license from the Department of Health and Social Services in order to operate. The Department is responsible for reviewing and inspecting programs for runaway minors before granting them a license. Only corporations and municipalities may be granted licenses. Alaska Stat. § 47.10.300 (2017); Alaska Stat. § 47.10.310 (2017).

The Department is also responsible for allocating grants to programs for runaway minors. Alaska Stat. § 47.10.300 (2017).

Programs for runaway minors must assess runaways admitted to the program and refer the runaways to the appropriate services. Family reunification efforts must also be made. If abuse or neglect is suspected or reported, the Department must be contacted within one working day. Alaska Stat. § 47.10.310 (2017).

A runaway minor may remain at a program for runaway minors for up to 45 days without guardian consent, unless in the custody of the Department. A runaway may stay for an additional period of 45 days with the consent of the runaway's guardian. Alaska Stat. § 47.10.320 (2017).

The officers, directors, and employees of a licensed program for runaways may not be held accountable for any civil liability unless gross, intentional, or reckless misconduct has occurred. Alaska Stat. § 47.10.350 (2017).

Arizona

Child Care Facilities

The Department of Economic Security is responsible for licensing child welfare agencies. The Department must evaluate applicants before granting them licenses and has the power to suspend or revoke a license. A child welfare agency is any agency or institution maintained by a person, firm, corporation, association, or organization that receives children for care and maintenance or for 24-hour social, emotional, or educational supervised care. Ariz. Rev. Stat. § 8-501 (2017); Ariz. Rev. Stat. § 8-505 (2017); Ariz. Rev. Stat. § 8-506.01 (2017).

Homeless Services

The Department of Public Welfare administers short-term crisis services, including the operation of emergency shelters for homeless individuals. It shall make payments to emergency shelters that provide services to the homeless. Ariz. Rev. Stat. § 46-241.01 (2017); Ariz. Rev. Stat. § 46-241.05 (2017).

The Department of Economic Security administers the Homeless Coordination Office, which identifies needs, solicits funding, and assists in coordinating federal, state, and local resources and activities in providing assistance to homeless persons. Ariz. Rev. Stat. § 41-1954 (2017).

Arkansas

Homeless Services

Emergency youth shelters must receive licenses from and follow the rules and regulations established by the Child Welfare Agency Review Board. The Review Board sets standards for health and safety, conditions of facilities, assessment and supervision of children, and staff qualifications. The Review Board may also suspend or revoke licenses and fine facilities for violations. Ark. Code Ann. § 9-28-405 (2017).

California

Runaway and Homeless Youth Services

The Runaway Youth and Families in Crisis Project was established to prevent at risk youth from engaging in delinquent or criminal behavior and to reduce the number of at risk families engaging in neglectful, abusive, and criminal behavior. The program includes emergency shelter programs for both runaway youth and families in crisis, transitional living shelter services, and low-cost family resolution services. Cal. Welf. & Inst. Code §§ 1787-88 (2017).

Runaway youth shelters that operate under The Runaway Youth and Families in Crisis Project must provide food, counseling and referral services, screening for health needs and referrals to appropriate health care providers, and long term family reunification planning services. There is also a fourteen-day stay limit and a requirement that projects notify parents that their children are staying at a project site consistent with state and federal parental notification requirements. Cal. Welf. & Inst. Code § 1788 (2017).

Runaway youth shelters that operate under the California Community Care Facilities Act shall offer short-term, 24-hour, non-medical care and supervision and personal services to youth who voluntarily enter the shelter. The shelters have a capacity of 25 youths. The shelter shall establish procedures to assist youth in securing long-term stability that includes reconnecting the youth with his or her family, legal guardian, or non-related extended family members when possible to do so and coordinating with appropriate individuals, local government agencies, or organizations to help foster youth secure a suitable foster care placement. Cal. Health & Safe. Code § 1502.35 (2017).

Family and crisis resolution services that operate under The Runaway Youth and Families in Crisis Project shall include: parent training, family counseling, long-term family reunification planning, and follow up services. Cal. Welf. & Inst. Code § 1788 (2017).

Transitional living services that operate under The Runaway Youth and Families in Crisis Project shall include: long-term shelter, independent living skills programs, employment skills training and home responsibilities training. Cal. Welf. & Inst. Code § 1788 (2017).

An advisory group produces an annual report focused on runaway and homeless youth. The group maintains a list of homeless and runaway youth service providers, compiles statistics on homeless and runaway youth, and locates possible sources of funding for runaway and homeless youth services. Cal. Welf. & Inst. Code § 1786 (2017).

The Office of Criminal Justice Planning monitors the implementation of the Homeless Youth Emergency Service Pilot Projects. The goal is to provide shelter and services to homeless youth. Cal. Welf. & Inst. Code § 13704 (2017).

The Department of the Youth Authority awards funds for runaway shelters and shelters for abused and neglected youth through The Youth Center and Youth Shelter Bond Act Program. Recipients of Youth Center and Youth Shelter Bond Act Program funding must comply with requirements concerning the duration of shelter operation. At least 70% of the funding awarded through the Youth Center and Youth Shelter Bond Act Program must go towards runaway shelters. Cal. Welf. & Inst. Code § 2017 (2017); Cal. Welf. & Inst. Code § 2012 (2017); Cal. Welf. & Inst. Code § 2020 (2017). Section 2020 now includes the ability to use funds to acquire and build out a homeless shelter.

Homeless Services

The Department of Social Services is responsible for providing emergency assistance to needy and homeless families. Cal. Welf. & Inst. Code §§ 11450 11450.04 (2017). .04 was repealed.

Certain armories in the state are designated locations for homeless shelters during the period from October 15th through April 15th each year. Counties electing to use armories for homeless shelters must obtain a license from the Military Department and must assume responsibility for funding and operating the shelter. Cal. Gov't Code §§ 15301-15301.3 (2017).

The Department of Housing and Community Development administers the Emergency Housing and Assistance Program, which provides facility operating grants for emergency shelters, transitional housing projects, and supportive services for homeless individuals and families. Cal. Health & Safety Code §§ 50800 50801.5 (2017).

In 2015 California directed each local registrar or county recorder to, without an issuance fee or any other associated fee, issue a certified record of live birth to any person who can verify his or her status as a homeless person or a homeless child or youth. Cal. Health & Saf. Code § 103577 (2017).

A homeless person may obtain an identification card without paying the associated fee. Cal. Vehicle Code § 14902 (2017).

Colorado

Homeless Youth Shelters

Licensed child care facilities and licensed homeless youth shelters may provide both crisis intervention services and alternative residential services to homeless youth. Colo. Rev. Stat. § 26-5.7-105 (2017). A homeless youth shelter provides services and mass temporary shelter for a period of three days or more to youths who are at least eleven years of age, or older. Colo. Rev. Stat. § 26-6-102 (2017).

A license for the operation of a homeless youth shelter must be obtained from the Department of Human Services. Licensed shelters must meet the standards prescribed by the Department of Human Services and must pay a fee to obtain a license. Colo. Rev. Stat. § 26-6-104 (2017); Colo. Rev. Stat. § 26-6-106 (2017).

Youth may remain in a homeless youth shelter for no longer than two weeks. Colo. Rev. Stat. § 26-5.7-105 (2017).

The homeless youth shelter shall make a concerted effort to reunite the youth with the youth's family. If this proves unsuccessful, the shelter shall inform the family of the availability of counseling services, long term residential facilities, and referral to the county department. Colo. Rev. Stat. § 26-5.7-105 (2017).

Upon admitting a youth to a shelter, the shelter shall immediately notify the youth's guardian of the youth's whereabouts and mental and physical condition. The shelter shall also arrange transportation to the youth's home or to a long-term residential facility agreed upon by the youth and the youth's guardian. Colo. Rev. Stat. § 26-5.7-106 (2017).

If the youth and the youth's guardian cannot be reunified and cannot agree on a long-term residential placement, the shelter may refer the youth to the county department. If the youth has stayed at the shelter for two weeks and the youth's guardian cannot be found or has renounced responsibility for the youth, the shelter may arrange for supervised independent living, or may place the youth with a relative or in a child care facility. Colo. Rev. Stat. § 26-5.7-108 (2017).

Connecticut

Child Care Facilities

A child care facility may not care for or board a child without a license obtained from the Commissioner of Children and Families. Conn. Gen. Stat. § 17a-145 (2017).

A Youth Service Bureau may be established to deliver individual and group counseling, parent training and family therapy, work placement and employment counseling, alternative and special educational opportunities, recreational and youth enrichment programs, outreach programs to insure participation and planning by the community in youth services, preventive programs, and programs that develop positive youth involvement. Conn Gen. Stat. § 10-19m (2017).

Homeless Services

The Commissioner of Social Services may make grants to public and private organizations to develop and maintain programs for homeless individuals, including emergency shelters and transitional living programs. Shelters receiving grants from the Commissioner shall maintain safe and sanitary conditions, shall not suspend or expel residents without good cause, shall provide verification of residence to law enforcement upon request, and shall provide a process by which a resident may file a grievance concerning the shelter. The Department of Housing shall (i) allocate existing funding and resources to ensure the availability of homeless shelters that accept intact families or that assist families to find adequate alternative arrangements that allow the family to remain together; and (ii) review program eligibility requirements and other policies to ensure that unaccompanied homeless children have access, to the fullest extent practicable, to critical services that such children might otherwise have been prevented from receiving due to age or guardianship requirements. Conn. Gen. Stat. § 138b 8-359a and 138b 8-359b (2017).

Delaware

Child Care Facilities

A person, institution, agency, or organization may not conduct child care without a license from the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families. Child care includes, among other things, residential child care facilities and supervised independent living programs. Del. Code Ann. tit. 31, § 342 (2017); Del. Code Ann. tit. 31, § 344 (2017).

Homeless Services

The Department of Health and Social Services is responsible for enforcing minimum standards for facilities housing eight or more homeless adults and children on a temporary basis. Del. Code Ann. tit. 29, §§ 7960-7968 (2017).

Florida

Runaway Services

The Department of Children and Families is responsible for coordinating efforts to assist runaway youth, including community outreach, family services, shelter care, crisis intervention, and counseling. Fla. Stat. Ann. § 409.441 (2017).

The Department is also required to establish standards for services offered to runaways, including guidelines focused on an intake system, counseling, and case management. Fla. Stat. Ann. § 409.441 (2017).

Youth Shelters

The Department is also responsible for licensing runaway shelters. Runaway shelters may not operate without a license. Requirements for a license include meeting regulations concerning the staff, administrative procedures, the provision of food, education, and shelter, and the cleanliness and safety of a facility. The Department must monitor licensed facilities and may require the facilities to comply with regulations in order to keep their license. Fla. Stat. Ann. § 409.175 (2017).

Runaway shelters may also be required to register with a qualified association. Qualified associations maintain standards which all child care facilities and shelters registered with them are required to meet. The qualified association may report violations to the department and may deny registration to any facility that does not comply with its standards. Fla. Stat. Ann. § 409.176 (2017).

Homeless Services

The State Office on Homelessness works in conjunction with the Council on Homelessness to monitor services for the homeless, as well as allocate grants to organizations offering services to the homeless. The Office also works with local efforts to service the homeless and helps them develop standards for shelter care and other services. Fla. Stat. Ann. § 420.622 (2017); Fla. Stat. Ann. § 420.623 (2017).

Georgia

Child Care Facilities

The Department of Human Resources is responsible for licensing child welfare agencies, using regulations and standards established by the Board of Human Resources. A child welfare agency is any child-caring institution, child-placing agency, or maternity home. Ga. Code Ann. § 49-5-12 (2017).

Homeless Shelters

The State Housing Trust Fund for the Homeless Commission maintains the Housing Trust Fund for the Homeless which allocates funds for residential housing projects, including homeless shelters and low income housing. Ga. Code Ann. §8-3-301 (2017); Ga. Code Ann. §8-3-308 (2017).

Hawaii

Child Care Facilities

Child care institutions are those institutions maintained for the care and maintenance of children. The Department of Human Services is responsible for establishing regulations and standards for and licensing child care institutions. Haw. Rev. Stat. §§ 346-16, 346-17 (2017).

Homeless Shelters

The Department of Human Services is responsible for administering and operating homeless shelters and programs for the homeless throughout the state. Haw. Rev. Stat. §346-362 (2017).

The Department will also develop, in consultation with the four counties, a procedure for identifying locations that shall be used for temporary emergency shelters for homeless individuals and families. Haw. Rev. Stat. § 346-375 (2017)).

Idaho

Homeless Youth Services

The Department of Health and Welfare is responsible for cooperating with the federal government in extending services to homeless youth. Idaho Code Ann. § 56-202 (2017).

Child Care Facilities

In order for a children's institution to operate, it must obtain a license from the Board of Health and Welfare. A children's institution is a person or an organization that operates a residential facility for children not related to that person if that person is an individual, for the purpose of providing child care. Idaho Code Ann. §§ 39-1202, 1209 (2017).

Homeless Shelters

The Idaho Housing Trust fund allocates money for homeless shelters, sets standards for the use of the money allocated, and monitors compliance with these standards.

Idaho Code § 67-8103 (2017); Idaho Code Ann. § 67-8109 (2017).

Illinois

Homeless Youth and Runaway Services

The Department of Children and Family Services is responsible for providing direct child welfare services when not available through other public or private child care or program facilities. 20 Ill. Comp. Stat. 505/5 (2017).

The corporate authorities of municipalities, county boards and township boards may appropriate funds to private nonprofit organizations for the purpose of providing services to homeless and runaway youth, including shelter, food, clothing, medical care, transportation, counseling, and any other service necessary to provide care for homeless youths and in family reunification efforts. 55 Ill. Comp. Stat. 5/5-1090 (2017); 60 Ill. Comp. Stat. 1/215-15 (2017); 65 Ill. Comp. Stat. 5/11-5.2-3 (2017).

The Department of Children and Family Services is responsible for establishing rules and regulations concerning a variety of factors, including the return of runaway youth. 20 Ill. Comp. Stat. 505/5 (2017).

Youth Shelters

A youth emergency shelter cannot operate without a license or permit from the Department of Children and Families. The Department publishes licensing standards that must be maintained in order to obtain and keep a license. The standards include staff size and training, facility cleanliness and safety, financial ability, and resident rights and treatment. 225 Ill. Comp. Stat. 10/4 (2017); 225 Ill. Comp. Stat. 10/7 (2017); 225 Ill. Comp. Stat. 10/8 (2017).

The Department of Child and Families also has the authority to license and adopt rules for youth transitional housing programs, which provide shelter or housing to homeless minors who are at least 16 years of age but not more than 18, and who are granted partial emancipation. 20 Ill. Comp. Stat. 505/4b (2017).

Indiana

Youth Shelters

Counties in the state have the authority to establish child caring institutions for children to be operated by the county or by a public or private organization. Ind. Code Ann. § 31-27-3-4 (2017).

A child caring institution for children may not operate without a child caring institution license from the Division of Family and Children. Licensing standards include compliance with health, safety, sanitation, staff, and food regulations. Ind. Code Ann. §§ 31-27-3-1 to 37-27-3-13 (2017).

An emergency shelter that provides services to homeless people may provide services to a child without the notification, consent, or permission of the child's parent, guardian, or custodian. Within 24 hours, the shelter must notify the Department of Children and Families of the name of the child, the location of the shelter, and

whether the child alleges abuse or neglect. The Department must then conduct an investigation within 48 hours after receiving notification. The Department must also notify the child's parent, guardian or custodian that the child is in a shelter within 72 hours after the child enters the shelter, unless the Department has reason to believe the child is a victim of abuse or neglect. Ind. Code Ann. §§ 31-36-3-2 to 31-36-3-3 (2017).

A youth shelter, its director, employees, agents and volunteers are immune from civil liability resulting from any act or omission related to admitting, caring for, or releasing a runaway or homeless youth, except in the case of gross negligence or willful and wanton misconduct. Ind. Code Ann. §§ 34-30-25-4 to 34-30-25-5 (2017).

The Juvenile Court may also establish detention and shelter care facilities for children. Ind. Code Ann. § 31-31-8-3 (2017).

Homeless Shelters

The County Board of Commissioners has the authority to establish homeless shelters. Ind. Code Ann. § 12-30-3-2 (2017).

Iowa

Runaway Services

A county may develop a runaway treatment plan to address problems with chronic runaway children in the county. The plan shall identify the problems with chronic runaway children in the county and specific solutions to be implemented by the county, including the development of a runaway assessment center. The center or other plan, if established, shall provide services to assess a child who is referred for being a chronic runaway and intensive family counseling services designed to address any problem causing the child to run away. Iowa Code §§ 232.195, 232.196 (2017).

Homeless Shelters

The Iowa Finance Authority shall control a shelter assistance fund. The fund shall be spent on construction, rehabilitation, expansion or costs of operations of shelters for the homeless and victims of domestic violence. Iowa Code § 16.41 (2017).

Kansas

Child Care Facilities

A child care facility may not operate without a license from the Secretary of Health and Environment. A child care facility is a facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food and/or lodging. An exception is made for children in the custody of the Secretary for Children and Families who are placed with a prospective adoptive family or who are related to the person by blood, marriage, or legal adoption. Kan. Stat. Ann. §§ 65-503-504 (2017).

Child care facilities include a children's home, orphanage, maternity home, day care facility or other facility of a type determined by the Secretary to require regulation. Kan. Stat. Ann. § 65-503 (2017).

Homeless Shelters

In every county having a city whose population is not less than 53,000, the Board of County Commissioners may by unanimous vote, and shall upon petition of 30% of the electors of the county, procure the necessary ground and erect and maintain suitable buildings for a parental home for children within the county who are homeless, deprived, wayward, miscreant, delinquent, children in need of care or juvenile offenders. Kan. Stat. Ann. § 38-505 (2017).

Kentucky

Child Care Facilities

A child caring facility may not operate without a license from the Cabinet of Health and Family Services. The Cabinet also sets standards and regulations that must be followed by licensed facilities. A child caring facility is an institution or group home providing residential care on a 24 hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility. Ky. Rev. Stat. Ann. § 199.640-41 (2017).

Louisiana

Youth Shelters

Runaway and homeless youth residential facilities must obtain a license from the Division of Licensing and Certification of the Department of Children and Family Services. La. Rev. Stat. Ann. § 46:1352 (2017).

The staff of a runaway and homeless youth residential facility must notify the guardian of a runaway of the runaway youth's admission to the facility as soon as possible but not more than 72 hours after the runaway youth has been admitted. The staff may choose not to contact the runaway youth's guardian only if there are compelling circumstances that justify the decision. La. Rev. Stat. Ann. § 46:1353 (2017).

A runaway youth may elect to leave the facility to return home at any time. A runaway youth may remain at a facility for up to 72 hours without guardian consent. If a guardian gives consent, a runaway youth may remain in a facility for up to 15 days. If the guardian of a runaway youth cannot be found, the youth may remain in a facility for up to 21 days. If a report is filed with the state, the facility shall be required to provide care for a youth until a decision about the youth's placement is reached by the Department of Social Services or by a court. La. Rev. Stat. Ann. § 46:1353 (2017).

A runaway and homeless youth facility is authorized to provide services to all runaway and homeless youth, including counseling, family reunification efforts, arranging of services, and explaining of the youth's rights. La. Rev. Stat. Ann. § 46:1354 (2017).

Liability for staff of homeless and runaway facilities is limited to acts of gross negligence and intentional misconduct. La. Rev. Stat. Ann. § 46:1356 (2017).

Maine

Runaway and Homeless Youth Services

The Department of Human Services may provide short term emergency services to homeless and runaway youth that shall not exceed 72 hours in duration. Me. Rev. Stat. Ann. tit. 22, § 4023 (2017).

The Department of Human Services is to establish and support a comprehensive program for homeless youth by contracting with organizations and agencies licensed by the Department that provide street outreach, shelter, and transitional living services for homeless youth. Me. Rev. Stat. Ann. tit. 22, § 4099-E (2017).

Youth drop-in services are to provide walk-in access to crisis intervention and ongoing supportive services, including one-to-one case management services on a self-referral basis and street and community outreach programs to locate, contact and provide information, referrals and services to homeless youth, youth at risk of homelessness and runaways. Emergency shelters are to provide homeless youth and runaways with referrals and walk-in access to short-term residential care on an emergency basis. Transitional living programs are to help homeless youth find and maintain safe, dignified housing, as well as possibly to provide rental assistance and related supportive services. Me. Rev. Stat. Ann. tit. 22, § 4099-E (2017).

The Department collects data from its licensed organizations and agencies to ensure that appropriate and high-quality services are being delivered to homeless youth, youth at risk of homelessness and runaways, and shall use the data to monitor the success of the contracts and programs as well as changes in the rates of homelessness among youth in the State. Me. Rev. Stat. Ann. tit. 22, § 4099-F (2017). The Department may issue rules for the effective administration of the comprehensive program. Me. Rev. Stat. Ann. tit. 22, § 4099-G (2017).

Youth Shelters

Emergency shelters for children may not operate without a license from the Department of Human Services. Me. Rev. Stat. Ann. tit. 22, § 7801 (2017).

Licensing standards shall be established by the Department regarding staff qualifications, rights and responsibilities of children, staff, and guardians, the nature, provision, documentation, and management of care and services, and the physical environment. 22 Me. Rev. Stat. Ann. § 8102 (2017).

Maryland

Runaway Services

The Department of Juvenile Justice shall develop a program to help find homes for runaway youth. Md. Code Ann., Hum. Servs. § 9-232 (2017).

Child Care Facilities

Child care institutions may not operate without a license from the Social Services Administration of the Department of Human Resources, unless the institution

accepts only children placed by the Department of Health and Mental Hygiene or the Department of Juvenile Services. Md. Code Ann., Fam. Law § 5-509 (2017).

The Department of Juvenile Services is responsible for adopting regulations for child care homes and institutions. Md. Code Ann., Hum. Servs. § 9-234 (2017).

Homeless Services

The governor is authorized to establish homeless shelters and provide other services to homeless individuals and families. These shelters and services are regulated by the Department of Human Services. Md. Code Ann., Hum. Servs. §§ 6-419-6-420 (2017); Md. Code Ann., Hum. Servs. §§ 6-425-27 (2017).

Massachusetts

Youth Shelters

Temporary shelter care facilities operate to receive children under eighteen years of age for temporary shelter during the day or night when such children request shelter therein, or when such children are placed there by a placement agency, a law enforcement agency, or a court. Mass. Gen. Laws ch. 15D, § 1A (2017).

A temporary shelter care facility must obtain a license from the Department of Early Education and Care in order to operate. The Department shall establish rules and regulations that must be followed in order to obtain and keep a license. Mass. Gen. Laws ch. 15D, § 6 (2017); Mass. Gen. Laws ch. 15D, § 8 (2017).

A temporary shelter care facility may provide shelter for an unaccompanied youth for up to 72 hours without guardian consent if the youth's welfare would be endangered if shelter were not provided. At the expiration of the 72 hour period, the shelter must have secured consent from the youth's guardian to continue providing shelter, referred the youth to the Department of Human Services, or terminated the care and custody it is providing. Mass. Gen. Laws ch. 119, § 23 (2017).

Michigan

Youth Shelters

The county Department of Social Welfare may operate an emergency receiving center for the temporary care of homeless, dependent, or neglected children. A youth shall remain in the center's care until the youth can be placed in foster care, the youth's home, or anywhere else deemed best for the child's health, safety, and welfare. These centers must maintain the standards set out by the State Department of Social Services regarding places of juvenile detention. Mich. Comp. Laws Serv. § 400.18d (2017).

Child Care Facilities

A person, partnership, firm, corporation, association, or nongovernmental organization shall not establish or maintain a child care organization unless licensed by or registered with the Department of Social Services. A child care organization is a governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision. Mich. Comp. Laws Serv. § 722.111 (2017); Mich. Comp. Laws Serv. § 722.115 (2017).

Minnesota

Homeless Youth and Runaway Services

The Commissioner of Human Services must report on the coordination of services for homeless and runaway youth, including youth drop-in centers, street and community programs, emergency shelter programs, and transitional living programs. Minn. Stat. § 256K.45 (2017). The most recent (Feb 2017) report issued under the Homeless Youth Act may be found at https://mn.gov/dhs/assets/2017-02-homeless-youth-act-report_tcm1053-280441.pdf.

Youth drop-in centers must provide walk-in access to crisis intervention and ongoing supportive services including one-to-one case management services on a self-referral basis. Minn. Stat. § 256K.45 (2017).

Street and community outreach programs must locate, contact, and provide information, referrals, and services to homeless youth, youth at risk of homelessness, and runaways. Minn. Stat. § 256K.45 (2017).

Emergency shelter programs must provide homeless youth and runaways with referral and walk-in access to emergency, short-term residential care. The program shall provide homeless youth and runaways with safe, dignified shelter, including private shower facilities, beds, and at least one meal each day; and shall assist a runaway with reunification with the family or legal guardian when required or appropriate. Minn. Stat. § 256K.45 (2017).

Transitional living programs must help homeless youth and youth at risk of homelessness to find and maintain safe, dignified housing. Minn. Stat. § 256K.45 (2017).

Youth Shelters

Upon admitting a youth for care and shelter, an emergency shelter must notify the youth's guardian of the youth's whereabouts and condition within 72 hours, unless notifying the guardian is not in the best interest of the youth. Minn. Stat. § 260C.177 (2017).

An individual, corporation, partnership, voluntary association, other organization, or controlling individual may not operate a residential or a nonresidential program without a license from the Commissioner of Human Services. Minn. Stat. § 245A.03 (2017).

Mississippi

Homeless Youth Services

The Department of Human Services (until July 1, 2018, when the Department of Child Protection Services will take this role) must cooperate with the United States Children's Bureau to extend the state's services to homeless youth. Miss. Code Ann. § 43-15-3 (2017).

Youth Shelters

The Division of Family and Children's Services (until July 1, 2018, when the Department of Child Protection Services will take this role) is the licensing authority for residential child-care agencies, including runaway shelters. It is responsible for setting licensing standards concerning health, safety, finances, and administration. It is also responsible for inspecting licensed facilities, investigating complaints, and revoking and suspending licenses when appropriate. Miss. Code Ann. § 43-15-103 (2017); Miss. Code Ann. § 43-15-105 (2017).

Missouri

Youth Services

The Board of Directors of each county shall administer a Community Service Children's Fund that will fund, among other things, temporary shelter for homeless and runaway youth for up to 30 days. Mo. Rev. Stat. § 210.861 (2017).

Child Care Facilities

A residential care facility may not operate without a license from the Division of Family Services of the Department of Social Services or the Department of Health and Senior Services. A residential care facility is a facility providing 24-hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian. Mo. Rev. Stat. § 210.481 (2017); Mo. Rev. Stat. § 210.486 (2017).

Homeless Shelters

The governing body of each county may establish a homeless assistance program that will provide funding to emergency shelters. Mo. Rev. Stat. § 67.1063 (2017).

Montana

Child Care Facilities

A youth care facility may not operate without being licensed or registered by the Department of Public Health and Human Services. The Department of Public Health and Human Services shall inspect and register or license youth care facilities. A youth care facility is a facility providing care to youth, including youth foster homes, youth group homes, child-care agencies, transitional living programs, and youth assessment centers. A youth shelter facility is a facility the regularly receives children under temporary conditions until the appropriate authority has made other provisions for the children's care. Mont. Code Ann. § 52-1-103 (2010); Mont. Code Ann. § 52-2-113 (2010); Mont. Code Ann. § 52-2-602 (2010).

A temporary placement of a youth in a shelter care facility for less than 45 days is exempt from review by the appropriate youth placement committee. Mont. Code Ann. § 41-5-124 (2010).

The Department of Public Health and Human Services must issue a license for any care facility. Mont. Code Ann. §§ 52-2-621 - 623 (2010).

Nebraska

Youth Shelters

Any municipal corporation may contract with and provide funds to any person to provide juvenile emergency shelter care. Juvenile emergency shelter care is temporary 24-hour physical care and supervision in crisis situations and at times when an appropriate foster care resource is not available to persons eighteen years of age or younger. Neb. Rev. Stat. § 13-317 (2017).

Child Care Facilities

A child caring facility may not operate without a license from the Department of Health and Human Services. Neb. Rev. Stat. § 43-701 (2017).

Homeless Shelters

The Homeless Shelter Assistance Trust Fund exists to fund homeless shelter providers. The Department of Human Services shall establish criteria and guidelines for funding eligibility. Neb. Rev. Stat. § 68-1604 (2017); Neb. Rev. Stat. § 68-1608 (2017).

Local Housing Agencies established under the Nebraska Housing Agency Act have the power to establish and operate homeless shelter facilities. Neb. Rev. Stat.§ 71-15,113 (2017).

Nevada

Youth Shelters

Each county may establish an approved youth shelter that will provide services to runaway and homeless youth. Approved youth shelters must comply with all federal, state, and local laws pertaining to their services and are subject to county review and approval. Nev. Rev. Stat. Ann. § 244.424 (2017).

New Hampshire

Youth Shelters

A homeless youth shelter may not operate without a license from the Department of Health and Human Services. The Department may establish requirements that must be met in order for a facility to obtain and retain a license. The Department has the power to revoke or suspend a facility's license for failing to meet the established standards. N.H. Rev. Stat. Ann. § 170-E:25 (2017); N.H. Rev. Stat. Ann. § 170-E:27 (2017); N.H. Rev. Stat. Ann. §§ 170-E:34-E:35 (2017).

The homeless youth shelter must attempt to notify a youth's guardian of the youth's admission for services within 72 hours of the youth's admission, unless compelling reasons not to notify the youth's guardian exist. If a youth's guardian cannot be reached, the shelter must notify the Department within 30 days of the youth's admission for services. N.H. Rev. Stat. Ann. §170-E:27-a (2017).

Homeless Shelters

The Department of Health and Human Services administers the emergency shelter program, which provides safe and sanitary short-term shelter to the poor and destitute. The Department may contract with and fund private non-profit organizations for providing emergency shelters. N.H. Rev. Stat. Ann. §§ 126-A:26-A:27 (2017).

New Jersey

Homeless Youth Services

The Department of Children and Families is responsible for the establishment and support of a comprehensive program for homeless youth. N.J. Rev. Stat. § 9:12A-5 (2017).

A municipality may appropriate funds to a private, nonprofit organization for services, including emergency shelters, for runaway and homeless youth. N.J. Rev. Stat. § 40:5-2.10b (2017).

Youth Shelters

A street outreach program will contact youth through mobile outreach, providing access to temporary shelter, family reunification efforts, counseling, food, clothing, medical care, and other services. N.J. Rev. Stat. § 9:12A-6 (2017).

A shelter shall attempt to notify a youth's guardian of a youth's admission to the shelter within 24 hours of admission, unless there are compelling reasons not to notify the youth's guardian of the youth's whereabouts and condition. N.J. Rev. Stat. § 9:12A-7 (2017).

A shelter shall notify the Division of Youth and Family Services of a youth's admission to the shelter within 24 hours of admission to determine if the youth is in the custody of the Division. If the youth is not in the custody of the Division, the Division and the shelter will determine what services should be provided to the youth. If the youth is not in the custody of the Division nor believed to be abused or neglected, a juvenile-family crisis intervention unit must be contacted within 24 hours. N.J. Rev. Stat. § 9:12A-7 (2017).

A homeless youth may remain in a shelter for up to ten days without a guardian's consent. During this time, a juvenile-family crisis intervention unit must attempt to reunite the youth with the youth's family or provide services for the youth if reunification is not in the youth's best interests. N.J. Rev. Stat. § 9:12A-7 (2017).

A homeless youth may be allowed to remain in the shelter for up to 30 days beyond the original 10 days. N.J. Rev. Stat. § 9:12A-7 (2017).

New Mexico

Homeless Youth Services

The Human Services Department is responsible for service and care of homeless youth. N.M. Stat. Ann. § 27-1-3 (2017).

Child Care Facilities

The Children, Youth and Families Department is responsible for overseeing and improving child care facilities and multi-service homes. N.M. Stat. Ann. § 9-2A-8 (2017).

New York

Runaway and Homeless Youth Services

Counties must develop a service plan for runaway and homeless youth that will be reviewed by the Commissioner of Children and Family Services. The Commissioner shall review and may approve or disapprove such plan, and shall allocate funding for the operation of these plans. N.Y. Exec. Law § 420 (McKinney 2017) (expires January 1, 2018).

Runaway programs must be approved by the Office of Children and Family Services and must abide by regulations issued by the Office. Runaway programs may provide nonresidential crisis intervention and residential respite services to needy youth. Residential respite services may be provided for no more than 21 days. Transitional independent living support programs may also provide services to youth in need of crisis intervention or respite services. N.Y. Exec. Law § 532-a (McKinney 2017) (expires January 1, 2018).

Runaway programs shall provide assistance to runaway and homeless youth, explain their legal rights and the services available to the youth, work towards family reunification, assist in arranging for necessary services such as food, shelter and clothing, and examine the youth to determine whether referral to child protective services is appropriate. N.Y. Exec. Law § 532-b (McKinney 2017).

Youth may stay at a runaway program on a voluntary basis for no longer than 30 days. A youth who consents and has the written consent of a guardian may remain for up to 60 days. N.Y. Exec. Law § 532-b (McKinney 2017) (expires January 1, 2018).

A youth's guardian must be notified, to the maximum extent possible, within 72 hours, preferably within 24 hours, of being admitted to a runaway program of the youth's whereabouts and condition, unless there are compelling reasons why the guardian should not be notified. If there are compelling reasons not to notify the guardian, the program director must file a petition in the family court. N.Y. Exec. Law § 532-c (McKinney 2017).

Homeless Shelters

The Commissioner of Social Services may contract with and provide funding for nonprofit and charitable organizations to operate homeless shelters. Social Services Districts shall establish health and safety standards that must be maintained by these shelters. The Department of Social Services also may allocate funding to municipalities for homeless shelters. N.Y. Soc. Serv. Law § 131-v (McKinney 2017); N.Y. Soc. Serv. Law § 43 (McKinney 2017).

North Carolina

Child Care Facilities

The Department of Health and Human Services licenses child care facilities. The issuance of such licenses shall be in accordance with the policies and rules of the Child Care Commission. N.C. Gen. Stat. §§ 110-85-110-86, 110-88, 110-90 (2017).

Homeless Shelters

The North Carolina Housing Trust Fund may provide funding for the construction and rehabilitation of homeless shelters. N.C. Gen. Stat. § 122E-6 (2017).

North Dakota

Child Care Facilities

It is the responsibility of the Department of Human Services to formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the Department, including child care facilities and persons or organizations receiving and placing children. The Department also requires those facilities, persons, and organizations to submit reports and information as the Department determines necessary. N.D. Cent. Code § 50-06-05.1 (2017).

Homeless Shelters

The Real Estate Broker Trust Account shall disburse funds for housing and shelter for the homeless and poor. N.D. Cent. Code § 43-23.4-02 (2017).

Ohio

Youth Shelters

The Office of Community Development assists local communities in meeting the needs of vulnerable Ohioans by providing grant funding to local governments and nonprofits operating homeless outreach, emergency shelters, homelessness prevention, rapid re-housing, transitional housing and permanent supportive housing. https://development.ohio.gov/cs/cs_hshp.htm.

Oklahoma

Youth Shelters

The Office of Juvenile Affairs is authorized to enter into agreements to establish or maintain community-based youth service programs, including shelters. Okl. Stat. Ann. tit. 10A, § 2-7-305 (2017).

Child Care Facilities

A child care facility may not operate without a license from the Department of Human Services. A child care facility is any public or private child care residential facility, child placing agency, foster family home, child care center, part-day child care program, out-of-school time program, day camp, drop-in program, program for sick children, family child care home, or large family child care home providing either full-time or

part-time care for children away from their own homes. Okl. Stat. Ann. tit. 10, § 401 (2017); Okl. Stat. Ann. tit. 10, § 402 (2017).

Homeless Services

Every county in the state shall relieve and support all indigent persons. Each Board of County Commissioners are authorized to create and operate shelters. Shelters over a certain value must be approved by a county-wide vote. Okl. Stat. Ann. tit. 56, § 33 (2017).

Oregon

Runaway and Homeless Youth Services

The Department of Human Services is responsible for coordinating statewide planning for delivery of services to runaway and homeless youth and their families. Or. Rev. Stat. Ann. § 417.799 (2009).

Child Care Facilities

A child-caring facility means a residence or building used by an agency to provide substitute residential care for children. Private child caring agencies must obtain a license from the Department of Human Services in order to operate. A child caring agency could be, among other things, any private agency or private organization providing residential care to children. Or. Rev. Stat. Ann. § 418.205 (2017); Or. Rev. Stat. Ann. § 418.215 (2017); Or. Rev. Stat. Ann. § 418.950 (2017).

Homeless Services

The Emergency Housing Account shall be administered by the Housing and Community Services Department to assist homeless persons and those persons who are at risk of becoming homeless. Funds may be used for the operation of homeless shelters. Or. Rev. Stat. Ann. § 458.650 (2017).

Pennsylvania

Child Care Facilities

Any social services facility may not be maintained, operated or conducted without having a license issued by the Department of Public Welfare. Social service facilities include nonprofit agencies regularly engaged in the affording of child or adult care. 62 Pa. Cons. Stat. §§ 1001 1002 (2017).

Generally youth service providers acting in good faith who report suspected child abuse are immune from civil and criminal liability that might otherwise result from reporting suspected abuse to law enforcement or from referring a child for protective services. 23 Pa. Cons. Stat. Ann. § 6318 (2017).

Rhode Island

Child Care Facilities

The Department of Children, Youth and Families is responsible for licensing, approving, monitoring, and evaluating all facilities that provide services to youth, including

residential and non-residential child care institutions, group homes, foster homes and programs. R.I. Gen. Laws § 42-72-5 (2017).

South Carolina

Homeless Youth Services

The Department of Social Services may cooperate with the federal government in extending services to homeless youth. S.C. Code Ann. § 43-1-110 (2017).

Child Care Facilities

The Department of Social Services shall establish licensing rules and regulation for all child welfare agencies. The Department may revoke the license of any facility that fails to maintain the standards set out by the Department. S.C. Code Ann. § 63-13-20 (2010); S.C. Code Ann. § 63-13-80 (2017).

Homeless Shelters

Among the Housing Trust Fund's purposes is providing funding for the building and rehabilitation of homeless shelters. S.C. Code Ann. § 31-13-450 (2017).

South Dakota

Child Care Facilities

All child welfare agencies must obtain a license from the Department of Social Services in order to provide such services as the provision of group care and the maintenance, supervision, and protection of children on a regular full-time basis as a substitute for regular parental care, with or without compensation, in a nonfamily group setting, which shall be known as a residential treatment center, group care center or a group home. S.D. Codified Laws § 26-6-14 (2017).

Tennessee

Youth Shelters

Every runaway house in the state must be registered with the Department of Children's Services. The Department shall establish minimum standards that every runaway house must comply with in order to be registered. The standards include separate living quarters for males and females, accurate records, health and safety requirements, counseling and treatment services, and programs for the facility's residents. Tenn. Code Ann. § 37-2-503 (2017); Tenn. Code Ann. § 37-2-505 (2017).

A runaway house may give a runaway youth shelter for up to 72 hours. The youth may only be removed from this sanctuary by court order. Tenn. Code Ann. § 37-2-506 (2017).

Within one hour of the runaway's arrival at the runaway house, the staff must make a good faith effort to notify either the youth's guardian or the juvenile court. Tenn. Code Ann. § 37-2-506 (2017).

Homeless Services

The Division of Housing and Emergency Shelters is responsible for coordinating efforts to provide services to homeless individuals, including homeless shelters. Tenn. Code Ann. § 71-1-112 (2017).

Texas

Youth Shelters

An emergency youth shelter may not operate without a license from the Department of Protective and Regulatory Services. Tex. Hum. Res. Code Ann. § 42.041 (2017).

The Department and its Executive Commissioner is responsible for establishing rules and standards that shelters must follow in order to obtain and keep a license. These rules and standards shall promote safety, health, appropriate supervision, and child welfare, and ensure that the shelters follow the directions of a child's physician or health care provider in providing the child's required medical assistance, and maintains for a reasonable time a copy of any directions from the physician or provider that the parent provides to the facility or home. Tex. Hum. Res. Code Ann. § 42.042 (2017).

Homeless Shelters

In order for a person or organization to operate a homeless shelter in a municipality it must first notify the municipality 61 days before it begins building the facility or, if the facility is already in existence, 61 days before the facility opens. If the municipality determines that the shelter is not in the municipality's best interest, it must inform the person or organization within 61 days of receiving notice of the planned shelter that it does not consent to its operation. Tex. Loc. Gov't Code Ann. § 244.025 (2010).

Utah

Child Care Facilities

A human services program or a human services facility may not operate without a license from the Department of Human Services. Human services programs and facilities include youth programs, resource family homes, and facilities or programs that provide care, secure treatment, inpatient treatment, human services, residential support, adult day care, day treatment, outpatient treatment, domestic violence treatment, child placing services, or social detoxification. Utah Code Ann. § 62A-2-101 (2017); Utah Code Ann. § 62A-2-108 (2017).

Homeless Shelters

Funding for homeless shelters may come from the Olene Walker Housing Loan Fund. Utah Code Ann. § 35A-8-505 (2017).

Vermont

Homeless Youth Services

The Department of Social and Rehabilitative Services is responsible for providing services to homeless youth. Vt. Stat. Ann. tit. 33 § 4901 (2017).

Virginia

Homeless Youth Services

Each local Board of Social Services must provide, either directly or indirectly, any child welfare services not available through other agencies serving residents in the area. Child welfare services include protecting the welfare of all children including handicapped, homeless, dependent, or neglected children. Va. Code Ann. § 63.2-319 (2017).

Youth Shelters

In order for a child welfare agency to operate, it must obtain a license from the Department of Social Services. Va. Code Ann. § 63.2-1701 (2017).

The Board of Social Services has the power to establish regulations that must be followed and fees that must be paid in order for a shelter to obtain and renew a license. Va. Code Ann. § 63.2-1700 (2017).

A shelter must obtain the consent for placement in the shelter from a youth's guardian within eight hours of a youth's arrival and a signed placement agreement within 24 hours of the youth's arrival or by the end of the next business day. Va. Code Ann. § 63.2-1817 (2017).

Washington

Youth Shelters

The Department of Social and Health Services is responsible for licensing and regulating HOPE Centers. HOPE Centers are facilities that provide shelter and services to street youth. They may not operate without a license from the Department. Wash. Rev. Code Ann. § 74.15.020 (2017); Wash. Rev. Code Ann. § 74.15.250 (2017).

HOPE Centers must follow procedures to ensure that residents do not run away from the centers. They must also meet staffing requirements, data collection requirements, and treatment and service requirements. Wash. Rev. Code Ann. § 74.15.220 (2017).

HOPE Centers must facilitate the return of a street youth to the youth's legally authorized residence at the earliest possible date. Wash. Rev. Code Ann. § 74.15.220 (2017).

When appropriate, HOPE Centers must refer youth to the Department of Social and Health Services for services or dependency proceedings. Wash. Rev. Code Ann. § 74.15.220 (2017).

West Virginia

Child Care Facilities

The Department Human Service is responsible for licensing all child welfare agencies. Facilities must apply for a license and are subject to an investigation that shall include, but is not limited to: the facility's financial status, the character of the facility's personnel, and the facility's reputation. W. Va. Code Ann. § 49-2-113 (2017); W. Va. Code Ann. § 49-2-114 (2017).

Wisconsin

Runaway Youth Services

The Department of Social Services shall distribute $ 50,000 in each fiscal year as grants to programs that provide services for runaway children. Wis. Stat. § 48.481 (2017).

Youth Shelters

The Department of Health and Family Services has the power to license shelter care and child care facilities. Wis. Stat. § 48.48 (2017).

Within 12 hours of admitting a runaway youth into its care, a runaway home must contact an intake worker and notify the intake worker of the youth's whereabouts. The intake worker must then attempt to contact the youth's guardian as soon as possible. Wis. Stat. § 48.227 (2017).

A runaway youth may not be removed from a runaway home without court order. If a runaway youth's guardian does not consent to the runaway home's temporary care, then a hearing must be held in court to determine if the youth must return home or may remain in the shelter for a time period not to exceed 20 days. Wis. Stat. § 48.227 (2017).

Homeless Shelters

The Department of Commerce is responsible for allocating grants to organizations for the operation of homeless shelters. The Department may set out rules defining who is eligible for the grants. Wis. Stat. § 560.9808 (2017).

Wyoming

Child Care Facilities

A child caring facility is any person who operates a business that keeps or cares for any minor at the request of the parents, legal guardian, or an agency responsible for the minor. Wyo. Stat. Ann. § 14-4-101 (2017). The Department of Family Services is responsible for licensing child care facilities. Wyo. Stat. Ann. § 14-4-102 (2017).

American Samoa

No specific statute regarding services and shelters for unaccompanied youth was found in American Samoa.

District of Columbia

Youth Shelters

A runaway or homeless youth shelter may not operate without a license from the mayor. The mayor is also responsible for issuing rules that govern, among other things, standards of operation, qualifications of personnel, and licensing procedures. D.C Code Ann. §§ 7-2102-7-2103 (2017).

Homeless Shelters

There is a District of Columbia Interagency Council on Homelessness facilitates interagency, cabinet-level leadership in planning, policy-making, program development,

project monitoring, and budgeting for the Continuum of Care of homeless services. D.C. Code Ann. § 4-752.01 (2017).

The Office of Shelter Monitoring within the Department of Human Services is responsible for monitoring homeless shelters and services. D.C. Code Ann. § 4-754.51 (2017).

Guam

Homeless Shelters

It is the duty of the Department of Public Health and Social Services to conduct an assessment of the homeless situation, establish shelter criteria, communicate plans, and apply for federal grants. The Department may also contract with shelters and provide essential services to homeless individuals and convert government owned property into homeless shelters. 10 Guam Code Ann. § 17102 (2017); 10 Guam Code Ann. § 17103 (2017).

Northern Mariana Islands

No specific statute regarding services and shelters for unaccompanied youth was found in the Northern Mariana Islands.

Puerto Rico

Child Care Facility

A child care facility may not operate without a license from the Department of the Family. P.R. Laws Ann. tit. 8, § 69 (2017).

Homeless Services

The Commission for the Implementation of the Public Policy Regarding the Homeless is responsible for reviewing and approving the service protocols presented by the departments, agencies, public corporations and instrumentalities of the Government of Puerto Rico providing homeless services. P.R. Laws Ann. tit. 8, § 1008 (2017).

Virgin Islands

Homeless Services

The Governor shall issue, in conjunction with the Virgin Islands Interagency Council on Homelessness and the Commissioner of the Department of Human Services, rules and regulations, including the establishment of standards of eligibility for emergency housing, providing for ongoing analyses of the homeless population, and an action plan that must be updated bi-annually. V.I. Code Ann. tit. 29, § 205 (2017).

APPENDIX 9

Harboring Unaccompanied Youth Statutes

Alabama

There is no specific law referring to the harboring of runaways. However, it is unlawful for any parent, guardian, or other person to cause a child to become delinquent, dependent, or in need of supervision by aiding, encouraging, or neglecting the child. Harboring a runaway may fall within this category. Ala. Code § 12-15-111 (2017).

Alaska

There is no specific law referring to the harboring of runaways. However, contributing to the delinquency of a minor is a crime. Any person either over the age of 19 or who has been emancipated who aids, induces, causes, or encourages a child under the age of 18 to be absent from a guardian without having the guardian's permission or without the guardian's knowledge can be found to be contributing to the delinquency of a minor. However, a person may have an affirmative defense to the crime if the person reasonably believed that the child was in physical danger or needed shelter, or if within 12 hours after committing the offense the person reported to a peace officer, a law enforcement agency, or the Department of Health and Social Services the name of the child and where the child was located. Harboring a runaway may fall within this category. Alaska Stat. § 11.51.130 (2017).

Arizona

There is no specific law referring to the harboring of runaways. However, any person who causes a child to be dependant or delinquent through an act or through encouragement may be guilty of a crime. Harboring a runaway may fall within this category. Ariz. Rev. Stat. Ann. §§ 13-3612 to -3613 (2017).

Arkansas

There is no specific law referring to the harboring of runaways. However, contributing to the delinquency of a minor is a crime. A person contributes to delinquency when that person aids, causes, or encourages a minor to, among other things, be habitually absent from home without good or sufficient cause and without the consent of his guardian. Harboring a runaway may fall within this category. Ark. Code Ann. § 5-27-209 (2017).

California

There is no specific law referring to the harboring of runaways. However, it is a crime for a person to commit an act or omission that would cause a minor to become a juvenile delinquent, a truant, uncontrollable by the minor's guardian, or a dependent child or ward of the juvenile court. Harboring a runaway may fall within this category. Cal. Penal Code § 272 (2017); Cal. Welf. & Inst. Code § 300 (2017); Cal. Welf. & Inst. Code §§ 601-602 (2017).

Colorado

A person may commit a crime if that person harbors a runaway. If a person knowingly provides shelter to a minor without the guardian's consent or if the person intentionally fails to release the minor upon the request of a law enforcement official to the official, fails to disclose the known location of the minor when requested to do so by a law enforcement official, obstructs a law enforcement official from taking the minor into custody, assists the minor to avoid or attempt to avoid a law enforcement official, or fails to notify the guardian of the child or a law enforcement officer that a minor has been given shelter within 24 hours of giving the shelter. A defense to this crime is that the person had custody of the minor at the time. Colo. Rev. Stat. § 18-6-601 (2017).

Connecticut

There is no specific law referring to the harboring of runaways. However, it is a crime to interfere with the custody of a child. Custodial interference occurs when a relative of a child that is less than 16 years of age entices the child away from a lawful guardian, even though the person has no right to do so, with the intention of keeping the child for a period of time. Interference may also occur when a person refuses to return a child under 16 years of age to the child's guardian upon request. Harboring a runaway may fall within this category. Conn. Gen. Stat. § 53a-98 (2017).

Delaware

It is a crime to knowingly encourage, aid, abet, or conspire with a child so that the child may run away from the home of the child's guardian. It is also a crime to knowingly and illegally harbor a child who has run away from the child's home. Del. Code Ann. tit. 11, § 1102 (2017).

Florida

There is no specific law referring to the harboring of runaway youth. However, it is a crime for any person who is not an agent of the Department of Juvenile Justice or the Department of Children and Families to knowingly shelter an unmarried minor for more than 24 hours or provide aid to an unmarried minor who has run away from home without the consent of the minor's guardian or the notification of a law enforcement officer. Harboring a runaway may fall within this category. Fla. Stat. § 984.085 (2017).

Georgia

A person commits the crime of interfering with the custody of a child if he/she knowingly harbors a child who has absconded or knowingly or recklessly takes or entices a child away from the individual who has lawful custody of the child. The crime does not apply, however, to registered service providers if they notify the child's parent, guardian, or legal custodian within 72 hours. If that is not possible or if they suspect that the child has been neglected or abused, then they must notify the Department of Human Services within 72 hours. Ga. Code Ann. § 16-5-45 (2017).

Hawaii

There is no specific law referring to the harboring of runaway youth. However, it is a crime for a person to conceal a minor if the person knows that he/she has no right to do so. Harboring a runaway may fall within this category. Haw. Rev. Stat. § 707-727 (2017).

Idaho

There is no specific law referring to the harboring of runaway youth in general. However, it is a crime for a person to knowingly and intentionally house or otherwise accommodate a child who is under the age of 17 without having the authority of the child's guardian, the state of Idaho or a department within the state, or the person who has legal custody of the child. Harboring a runaway may fall within this category. It will be an affirmative defense to this crime if the person has notified the custodial guardian or a law enforcement agent of the child's location. It will also be an affirmative defense if shelter is given because the child is being legally detained, emergency aid is required, or there is reasonable evidence to believe that the child has been abused by the custodial guardian. Idaho Code Ann. § 18-1510 (2017).

Illinois

It is a crime for any person, other than an agency or association providing crisis intervention services or the operator of a youth emergency shelter, to harbor a runaway unemancipated minor for more than 48 hours without the knowledge and consent of the minor's guardian and without notifying law enforcement authority. Any person who commits this offense is guilty of a Class A misdemeanor. 720 Ill. Comp. Stat. 5/10-6 (2017).

Indiana

There is no specific law referring to the harboring of runaway youth in general. The state does recognize, however, that it is a crime for a person, who has the intent to deprive another person of the custody or parenting time rights, to knowingly or intentionally take, detain or conceal a person who is under the age of 18. Harboring a runaway may fall within this category. Ind. Code § 35-42-3-4 (2017).

Iowa

It is a crime for any person to harbor a runaway child with the intent of allowing the runaway child to remain away from home against the wishes of the child's parent, guardian, or custodian. However, the crime does not apply to a shelter care home that is licensed or approved by the Department of Human Services. A person convicted of a violation is guilty of an aggravated misdemeanor. The parent, guardian, or custodian has a right of action against any person who harbors a runaway. Iowa Code §§ 710.8-710.9 (2017).

Kansas

There is no specific law referring to the harboring of runaway youth. However, it is a crime to shelter or conceal a runaway with the intent to aid the runaway in

avoiding detection or apprehension by law enforcement agents. It is a crime to fail to reveal, upon inquiry by a law enforcement officer, any information one has regarding a runaway, with the intent to aid the runaway in avoiding detection or apprehension. It is also a crime to cause or encourage a child under 18 years of age to become or remain a child in need of care. Kan. Stat. Ann. § 21-5603 (2017). If a person provides shelter to a child whom the person knows is a runaway, that person shall promptly report the child's location either to a law enforcement agency or to the child's parent or other custodian. Kan. Stat. Ann. § 38-2231 (2017).

Kentucky

There is no specific law referring to the harboring of runaway youth. The state, however, does recognize that it is a crime for a person to take or keep from lawful custody any person entrusted by authority of the law to the custody of another person or institution. Harboring a runaway may fall within this category. Ky. Rev. Stat. Ann. § 509.070 (2017).

Louisiana

There is no specific law referring to the harboring of runaway youth. However, the state does recognize the crime of contributing to the delinquency of a juvenile when a person over the age of 17 intentionally helps or encourages a child under the age of 17 to absent himself/herself from home without the permission of a guardian. Harboring a runaway may fall within this category. La. Rev. Stat. Ann. § 14:92 (2017).

Maine

There is no specific law referring to the harboring of runaway youth.

Maryland

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for a relative of a child to harbor the child knowing that the custody of the child belongs to another. A person may not harbor a child under the age of 12 with the intent of denying the child's parent or legal guardian custody of the child. Md. Code Ann., Fam. Law § 9-304 (2017); Md. Code Ann., Crim. Law § 3-503 (2017).

Massachusetts

It is a crime for any person to knowingly and willfully conceal or harbor a child who has taken flight from the custody of the court, a parent, a legal guardian, the Department of Children and Families or the Department of Youth Services. The statute provides a defense to a defendant who concealed or harbored a child in reasonable good faith that the child would be at risk of physical or sexual abuse if the child returned to his custodial residence, unless the defendant concealed or harbored such child with intent to abuse the child or if the defendant committed abuse on that child. Mass. Gen. Laws ch. 119, § 63A (2017).

Michigan

It is a crime for any person to knowingly and willfully conceal or harbor a runaway child who has run from his or her parents, guardian, or the custody of the court. Mich. Comp. Laws § 722.151 (2017).

Minnesota

There is no specific law referring to the harboring of runaway youth. However, it is a felony to cause or contribute to a child being a runaway or habitual truant, or to conceal a child from the child's guardian with the intent to deprive the guardian of their custodial rights. Harboring a runaway may fall within these categories. It is an affirmative defense to both of these crimes if the concealment occurred because the person believed that the child needed to be protected from abuse or if the person believed that he/she had the permission of the guardian to conceal the child. It is also a gross misdemeanor to encourage, cause or contribute to a minor's need for protection or services. However, that statute does not apply to licensed social service agencies and outreach workers who provide services to runaways within the scope of their professional duties. Minn. Stat. §§ 260C.425, 609.26 (2017).

Mississippi

It is a crime for any person to knowingly harbor, conceal, or aid in harboring or concealing any child who has absented himself/herself from home without the permission of the child's guardian. Miss. Code Ann. § 97-5-39 (2017).

Missouri

There is no specific law referring to the harboring of runaway youth. However, any person who knowingly permits or aids a child to runaway or who conceals such a child from an institution under the control of the Youth Services Division with the intent of helping the child evade pursuit is guilty of a crime. Mo. Rev. Stat. § 219.061 (2017). It is also a crime to interfere with custody. Harboring a runaway may fall within these categories. Mo. Rev. Stat. § 565.150 (2017).

Montana

There is no specific law referring to the harboring of runaway youth. It is the crime, however, of custodial interference if a person, knowing that he/she has no legal right to the child, takes, entices, or withholds the child from lawful custody of a person or an institution. Harboring a runaway may fall within this category. Mont. Code Ann. § 45-5-304 (2017).

Nebraska

There is no specific law referring to the harboring of runaway youth in general. The state does recognize that it is a crime to harbor any juvenile who has escaped from the custody of the office of Juvenile Services. It is also a crime for any person to contribute to the delinquency of a child. Harboring a runaway may fall into either of these two categories. Neb. Rev. Stat. §§ 28-709, 28-912.01 (2017).

Nevada

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for a person to cause or encourage a child to be neglected, in need of supervision, or delinquent. Harboring a runaway may fall within this category. Nev. Rev. Stat. Ann. § 201.110 (2017).

New Hampshire

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. N.H. Rev. Stat. Ann. § 169-B:41 (2017).

New Jersey

There is no specific law referring to the harboring of runaway youth. A lessee or tenant, however, may be removed from the premises for harboring a delinquent. N.J. Stat. Ann. § 2A:18-61.1 (2017).

New Mexico

There is no specific law referring to the harboring of runaway youth. It is, however, a crime to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. N.M. Stat. Ann. § 30-6-3 (2017).

New York

There is no specific law referring to the harboring of runaway youth. However, it is a crime to knowingly act in any way that would be harmful to the physical, mental, or moral welfare of a child. Harboring a runaway may fall within this category in some circumstances. N.Y. Penal Law § 260.10 (McKinney 2017).

North Carolina

There is no specific law referring to the harboring of runaway youth. The state does consider it a crime, however, if a person aids, causes, or encourages a juvenile to be in the position where the juvenile could be adjudicated as delinquent, abused, neglected, or undisciplined. Harboring a runaway may fall within this category. N.C. Gen Stat. § 14-316.1 (2017).

North Dakota

It is a crime to willfully harbor a runaway minor, knowing that the child is being sought by law enforcement officials. This crime will not apply to those people who are giving temporary sanctuary for less than 72 hours to a runaway who has been physically, mentally, or sexually abused. It also does not apply to violence shelters or safe homes that provide temporary shelter to a minor and their guardian. N.D. Cent. Code § 12.1-08-10 (2017).

Ohio

There is no specific law referring to the harboring of runaway youth in general. The state does consider it a crime, however, to harbor a child under the age of 18 with the intent to keep the child from the guardian. An affirmative defense to this crime is the

notification, within a reasonable time, to law enforcement authorities that the child is being harbored or that the party harboring the child reasonably believed that such conduct was necessary to preserve the child's health or safety. Harboring a runaway may fall within this category. Ohio Rev. Code Ann. § 2919.23 (2017).

Oklahoma

It is a crime to knowingly aid, cause, or encourage a minor to be, remain, or become a delinquent or runaway. It is an affirmative defense to this crime that the person aiding the runaway child reasonably believed the child was in danger and notified either the Department of Human Services or a local law enforcement agency of the child within twelve hours of aiding the child. It is also a crime for any person to knowingly and willfully harbor an endangered runaway child, defined as a runaway child who needs medicine or other special services. Okla. Stat. tit. 21 §§ 856, 856.2 (2017).

Oregon

There is no specific law referring to the harboring of a runaway youth. However, it is a crime for any person, with no legal right to do so, to take, entice, or keep another person from the other person's lawful custodian. Harboring a runaway may fall within this category. Or. Rev. Stat. § 163.245 (2017).

Pennsylvania

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for anyone 18 years old or older to take an action that corrupts or tends to corrupt the morals of any minor under age 18. 18 Pa. Cons. Stat. § 6301 (2017). Harboring a runaway may fall within this category. It is also a crime to knowingly or recklessly take or entice any child under 18 years of age from the custody of his or her parent, guardian, or other lawful custodian when that person has no privilege to do so. It is a defense if the person believed the actions were necessary to preserve the child from danger to his or her welfare; if the child is at least 14 years of age and was taken away on his or her own instigation without enticement and without purpose to commit a criminal offense with or against the child; or if the person is the child's parent, guardian, or lawful custodian and is not acting contrary to any order entered by a court of competent jurisdiction. 18 Pa. Cons. Stat. § 2904 (2017).

Rhode Island

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to knowingly or willfully encourage or aid a child under the age of 16 to violate any laws or ordinances. Harboring a runaway may fall within this category. R.I. Gen. Laws § 11-9-4 (2017).

South Carolina

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for any person over the age of 18 to knowingly and willfully aid or cause a child to repeatedly desert the child's home without just cause or the consent of the parent. Harboring a runaway may fall within this category. S.C. Code Ann. § 16-17-490 (2017).

South Dakota

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to harbor or employ a child of compulsory school age who is truant and not legally excused of attendance during the school term. Harboring a runaway may fall within this category. S.D. Codified Laws § 13-27-18 (2017). It is also crime to contribute to the abuse, neglect, or delinquency of a child or to cause a child to become a child in need of supervision. Harboring a runaway may also fall within this category. § 26-9-1.

Tennessee

It is a crime to knowingly harbor or hide a runaway child, defined as a child away from the home, residence or any other residential placement of the child's parent(s), guardian or other legal custodian without their consent, without notifying the child's custodian, guardian or law enforcement within 24 hours. It is also a crime to conceal the whereabouts of a runaway child or aid a child in escaping from the child's custodian, guardian, or law enforcement authorities. Tenn. Code Ann. §§ 39-15-414, 37-1-102(25(A)(iv) (2017).

Texas

It is a crime to harbor a runaway child if the person harboring the child knew or should have known that the child is under 18 and has escaped the custody of a state officer or is voluntarily absent from the child's home without consent from the parents. It is an affirmative defense to the crime if the person notifies the child's guardian or the agency in which the child was staying of the location of the child within 24 hours of finding out the child had escaped from custody or was voluntarily absent from home without consent of the guardian. Tex. Penal Code Ann. §25.06 (2017).

Utah

Any person who knowingly and intentionally harbors a runaway minor who is away from home without consent of the minor's parent is guilty of a crime. A person may not be guilty of harboring a runaway if he/she notifies the guardian of the minor's location or reports the minor's location to Child and Family Services within 8 hours after the person knows the minor is away from home. Utah Code Ann. § 62A-4a-501 (2017).

Vermont

A person commits a crime if they knowingly shelter a runaway child, intentionally help a child become a runaway, or knowingly harbor a runaway. The crime only exists if the child's parent or guardian has reported the child's absence to a law enforcement agency. It is a defense to prosecution that the defendant acted reasonably and in good faith to protect the child from imminent harm. Vt. Stat. Ann. tit 13, § 1311 (2017).

Virginia

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to cause a child to be delinquent, in need of services, in need of supervision,

abused, or neglected. Harboring a runaway may fall within this category. Va. Code Ann. § 18.2-371 (2017).

Washington

It is a crime for a person to harbor a minor when that person knows that the minor is away from home without the consent of the guardian and the person provides shelter to the minor without the guardian's consent. A person is also guilty of harboring a minor when the person intentionally obstructs law enforcement officers when they are trying to take the minor into custody, assists the minor in avoiding the custody of law enforcement officers, fails to release the minor to law enforcement officers upon request, or fails to disclose the whereabouts of the minor to law enforcement officials after assisting the minor in going to the location. It is an affirmative defense that the person had custody of the minor through court order. Wash. Rev. Code § 13.32A.080 (2017).

West Virginia

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a child. Harboring a runaway may fall within this category. W.Va. Code § 61-8D-10 (2017).

Wisconsin

There is no specific law referring to the harboring of runaway youth. However, it is a crime to intentionally conceal, take away, or withhold a child from the child's guardian, as well as causing a child to leave the child's guardian. Harboring a runaway may fall within this category. It is an affirmative defense that the person that takes the child has parental authority to protect the child from harm, has the consent of the legal guardian to take the child, or is otherwise ordered by law to have the child. Wis. Stat. § 948.31 (2017).

Wyoming

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to fail or refuse to return a minor to the person who has custody of the minor. It is also a crime to entice or take a minor from the custody of the guardian. An affirmative defense to these actions is that the action was necessary in order to protect the child from abuse, or that the child was over the age of 14 and the child wanted to be taken away and not returned, provided that the person took the child without intent to commit a criminal offense with the child. Wyo. Stat. Ann. § 6-2-204 (2017). If the person knowingly conceals or harbors the child from a guardian and refuses to reveal the location of the child, this may be a crime as well. Wyo. Stat. Ann. § 6-4-403.

American Samoa

It is a crime for a person to aid or abet any child committed to the custody of the Corrections Bureau in running away from the facility in whose care he has been placed. A person is guilty of a crime if he knowingly harbors the child or aids in

abducting him from persons to whose care and service he has been properly committed. Am. Samoa Code Ann. § 45.1026 (2017).

District of Columbia

There is no specific law referring to the harboring of runaway youth in general. The District does recognize, though, that it is a crime to harbor, conceal, or aid a child who is absent without permission from a home or institution in which they have been placed by the Board of Public Welfare. D.C. Code § 4-125 (2017).

Guam

There is no specific law referring to the harboring of runaway youth.

Northern Mariana Islands

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. 6 N. Mar. I. Code § 5105 (2017).

Puerto Rico

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to keep a child from his guardian. Harboring a runaway may fall within this category. P.R. Laws Ann. tit. 33, § 4763 (2017).

Virgin Islands

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. V.I. Code Ann. tit. 14, § 481 (2017).

APPENDIX 10

Youth in Need of Supervision Statutes

Alabama

The term "Child In Need of Supervision" ("CHINS") refers to a child who has been adjudicated by a juvenile court for doing any of the following and who is in need of care or rehabilitation: (a) disobeys the reasonable and lawful demands of and is beyond the control of parents/guardians/custodians, (b) is habitually truant from school, (c) leaves or remains away from home without the permission of parents/guardians/custodians, or (d) has committed a status offense. If a petition alleging that a sexually exploited child is in need of supervision or is dependent is filed, a sexually exploited child may be adjudicated a child in need of supervision or a dependent child.

The term "dependent child" refers to a child who has been adjudicated dependent by a juvenile court and is in need of care or supervision and also, among other things, (a) whose parent/guardian/custodian subjects the child to abuse or neglect, abandons the child, or is unable or unwilling to discharge responsibilities to and for the child, (b) who is without a parent/guardian/custodian willing to provide care and support of the child, and (c) whose parent/guardian/custodian neglects or refuses to provide care necessary for health or well-being of the child.

The term "abandoned" refers to a parent's voluntary and intentional relinquishment of the custody of a child and the withholding from the child, without good cause or excuse, of the parent's presence, care, love, protection, or failure to perform the duties of a parent.

The term "neglect" refers to mal- or negligent treatment of a child. It includes, but is not limited to, the failure to provide adequate food, medical treatment, supervision, education, clothing, or shelter.

Young people taken into custody as CHINS must be immediately released to a parent/guardian/custodian or another suitable person once the authorities have obtained necessary information, except if there is no suitable person available, such release presents a serious threat to the young person, or the youth has a history of failing to appear in court. The court may then permit a CHINS to remain with parents/guardians/or custodians, place him/her on probation, or transfer legal custody to the Department of Youth Services, the Department of Human Resources, a licensed local agency or facility willing to provide for the young person, a qualified relative, or another person. The court may also make other orders it finds in the child's best interest, including random drug screens, assessment of fines and restitution, or ordering parents/custodians to promote the child's best interest. A CHINS cannot be sent to a facility for delinquent children unless he/she has been specifically found delinquent, not amenable to treatment, or has been previously found to be a CHINS. See Ala. Code §§ 12-15-102, 12-15-125, 12-15-127, 12-15-128, 12-15-215, 12-15-301, 12-15-701 (2017).

Alaska

A court can find a child to be a "Child In Need of Assistance" ("CINA") if the child (a) is habitually absent from home and at substantial risk of physical or mental injury, (b) is without parents/guardians/custodians due to abandonment, incarceration, or unwillingness to care for the child, (c) needs medical or mental health treatment and parents/guardians/custodians refuse to provide the treatment, (d) has been abused or neglected by parents/guardians/custodians, or (e) has committed an illegal act as a result of pressure, guidance, or approval from parents/guardians/custodians. The statute specifies that a youth cannot be considered a CINA solely on the basis that the youth's family is poor, lacks adequate housing, or exhibits a lifestyle that is different from the generally accepted lifestyle standard of the community where the family lives. However, the statute specifies that it should not be construed to prevent a finding of CINA if any of the conditions in the preceding sentence are met.

A court may find abandonment of a child if, among other things, a parent/guardian has shown a conscious disregard of parental responsibilities toward the child by failing to provide reasonable support, maintain regular contact, or provide normal supervision considering the child's age and need for care by an adult.

A court may find neglect of a child if the parent/guardian/custodian, though financially able to do so or offered financial or other reasonable means to do so, fails to provide the child with adequate food, clothing, shelter, education, medical attention, or other care and control necessary for the child's physical and mental health and development.

Upon receiving a request to locate a runaway youth, a police officer must take the young person (a) into custody and take him/her home, unless there is reasonable cause to believe that the minor has experienced physical or sexual abuse in the parent's or guardian's household, (b) to another place agreed to by the parent, (c) to a Department of Health and Social Services office, (d) to a program or shelter for runaway youth, or (e) to another facility or location. Runaway youth cannot be housed in jail or other detention facilities, unless they are in severe and imminent danger and there is no other reasonable placement. The youth and his/her family must be informed of available mediation and counseling services.

If a court finds a youth to be a CINA, the court may order treatment for the youth and his/her parent or guardian, commit the youth to the Department of Health and Social Services, release the youth to parent, relative, guardian or other suitable person under supervision, or terminate the parents' rights. The family must be provided with support services. See Alaska Stat. §§ 47.10.011, 47.10.013, 47.10.014, 47.10.019, 47.10.141, 47.10.080, 47.10.086 (2017).

Arizona

The term "incorrigible child" is used to refer to runaways. The term also refers to children who are adjudicated to be beyond their parents'/guardians'/custodians' control, are habitually truant from school, commit status offenses, disobey court orders, or habitually behave in such a manner as to injure or endanger the morals or health of themselves or others.

A "dependent child" is one who is adjudicated to be in need of proper and effective parental care and has no parent or guardian, one who is beyond the control of parents or guardian, one who is not provided with the necessities of life, or one whose home is unfit due to abuse, neglect, or cruelty by a parent or guardian.

The court may send an incorrigible child to live under the supervision of the Probation Department with a parent, relative, reputable person, or other public or private agency. The court may also require the child to pay a fine for defacing property under § 13-1602, subsection A, paragraph 5. The court may send a "dependent child" to live with the child's parents (subject to the supervision of the department of economic security), a grandparent or other family member, a suitable institution or school, an association willing to receive the child or an appropriate agency licensed to care for children, or to a reputable citizen.

The term "abandoned" means the failure of the parent to provide reasonable support and to maintain regular contact with the child, including providing normal supervision. Abandoned includes a judicial finding that a parent has made only minimal efforts to support and communicate with the child.

The term "neglect" means, among other things, the inability or unwillingness of a parent/guardian/custodian to provide a child with supervision, food, clothing, shelter, or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare.

A court may also assign a surrogate parent to a child with a disability who is between 3 and 22 years of age. The surrogate parent may be appointed if a parent cannot be identified, the child is a ward of the state, or the child meets the criteria of an unaccompanied youth as defined in the McKinney-Vento Act. Where permitted, the Department of Education must notify the court if it appoints a surrogate parent for a ward of the state. See Ariz. Rev. Stat. Ann. §§ 8-201, 8-341, 8-341.01, 8-845, 15-763.01 (2017).

Arkansas

The term "Family In Need of Services" ("FINS") refers to any family with a child who has run away from home without sufficient cause, permission or justification, is habitually truant from school, or habitually disobeys parents/guardians/custodians.

A "dependent juvenile" is a child of a parent under 18 years of age who is (a) the child of an incarcerated parent or guardian with no appropriate relative or friend to serve as guardian, (b) a child whose parent or guardian is incapacitated, (c) a child whose custodial parent dies and no standby guardian exists, (d) an infant child who is relinquished to the Department of Human Services solely to be adopted, (e) a safe haven baby; (f) a child who disrupted his or her adoption, and the adoptive parents have exhausted resources available to them; or (g) a child who has been a victim of human trafficking as a result of threats, coercion, or fraud.

The term "abandonment" means the failure of the parent to provide reasonable support and to maintain regular contact with a juvenile when the failure is accompanied by an intention to permit the condition to continue for an indefinite period in the future,

failure to support or maintain regular contact with the juvenile is without just cause, or there is an articulated intent to forego parental responsibility, but does not include when a child disrupts his or her adoption and the adoptive parent has exhausted the available resources.

The term "neglect" means the failure by those legally responsible to provide for the care and maintenance of a child, as well as the proper or necessary support, medical, surgical, or any other care necessary for the child's well-being, or failure to appropriately supervise the child resulting in the child being placed in inappropriate circumstances, creating a dangerous situation, or a situation that puts the juvenile at risk of harm, and failure to ensure a child between 6 and 17 is enrolled in school or legally homeschooled, including, as a result of acts or omission, permitting the juvenile to be habitually and without justification absent from school. Neglect also means any maltreatment of a child.

A juvenile may be taken into custody without a warrant pursuant to a court order or by a police officer, law enforcement, a juvenile division of circuit court judge during juvenile proceedings concerning the juvenile or a sibling of the juvenile, or a designated employee of the Department of Human Services if the juvenile is subjected to neglect and the Department of Human Services assesses the family and determines that the juvenile under the custody or care of the mother are at substantial risk of serious harm such that the child needs to be removed from the custody or care of the mother; the child is dependent; or circumstances or conditions of the child are such that continuing in his or her place of residence or in the care and custody of the parent, guardian, custodian, or caretaker presents an immediate danger to the health and physical well-being of the child. Such custody shall not exceed seventy-two (72) hours, unless the deadline falls on a weekend or holiday, though if there is an immediate danger to the health or physical well-being of the child, the Department of Human Services shall place the child into protective custody. (Ark. Code Ann. 12-18-1001). The officer taking the juvenile into custody shall immediately make every effort possible to notify the parent/guardian/custodian of the juvenile's location.

Children who are suspected to belong to a FINS cannot be held in a detention facility for more than the minimum time necessary for processing unless he/she has been away from home for more than 24 hours and the parent or guardian lives more than 50 miles away. Intake officers may offer services outside the court system if they find it in the best interest of the juvenile and the community. The court may (a) order family services, (b) transfer children's custody to the Department of Human Services or to another licensed agency, a relative, or another person, (c) order the parents or guardians to attend a parental responsibility training program, (d) place the child on home detention, (e) order the child, parents, or guardians to perform community service, (f) place the child on supervision, or (g) impose a fine, service fee, or court costs on the child, parents, guardians, or custodians. The court may not remove the child from the family and give custody to the Department of Human Services or other agency unless it has ordered appropriate services for the family or the child's health and safety require immediate removal. Custody can only be transferred to a relative or other individual after the Department or a licensed social worker conducts a home

study and determines the placement is in the juvenile's best interest. Arkansas also has established a Youth Mediation Program to assist FINS. See Ark. Code Ann. §§ 9-27-303, 9-27-313, 9-27-323, 9-27-328, 9-27-332, 9-27-333, 9-27-336, 9-30-103, 9-31-402 (2017).

California

A child may be adjudicated a "dependent child" of the court if the child has, among other things, suffered serious physical harm that was purposely inflicted upon the child by his/her parent/guardian or as a result of the parent's/guardian's failure to supervise or protect the child, or by the willful or negligent failure of the parent/guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's/guardian's mental illness, developmental disability, or substance abuse. No child shall be found to be a dependent child of the court solely due to the lack of an emergency shelter for the family. Also, no child abuse or neglect may be found solely because the child is homeless or classified as an unaccompanied youth.

Police may take a child into temporary custody without a warrant if the officer reasonably believes the child is a dependent child and has an immediate need for medical care, is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. The police shall first try to contact the parent/guardian to determine if the parent/guardian is able to assume custody of the child. Police may also, without a warrant, take into temporary custody any child who is found in any street or public place suffering from any sickness or injury that requires care, medical treatment, hospitalization, or other remedial care.

Young people can become wards of the court if they persistently or habitually disobey the reasonable and proper orders or directions of their parents/guardians/custodians, are beyond the control of their parents/guardians/custodians, violate a curfew law, or are truant four or more times in a school year.

Police can take such youth into custody without a warrant, but must advise them of their constitutional rights. These young people can be held in shelters, non-secure facilities, or crisis resolution homes. They can also be held in secured facilities (e.g. jail, lockup, juvenile hall), but they can only be held there for up to (a) 12 hours after having been taken into custody to determine if there are any warrants against the youth, (b) 24 hours if necessary to find parents or guardians and to arrange to return the youth to them, or (c) 72 hours if the parents or guardians live outside of California and such time is necessary due to the parents' or guardians' distance or difficulty in locating either the parents or resources for returning the youth. Youth detained in a secured facility cannot be commingled with other youths who have been detained for breaking the law. Police may, without a warrant, take into temporary custody a youth who is found in a public place to be suffering from any sickness or injury that requires medical treatment or other remedial care. Excess transportation funds can be used to serve children who are habitual truants, runaways, at risk of being wards of the court, or are under juvenile court supervision or supervision of the Probation Department.

Such funds may also be used to serve parents or other family members of these children if doing so will promote increased self-sufficiency, personal responsibility, and family stability for the child. See Cal. Welf. & Inst. Code §§ 207, 300, 305, 601, 625, 18221 (2017); Cal. Penal Code § 11165.15 (2017).

Colorado

A young person can be found to be "neglected" or "dependent" if the child (a) is homeless or a runaway, (b) has been abandoned, abused, or neglected by his/her parents/guardians/custodians, including through the failure to provide education, medical, other care, or allowing others to mistreat or abuse the child, or (c) is beyond the control of his/her parents/guardians/custodians. A child may be considered neglected if the child tests positive for controlled substances as a result of the mother's unlawful intake of these substances.

A child may be taken into temporary custody by the police, without order of the court, when the child is abandoned, lost, or seriously endangered and immediate removal appears to be necessary for such child's protection, the protection of others, or the child has run away or escaped from such child's parents/guardian/custodian.

Courts can order temporary protective custody for up to 72 hours for neglected and dependent youth at the request of law enforcement officers, the Department of Social Services, or physicians. Courts can also provide informal services without further court hearings.

If a court finds a youth to be neglected or dependent, the court can terminate the parents' rights or approve an appropriate treatment plan. The treatment plan can include sending the youth home, to a relative, or to another person, with or without supervision, providing family services, giving custody to the Department of Social Services, or sending the youth to a foster home or other child care facility. When a court places the youth in the legal custody of a relative or sends the youth to a foster home, the court must ensure that the placement is in the best interests of the child by requesting documentation that the foster care provider or relative has been properly screened via criminal history record checks and other background checks.The court may consider in-state and out-of-state placement options. See Colo. Rev. Stat. §§19-3-102, 19-3-401, 19-3-405, 19-3-501, 19-3-508 (2017).

Connecticut

The term Family With Service Needs ("FWSN") is used to refer to a family with a child or youth at least 7 and under 18 years of age who (a) has run away from the parental home or other properly authorized place of abode without just cause, (b) is beyond the control of parents/guardians/custodians, (c) has engaged in indecent or immoral conduct, (d) is habitually truant from school or has been continuously and overtly defiant of school rules, or (e) is 13 years of age or older and has engaged in sexual intercourse with someone who is also 13 years of age or older and not more than two years older or younger than such child.

'A child or youth may be found "neglected" if he/she, for reasons other than being impoverished (a) has been abandoned, (b) is being denied proper care and attention

(physically, educationally, emotionally or morally), or (c) is being permitted to live under conditions, circumstances, or associations injurious to the well-being his/her well-being.

"A child or youth may be found "uncared for" if he/she (i) is homeless, (ii) whose home cannot provide the specialized care that the physical, emotional, or mental condition of the child or youth requires, or (iii) the child has been identified as a victim of "trafficking." Treatment by an accredited Christian Science practitioner in lieu of a licensed practitioner shall not of itself constitute neglect or maltreatment.

Many people can charge that a family is a FWSN, including police officers, welfare departments, probation officers, school superintendents, the Commissioner of Children and Families, youth service bureaus, parents, or children. A probation officer must investigate the charge and either refer the family, with their consent, to an appropriate service provider or file a petition in court.

If parents report to the police that they are a FWSN, the police must look for their child and tell the parents where the child is. Police may then bring the child home, to another person's home, refer the child to court, hold the child in custody for up to 12 hours, or bring the child to a service provider. A child of a FWSN can be removed from home and placed with a person or agency if there is a strong probability that the child injured him/herself, ran away, or is from another jurisdiction. No non-delinquent juvenile runaway from another state may be held in a state-operated detention home. A hearing about the placement must be held within 10 days.

The court can refer the family for services for up to 6 months before holding a hearing and may extend the hearing another 3 months for cause. If those services adequately address the problem, the judge may dismiss the petition. The court can also refer the child to the Department of Children and Families for voluntary services, commit the child to the custody of the Commissioner of Children and Families, or order the child to remain at home or with a relative or other person, under a probation officer's supervision. The court can refer families to the authorities of the local or regional school district or private school if the child is only in need of services because the child is a truant or habitual truant. The child is entitled to representation by counsel, an evidentiary hearing, and adequate and fair warning of the consequences of a violation of any order issued. See Conn. Gen. Stat. §§ 46b-120 (effective August 15, 2017), 46b-149, 46b-149a (2017).

Delaware

The term "dependent child" means a child (a) whose physical, mental, or emotional health and well-being is threatened or impaired because of inadequate care and protection by the child's custodian, regardless of whether such inadequacy is caused by the child's behavior, (b) who has been placed in a non-related family home on a permanent basis without the state's consent, or (c) who has been placed with a licensed agency which certifies it cannot complete a suitable adoption plan.

"Neglect" or "neglected child" means that a person is responsible for the care, custody, and/or control of the child and has the ability and financial means to provide

for the care of the child, yet fails to provide necessary care with regard to food, clothing, shelter, education, health, medical, or other care necessary for the child's emotional, physical, or mental health, safety, and general well-being. Neglect also means that a person responsible for the care, custody, and/or control of the child chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child's ability to receive care necessary for that child's safety and general well-being.

If the court declares a child to be dependent or neglected, the court may defer proceedings pending further investigation, medical (or other) examinations, or in the best interest of the child. It may also allow the child to remain in the home with or without court supervision. Custody may be granted to any person or agency where satisfactory arrangements can be made, so long as the Department of Services for Children, Youth and Their Families provides the court with an evaluation and report on any placement other than the home of a relative. Custody may also be granted to (a) the Department of Services for Children, Youth and Their Families for foster home placement, (b) any licensed child-placing agency in the state, (c) any division of the Department of Services for Children, Youth, and Their Families, (d) any private institution that cares for children, or (e) any religious child-caring agency or institution (preferably of the child's religious faith or that of the parents).

If the court declares a child to be delinquent, it may defer proceedings pending further investigation, medical (or other) examinations, or in the best interests of the child. The child may be released on the child's own recognizance or the recognizance of a custodian or near relative, on surety bond, or if no bond is provided the child may be detained in a facility of the Department of Services for Children, Youth and Their Families. The child may remain in the child's home with or without court supervision, be placed on probation, fined, or be ordered to pay out-of-pocket costs, losses, or damages caused by the child's delinquent act. The court may enter a judgment of up to $5,000 against the delinquent child and the child's parent or guardian, provided the parent or guardian knew of the child's delinquent nature and failed to take reasonable measures to control the child. The child may discharge any restitution ordered through appropriate community service arrangements, provided the victim does not object. A delinquent child may be placed in the custody of the Department of Services for Children, Youth and Their Families, be committed to an appropriate institution for mentally ill, retarded, or disturbed children, or any appropriate private institution. The court may revoke or suspend the driving privileges of the delinquent child or postpone the child's eligibility to obtain driving privileges. The court may also immediately enter all traffic, alcohol, and/or drug adjudications on the child's driving record. The child may be placed under house arrest or ordered into appropriate treatment, rehabilitation, or care. The court may also order the child's parents, guardian, or custodian to participate in counseling. See Del. Code Ann. tit. 10, §§ 901, 1009; Del. Code Ann. tit. 13, §§ 2501, 2502, 2512 (2017); Del. Code. Ann. Tit. 31, § 351 (2017).

Florida

The term "CHINS" refers to a child who has been found by a court to have persistently run away from home, be habitually truant from school, or be beyond the control of parents/custodians (as opposed to one who has been abused or neglected).

The term "FINS" refers to a family that has a child who has run away from home, is habitually truant from school, is beyond the control of parents/custodians, or who is engaging in other serious behaviors that place the child at risk of abuse, neglect, or delinquency. The child must be referred to a law enforcement agency, the Department of Juvenile Justice, or an agency contracted to provide services. Services will increase as needed.

The term "abandoned" means a situation in which the parent/custodian/person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child. If the efforts of such parent/custodian/person responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal and do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a CHINS or a FINS.

The term "child who is found to be dependent" or "dependent child" means a child who is found by the court to have been abandoned, abused, or neglected by the child's parents/custodians, to have been surrendered to the Department of Children and Families or licensed agency for purpose of adoption, to have no parent/custodian/responsible adult relative to provide supervision and care, or to be at substantial risk of imminent abuse or neglect by the parents/custodian.

"Neglect" occurs when a child's parent/custodian/person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, medical treatment, or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person.

Police may take a CHINS into custody and release him/her to a parent, guardian, custodian, relative, service provider, or to the Department of Juvenile Justice, which must also release the child to one of those locations and may provide temporary services. A CHINS can only be placed in a shelter prior to a hearing if the child and parent/guardian/custodian agree, it is required to allow the family and the child to get services, or no family is available. CHINS may not be placed in a detention facility under any circumstances.

The court only becomes involved after all services have been tried and have not solved the problem. At any stage, the family can be referred to mediation services. The court can order the family to participate in services or complete community service, order a parent/guardian/custodian to pay a fine, place the child under the supervision of a

service provider, or place the child temporarily with an appropriate adult or agency. The court must order family counseling and other appropriate services. Participation and cooperation of the family, parent/guardian/custodian, and child in court-ordered services are mandatory. A CHINS can be placed in a secure shelter for up to 90 days only after less-restrictive options have been exhausted, and only if parents/guardians/custodians refuse to provide shelter as a result of the child's behavior, the child refuses to remain at home, or the child has failed to complete a court-ordered program and has been previously placed in a residential program.

Services are provided to FINS on a voluntary basis and include a wide variety of counseling, training, and other support services. See Fla. Stat. Ann. §§ 984.03, 984.04, 984.11, 984.13, 984.14, 984.18, 984.22, 984.225 (2017).

Georgia

A Child in need of services (CHINS) is defined as (A) a child adjudicated to be in need of care, guidance, counseling, structure, supervision, treatment, or rehabilitation and who is adjudicated to be: (i) subject to compulsory school attendance and who is habitually and without good and sufficient cause truant, as such term is defined in Code Section 15-11-381, from school; (ii) habitually disobedient of the reasonable and lawful commands of his or her parent, guardian, or legal custodian and is ungovernable or places himself or herself or others in unsafe circumstances; (iii) a runaway, as such term is defined in Code Section 15-11-381; (iv) A child who has committed an offense applicable only to a child; (v) a child who wanders or loiters about the streets of any city or in or about any highway or any public place between the hours of 12:00 Midnight and 5:00 A.M.; (vi) a child who disobeys the terms of supervision contained in a court order which has been directed to such child who has been adjudicated a child in need of services; or (vii) a child who patronizes any bar where alcoholic beverages are being sold, unaccompanied by his or her parent, guardian, or legal custodian, or who possesses alcoholic beverages; or (B) a child who has committed a delinquent act and is adjudicated to be in need of supervision but not in need of treatment or rehabilitation.

A "delinquent child" means a child who (a) has committed a delinquent act or is in need of treatment or rehabilitation. A delinquent act means (a) an act committed by a child designated a crime by the laws of Georgia, or by the laws of another state if the act occurred in that state, under federal laws, or by local ordinance, and the act is not an offense applicable only to a child or a juvenile traffic offense; (b) the act of disobeying the terms of supervision contained in a court order which has been directed to a child who has been adjudicated to have committed a delinquent act; or (c) failing to appear as required by a citation issued for an act that would be a crime if committed by an adult.

The term Truant means having ten or more days of unexcused absences from school in the current academic year.

The police can take into temporary custody, without a warrant, any child they reasonably believe (a) has run away from his or her parent, guardian, or legal custodian,

(b) a delinquent, suffering from illness, injury, or is in immediate danger from his/her surroundings and that his/her removal is necessary, (c) any child who has run away from home or has been reported as a runaway, or (d) any child violating a curfew, and hold him/her in a secure or unsecured facility for juveniles. However, within 12 hours of being taken into custody, the child must be returned to parents/guardians, brought before the court or an intake officer, or released. In no case shall an unruly child be detained in a jail.

A person taking an alleged delinquent child, or alleged child in need of services into temporary custody shall deliver such child, with all reasonable speed and without first taking such child elsewhere, to a medical facility if he or she is believed to suffer from a serious physical condition or illness which requires prompt treatment and, upon delivery, shall promptly contact juvenile court intake officer. As such as a juvenile court intake officer is notified that a child has been taken into custody, the juvenile court intake officer will determine if the child should be released, remain in temporary custody, or be brought before the court.

If a child is found to be a child in need of services, a court will make the least restrictive disposition. This may include: permitting the child to remain with the child's parents/guardian/custodian, transfer custody temporarily to a qualified adult, public, or private agency authorized to care for the child, or an individual in another state. A child in need of services may be held in a secure or nonsecure residential facility for no more than 24 hours. The court is also authorized to order the deprived child and such child's parent/guardian/custodian to participate in counseling, which may be provided by the court, court personnel, probation officers, professional counselors or social workers, psychologists, physicians, qualified volunteers, or appropriate public, private, or volunteer agencies as directed by the court. See Ga. Code Ann. §§ 15-11-2, 15-11-501, 15-11-502-, 15-11-507, 15-11-212, 15-11-133, , 15-11-410, 15-11-412, 15-11-442, 15-11-601 (2017).

Hawaii

The terms "YAR" or "YINS" refer to any youth who has been arrested, had contact with the police, or is experiencing social, emotional, psychological, educational, moral, physical, or other similar problems. YAR are to be provided with services and programs, including case management, counseling, and shelter.

In addition, among other things, family court has exclusive jurisdiction over any child who, among other things, is (a) neglected as to or deprived of educational services, (b) beyond the control of the child's parents/custodian or whose behavior is injurious to the child's or others' welfare, or (c) in violation of curfew. Police may take such a child into custody without court order, but shall immediately notify the child's parent/guardian/custodian. The child shall be either released to the child's parent or other responsible adult, referred or delivered to the court or other designated agency, or taken directly to a detention facility if the child's immediate welfare or the protection of the community requires it. No child shall be held in a detention facility for juveniles or shelter longer than 24 hours, excluding weekends and holidays, unless a petition or

motion for revocation of probation, or motion for revocation of protective supervision has been filed, or unless the judge orders otherwise after a court hearing.

Intake officers may offer services outside the court system if they find it in the best interest of the child and the community. See Haw. Rev. Stat. §§ 352D-2, 352D-3, 352D-4, 571-2, 571-11, 571-31, 571-31.4, 571-31.5 (2017).

Idaho

No CHINS-type statute was found in the Idaho Code.

Illinois

The term "neglected minor" means any minor under 18 years of age who is not receiving the proper or necessary support, education, medical, other remedial care recognized under state law as necessary for a minor's well-being, or other care necessary for his/her well-being (including adequate food, clothing and shelter), or who is abandoned by his or her parent or parents or the other person or persons responsible for the minor's welfare. The term also includes, among other things, any minor under 18 years of age whose environment is injurious to his/her welfare, any minor under the age of 14 years whose parent or other person responsible for the minor's welfare leaves the minor without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor, or any minor who has been provided with interim crisis intervention services and whose parent/guardian/custodian refuses to permit the minor to return home unless the minor is an immediate physical danger to himself, herself, or others living in the home.

The term "dependent minor" means any minor under 18 years of age who (a) is without a parent/guardian/custodian, (b) is without proper care because of the physical or mental disability of the minor's parent/guardian/custodian, (c) is without proper medical, remedial, or other care necessary for his/her well being through no fault, neglect, or lack of concern by his/her parents/guardian/custodian, or (d) has a parent/guardian/custodian who, with good cause, wishes to be relieved of all residual parental rights and responsibilities, guardianship, or custody and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor.

Police may, without a warrant, take a minor into temporary custody if the officer believes the minor to be a neglected or dependent minor, as well as a minor who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, or hospitalization. The officer must immediately attempt to notify the minor's parents or other person legally responsible for the minor's care that the minor has been taken into custody. Taking a minor into temporary custody in these circumstances does not constitute a police record.

The term Minors Requiring Authoritative Intervention" ("MRAI") is used to include minors who are in immediate physical danger due to running away from home or being beyond the control of parents/guardians/custodians and who refuse to return home or to another voluntary residential placement after being taken into limited

custody and offered crisis intervention services. Minors cannot be determined to be MRAI until a set period of time after being taken into limited custody, unless they have been taken into custody four prior times that year.

Police may take into custody any minor who has run away from home or is beyond parent/guardian/custodian control and in immediate danger. Police can bring the minor home if he/she agrees and can refer the family to services. If the minor cannot be sent home, either because the minor refuses or a caregiver cannot be found or reached, police must bring the child to a crisis intervention facility or Probation Department. No minor can be kept in limited custody for more than 6 hours unless he/she consents.

If authorities believe a minor is a MRAI, there must be a shelter care hearing within 48 hours. At that hearing, the court can release the minor to a parent/guardian/custodian or to a public agency if reasonable efforts to avoid removal from home have been made. The court can only place a MRAI in shelter care if reasonable efforts to avoid removal have been made and it is urgently necessary for his/her safety or the minor is likely to flee.

Probation officers must immediately investigate the cases of minors in custody and release them to a parent, guardian, legal custodian, or responsible relative if appropriate. Any adult person, agency, or association may petition the court to find the minor a MRAI. If the parents/guardians/custodians are unable to care for a MRAI and services have not solved the problem, the court may (a) commit the child to the Department of Children and Family Services, (b) give custody to a relative, other person, agency, school, or institution for delinquent children, (c) place the child under the supervision of a probation officer, (d) order the minor partially or completely emancipated, (e) suspend his/her driver's license, or (f) order restitution. A MRAI may be ordered to make monetary or non-monetary restitution.

A truant minor in need of supervision is a minor who is chronically truant. A truant minor in need of supervision may be committed to the appropriate regional superintendent of schools for services, required to comply with the superintendent's service plan, ordered to obtain counseling or supportive services, subject to a fine for each absence without cause, required to perform reasonable public service work, or have his/her driver's license suspended. See 705 Ill. Comp. Stat. 405/2-3, 405/2-4, 405/2-5, 405/2-6, 405/3-3 et seq. (2017).

Indiana

The Child In Need of Services (CHINS) statute does not directly address homeless and runaway youth. However, homeless or runaway youth may qualify as a CHINS if they have experienced parental neglect or sexual abuse or exploitation, or if they are a danger to their own or others' mental or physical health, have exhibited consistent disruptive behavior at school, were born drug- or alcohol-affected, have a disability and have been deprived of nutrition or medical care, or are missing children.

CHINS may be taken into custody by a law enforcement officer under an order of the court. If a law enforcement officer's taking a perpetrator into custody will not adequately protect CHINS, police, probation officers, and caseworkers acting with

probable cause to believe that CHINS is in need of services (including because such child is a missing child) may take CHINS into custody. An intake officer must investigate the case, and the court must appoint a guardian ad litem for the child and hold a hearing the next business day to determine if the child is a CHINS. The Department of Child Services must notify the child's custodial parent/guardian not more than 2 hours after the child has been taken into custody that the child has been taken into custody if it is a result of child neglect or abuse. The court must (a) determine where the child should be placed while permanent options are considered, (b) consider placing the child with a relative before another placement, and (c) release the child to parents/guardians/custodians unless that would endanger the child, the child is unlikely to return to court, the child asks not to return home, or the parent/guardian/custodian is unable or unwilling to take the child. See Ind. Code §§ 31-34-1-1 et seq., 31-34-2-1, et seq., 31-34-3-1, et seq., 31-34-4-1, et seq. (2017).

Iowa

The term "abandonment of a child" means the relinquishment or surrender of the parental rights, duties, or privileges inherent in the parent-child relationship. Proof of abandonment must include both the intention to abandon and the act(s) by which the intention is evidenced, but does not require that the abandonment be over a particular period of time. Iowa Code § 232.2(1) (2017).

The term "desertion" means the relinquishment or surrender of the parental rights, duties, or privileges inherent in the parent-child relationship for a period in excess of 6 months. Proof of desertion need not include the intention to desert, but is evidenced by the lack of attempted contact with the child or by only incidental contact with the child. Iowa Code § 232.2(14) (2017).

The term "CINA" refers to an unmarried child (a) who has been abandoned by or deserted by parent/guardian/custodian, (b) who has been physically abused or neglected by parents/guardians/custodians/other household member, (c) who has been or is in imminent danger of (i) mental injury by parent/guardian/custodian (ii) failure by parent/guardian/custodian/other household member to exercise a reasonable degree of care in supervising the child, or (iii) parent/guardian/custodian, or person responsible for care disseminating or exhibiting obscene material (d) who has been or is imminently likely to be sexually abused by parent/guardian/custodian/other household member (e) who is in need of treatment or prevention of serious physical injury or illness and parent/guardian/custodian are unwilling or unable to provide treatment (f) who is in need of treatment for serious mental illness or disorder, or emotional damage (g) whose parent/guardian/custodian fail to exercise a minimal degree of care in supplying adequate food, clothing, or shelter and refuses other means available to provide such essentials (h) who has committed a delinquent act as a result of pressure, guidance, or approval from a parent/guardian/custodian/other household member (i) who has participated in sexual activities for hire or poses for live, photographic or other pictorial display designed to appeal to sexual interest and is patently offensive (j) who is without a parent/guardian/other custodian (k) whose parent/guardian/other custodian who for good cause desire to be relieved of the child's

care and custody (l) who for good cause desires to have parents relieved of child's care and custody (m) who is in need of treatment for chemical dependency and whose parent/guardian/custodian is unwilling or unable to provide treatment (n) who does not receive adequate care due to parent's or guardian's mental capacity/condition, imprisonment, or drug or alcohol use (o) who has the presence of illegal drugs in body as a direct and foreseeable result of the child's parent/guardian/custodian or, (p) whose parent/guardian/custodian allows the manufacturing of a dangerous substance in the presence of the child. *Id*. § 232.2(6) (2017).

Police, juvenile court officers, and physicians can take a CINA into custody if the child is in imminent danger and there is not enough time to get a court order. The child must be immediately brought to a designated location, and the court and parents/guardians/custodians must be informed. Iowa Code § 232.79 (2017). CINA can be placed in shelter care only if they have no parent/guardian/custodian or other responsible adult to provide shelter, they choose to go to shelter care, or it is necessary to hold them in shelter until a parent/guardian/custodian comes to get them. Shelter care must be in the least restrictive environment and can only be in a shelter care home, foster home, Department of Human Services facility, or other suitable place that is not used for detention. A child cannot be held in shelter care for more than 48 hours without a court order. A child under 13 years of age cannot be placed in shelter care unless there have been reasonable efforts to place the child in emergency foster care. *See* Iowa Code § 232.21 (2017).

After finding a youth to be a CINA, the court can (a) send the youth home under supervision, (b) require parents to provide special treatment or care, (c) send the youth to live with a relative or other suitable person, (d) give custody to an agency, facility, institution, or the Department of Human Services, or (e) require the parent/guardian/custodian to undergo drug testing. Iowa Code §§ 232.102, 232.106 (2017). If the CINA has previously been placed in one of these options, the CINA can be sent to the Iowa Juvenile Home at Toledo. CINA cannot be placed in the state training school. Iowa Code § 232.102(6) (2017). Prior to transferring custody of the child, the court must make reasonable efforts to preserve and unify the family before determining it is not in the best interest of the child to remain in the child's home. Iowa Code § 232.102(10)(a) (2017).

The term "FINA" means a family in which there has been a breakdown in the relationship between a child and the child's parent/guardian/custodian. Iowa Code § 232.20 (2017). If a court makes a finding that a family is a FINA, it may order any or all of the parties to accept counseling and to comply with any other reasonable orders designed to maintain and improve the familial relationship. At the conclusion of any counseling ordered by the court, or at any other time deemed necessary, the parties shall be required to meet together and be apprised of the findings and recommendations of such counseling. Such an order shall remain in force for a period not to exceed one year unless the court otherwise specifies or sooner terminates the order. *See* Iowa Code § 232.127(6) (2017).

Iowa counties are also specifically authorized to develop runaway treatment plans to address problems with chronic runaway youth and to establish runaway assessment centers. See Iowa Code §§ 232.2, 232.195, 232.196 (2017).

Kansas

The term "abandon" or "abandonment" means to forsake, desert, or cease providing care for the child without making appropriate provision for substitute care. Kan. Stat. Ann. § 38-2202(a) (2017).

The term "neglect" means acts or omissions by a parent/guardian/custodian resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parent/guardian/custodian. Neglect may include, but shall not be limited to, failure to (a) provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, (b) provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a likelihood of harm to the child, or (c) use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening. Kan. Stat. Ann. § 38-2202(t) (2017).

The term "Child In Need of Care" ("CINC") refers to a child under 18 years of age who (a) is without adequate parental care, control, or subsistence and the condition is not due solely to parents'/custodians' financial means, (b) is without the care or control necessary for the child's physical, mental, or emotional health, (c) has been abused, neglected, or abandoned, (d) is truant from school or has run away from home or court-ordered placements, (e) has committed a crime or status offense, (f) is living with another minor who has been abused or neglected, (g) has a permanent custodian who is no longer able or willing to serve, or (h) has been subjected to human trafficking, aggravated human trafficking, or commercial sexual exploitation of a child, or has committed the juvenile equivalent of selling sexual relations. *Id*. § 38-2202(d) (2017).

Police can take a CINC into custody if the child is in a harmful environment or if a court has ordered it. If there is no court order, the police must deliver the child to the custody of the child's parent/guardian unless that would not be in the child's best interest. In that case, the child must go to a shelter, court services officer, intake worker, or care center. If the child refuses to remain at the shelter, the police must bring him or her to a detention facility for up to 24 hours. The child cannot be held for more than 72 hours without a temporary custody hearing. The court can send the child home, to another person, to a residential facility, or to an agency. Once the court decides a child is a CINC, it can send the child home under supervision, order services, or send the child to live with a relative, another appropriate person, a shelter, or a public agency. The court can only remove the child from home if reasonable efforts to prevent removal have not solved the problem or in the case of an emergency. See Kan. Stat. Ann. §§ 38-2202, et seq. (2017).

Kentucky

No CHINS type statute was found in the Kentucky Code; however, there are provisions relating to the treatment of children that are dependent, abused or neglected.

The term "abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his/her parent/guardian/custodian (a) inflicts physical or emotional injury by other than accidental means, (b) creates or allows to be created a risk of physical or emotional injury to the child by other than accidental means, (c) engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child including, but not limited to, alcoholism or drug abuse, (d) continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child, (e) commits, allows to be committed, creates, or allows to be created an act of sexual abuse or exploitation upon the child, (f) abandons or exploits the child, (g) does not provide the child with adequate care, supervision, food, clothing, shelter, education, or medical care necessary for the child's well-being, or (h) fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining in foster care for 15 of the most recent 22 months. Ky. Rev. Stat. Ann. § 600.020(1)(a) (LexisNexis 2017).

The term "dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent/guardian/custodian. *Id*. § 600.020(20) (LexisNexis 2017).

A court may issue an emergency custody order when it appears that removal is in the best interest of the child and that there are reasonable grounds to believe that one or more of the following conditions exist and that the parents/guardian/custodian are unable or unwilling to protect the child: (a) the child is in danger of imminent death, serious physical injury, or is being sexually abused; (b) the parent has repeatedly inflicted or allowed to be inflicted by other than accidental means physical injury or emotional injury; or (c) the child is in immediate danger due to the parent's failure or refusal to provide for the safety or needs of the child. Ky. Rev. Stat. Ann. § 620.060(1) (LexisNexis 2017). Emergency custody shall not last longer than 72 hours unless there is a removal hearing or if waived or requested by the child's parent/guardian/custodian. *Id*. § 620.060(3) (LexisNexis 2017).

If the court finds that a child is dependent, neglected, or abused, the court shall issue an order for temporary removal and shall grant temporary custody to an appropriate person or agency. Ky. Rev. Stat. Ann. §§ 620.080, 090(1) (LexisNexis 2017). Preference shall be given to available and qualified relatives of the child, considering the wishes of the parent/guardian/custodian. In placing a child under an order of temporary custody, the least restrictive appropriate placement available shall be used. Ky. Rev. Stat. Ann. § 620.090(2) (LexisNexis 2017). The child shall remain in temporary custody for a period of time not to exceed 45 days from the date of the removal from his/her home. *Id*. § 620.090(3) (LexisNexis 2017).

Prior to removing a child, "the court shall first consider whether the child may be reasonably protected against the alleged dependency, neglect, or abuse by alternatives less restrictive than removal. Such alternatives may include, but shall not be limited to, the provision of medical, educational, psychiatric, psychological, social work, counseling, daycare, or homemaking services with monitoring wherever necessary by the Cabinet or other appropriate agency. Where the court specifically finds that such alternatives are adequate to reasonably protect the child against the alleged dependency, neglect, or abuse, the court shall not order the removal or continued removal of the child." See Ky. Rev. Stat. Ann. § 620.130 (LexisNexis 2017).

Louisiana

The term "FINS" refers to a family with a child (a) who has run away from home, (b) who has been truant or habitually disruptive in school, (c) who is ungovernable, (d) who habitually possesses or consumes alcohol, (e) who has committed a crime or status offense, (f) whose caretaker has willfully failed to meet with school officials to discuss serious educational problems, (g) who is found incompetent to proceed with a delinquency matter, or (h) who has engaged in cyberbullying. La. Child. Code Ann. art. 730 (2017).

The term "CINC" refers to children who have been abused, neglected, or abandoned, not solely due to inadequate financial resources. La. Child. Code Ann. art. 606 (2017).

"Neglect" means the "refusal or unreasonable failure of a parent or caretaker to supply a child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired." La. Child. Code Ann. art. 603(18) (2017). The inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. *Id*.

Police or probation officers may take a CINC into custody, without a court order, if there are reasonable grounds to believe that the child's surroundings are such as to endanger the child's welfare and immediate removal appears to be necessary for the child's protection. The police must immediately notify the Department of Social Services. La. Child. Code Ann. art. 621 (2017). A CINC whose immediate removal is necessary for protection from further abuse or neglect shall be placed, pending a continued custody hearing, in accordance with this priority: with a suitable adult relative, with a suitable adult, or in foster care. La. Child. Code Ann. art. 622(B) (2017). If adjudicated a CINC, the child's health and safety shall be the paramount concern, and the court (a) may place the child in the custody of a parent or other suitable person subject to certain conditions, (b) may place the child in the custody of a private or public institution or agency, (c) grant guardianship of the child to any individual, or (d) make such other disposition or combination of the dispositions as the court deems to be in the best interest of the child. La. Child. Code Ann. art. 681 (2017).

Police or probation officers may take a child of a FINS into custody if immediate removal from the child's surroundings is necessary for his/her protection or control. The child must then be released to his/her parents or taken to a shelter. La. Child. Code Ann. art. 736(B) (2017). While awaiting a court hearing, the youth can be released to a relative or other adult, a juvenile shelter, or housed in a secure detention facility apart from adjudicated delinquent youth. La. Child. Code Ann. art. 737(A) (2017). A court or district attorney can refer the youth and family for informal services without further court action. The youth and family can also enter an informal family services plan agreement to provide needed services, under supervision. La. Child. Code Ann. art. 744 (2017).

After a hearing, children of FINS can be (a) ordered to receive counseling, evaluations, and other services, (b) sent to live with a caretaker or other person, (c) placed on probation, or (d) assigned to an institution or agency. The family can also be ordered to receive counseling, evaluations, and other services. Children of FINS cannot be placed in a facility for delinquent juveniles. See La. Child. Code Ann. art. 779 (2017).

Maine

No CHINS type statute was found in the Maine Code; however, there are provisions relating to the treatment of children that are abused, neglected, or in circumstances of jeopardy to the child's health or welfare.

The term "abuse or neglect" means (a) a threat to a child's health or welfare by physical, mental, or emotional injury or impairment, (b) sexual abuse or exploitation, (c) deprivation of essential needs, (d) a lack of protection from these, or (e) failure to ensure compliance with school attendance requirements by a person responsible for the child. Me. Rev. Stat. Ann. tit. 22, § 4002(1) (2017).

The term "abandonment" means any conduct on the part of the parent showing an intent to forego parental duties or relinquish parental claims. *Id*. § 4002 (1-A) (2017). The intent may be evidenced by (a) failure, for a period of at least 6 months, to communicate meaningfully with the child, (b) failure, for a period of at least 6 months, to maintain regular visitation with the child, (c) failure to participate in any plan or program designed to reunite the parent with the child, (d) deserting the child without affording means of identifying the child and the child's parent/custodian, (e) failure to respond to notice of child protective proceedings, or (f) any other conduct indicating an intent to forego parental duties or relinquish parental claims. *Id*.

The Department may provide short-term emergency services to a child who has, among other things, been or appears to be threatened with serious harm, has run away from the child's parents/custodian, or is without any person responsible for the child. Me. Rev. Stat. Ann. tit. 22, § 4023(2) (2017). The Department must attempt to notify the child's parents/custodian that emergency services are being provided. Me. Rev. Stat. Ann. tit. 22, § 4023(4) (2017). Short-term emergency services cannot exceed 72 hours from when the Department takes responsibility for the child. *Id*. § 4023(5) (2017). If the court finds that the child is in circumstances of jeopardy to the child's health or welfare, the court may order one or more of the following, among other

things: (a) no change in custody; (b) departmental supervision of the child and family in the child's home; (c) that the child, custodians, parents and other appropriate family members accept treatment or services; (d) necessary emergency medical treatment for the child when the custodians are unwilling or unable to consent; or (e) emancipation of the child, or (f) removal of the child from his custodian and granting custody to a noncustodial parent, another person, or the Department. Me. Rev. Stat. Ann. tit. 22, § 4036(1) (2017). Before a court may order the removal of a child from home, the court must specifically find that remaining in the home is contrary to the welfare of the child and the Department shall make reasonable efforts to prevent removal of the child from home. Me. Rev. Stat. Ann. tit. 22, § 4036-B(2) (2017).

If a child is in custody of the Department and not expected to be returned home within 21 days, the Department must obtain counseling for the child. See Me. Rev. Stat. Ann. tit. 22, § 4063-B (2017).

Maryland

The term "neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent/guardian/custodian under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm. It also means that the child has suffered mental injury or been placed at substantial risk of mental injury. Md. Code Ann., Cts. & Jud. Proc. § 3-801(s) (LexisNexis 2017).

The term "CINA" means a child who requires court intervention because the child has been abused, neglected, has a developmental disability, or has a mental disorder and the child's parents/guardian/custodian are unable or unwilling to give proper care and attention to the child and the child's needs. Md. Code Ann., Cts. & Jud. Proc. § 3-801(f) (LexisNexis 2017). Police may take a CINA into custody without a court order if the child is in immediate danger and the child's removal is necessary for the child's protection. Md. Code Ann., Cts. & Jud. Proc. §§ 3-814(a)(3) (LexisNexis 2017). Police shall immediately notify the CINA's parent/guardian/custodian. Md. Code Ann., Cts. & Jud. Proc. § 3-814(b)(1) (LexisNexis 2017). A CINA can be placed in shelter care if necessary to protect the child from serious, immediate danger and no parent/guardian/custodian is available, remaining at home would be harmful, and reasonable efforts to prevent removal have been made and will continue. Md. Code Ann., Cts. & Jud. Proc. § 3-815(b) (LexisNexis 2017). The court must hold a hearing the next court day to determine if shelter care should continue. Md. Code Ann., Cts. & Jud. Proc. § 3-815(c) (LexisNexis 2017). The CINA cannot be placed in detention or a mental health facility. Services must be provided at the shelter, including health, counseling, education, and treatment services. Md. Code Ann., Cts. & Jud. Proc. § 3-815(f) (LexisNexis 2017).

The term Child in Need of Supervision ("CINS") refers to a young person who requires guidance, treatment, or rehabilitation and is beyond the control of custodians, habitually truant, dangerous to self or others, or has committed a status offense. Police can take a CINS into custody, but cannot place him/her in detention. Md. Code Ann., Cts. & Jud. Proc. § 3-8A-01(e) (LexisNexis 2017). A CINS can be placed in shelter

care if (a) necessary to protect the child, property, or others, (b) the child is likely to run away and no parent/guardian/custodian is available, or (c) remaining at home would be harmful and reasonable efforts to prevent removal have been made and will continue. Md. Code Ann., Cts. & Jud. Proc. § 3-8A-15(c)(1) (LexisNexis 2017). The court must hold a hearing the next court day to determine if shelter care should continue. *Id*. § 3-8A-15(d)(2) (LexisNexis 2017). Services must be provided at the shelter, including health, counseling, education, and treatment services. Note, however, that the CINS statute does not directly address homeless and runaway youth. Md. Code Ann., Cts. & Jud. Proc. § 3-8A-15(h)(3) (LexisNexis 2017).

Once found to be a CINS, a child may be returned home, to a relative, to another person under supervision, ordered to receive services, or committed to a public or private agency. Parents/guardians/custodians can also be ordered to participate in services. See Md. Code Ann., Cts. & Jud. Proc. §3-8A-19(d) (LexisNexis 2017).

Massachusetts

The term "Child In Need of Services" ("CHINS") is defined as a child under 17 years of age who repeatedly runs away from home, repeatedly fails to obey lawful and reasonable commands of parents/guardians, or who is habitually truant, disruptive in school or sexually exploited. Mass. Ann. Laws ch. 119, § 21 (LexisNexis 2017). Police may arrest a CHINS only if the child has failed to appear in court before or the officer believes the child has run away and will not appear in court. Mass. Ann. Laws ch. 119, § 39H (LexisNexis 2017), *see* Mass. Ann. Laws ch. 119, § 39E (LexisNexis 2017). Police must inform the Probation and Social Services Departments and return the child home or to a responsible adult if possible, or bring him/her to a shelter or foster home. The child cannot be detained in a police station or town lockup. Mass. Ann. Laws ch. 119, § 39H (LexisNexis 2017).

The court may (a) divert a child to the Probation Department for informal assistance, (b) send a CHINS home under supervision and with services, or (c) place the child in the care of a relative, probation officer, other adult, a private agency, the Department of Social Services, a therapeutic group home, or the Department of Youth Services. CHINS cannot be sent to a detention facility or training school. *Id*.

Michigan

The term "neglect" means harm to a child's health or welfare by a person responsible for the child's health or welfare that occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care. Mich. Comp. Laws Serv. §722.602(d) (LexisNexis 2017).

In Michigan, courts have authority over a juvenile under 17 years of age who has violated any municipal ordinance or law of the state or of the United States; has deserted his or her home without sufficient cause and the court finds on the record that the juvenile has been placed or refused alternative placement or the juvenile and the juvenile's parent, guardian, or custodian has exhausted or refused family counseling; or has repeatedly disobeyed parents', guardians', or custodians' reasonable and lawful commands if the court finds that court-accessed services are necessary. Mich. Comp.

Laws Serv. §712A.2(a) (LexisNexis 2017). Courts also have authority over a juvenile under 17 years of age who is habitually truant or disruptive in school, if the court finds that the child, parent/guardian/custodian, and school officials have met and educational counseling and alternative agency help have been sought. *Id*. §712A.2(a)(4) (LexisNexis 2017). Courts also have authority over a juvenile under 18 years of age (a) whose parent, guardian, or custodian, when able to do so, neglects or refuses to provide proper or necessary support, education, medical, surgical, or other care necessary for the child's health or morals, (b) who is dependent and is in danger of substantial physical or psychological harm, (c) whose home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent/guardian/nonparent adult/ is an unfit place for the juvenile to live, (d) whose parent has substantially failed, without good cause, to comply with a limited guardianship placement plan described in section 5205 of the estates and protected individuals code, (e) whose parent has substantially failed, without good cause, to comply with a court-structured plan described in section 5207 or 5209 of the estates and protected individuals code, or (f) who has a guardian under the estates and protected individuals code and whose parent meets the criteria listed in 2(b)(6)(A)-(B) of this section. Mich. Comp. Laws Serv. §712A.2(b) (LexisNexis 2017). Youths between 17 and 18 years of age can be brought into court if services have been exhausted or refused and the youth is repeatedly addicted to drugs or alcohol; repeatedly associating with criminal, dissolute, or disorderly persons; found of his or her own free will and knowledge in a house of prostitution, assignation, or ill-fame; repeatedly associating with thieves, prostitutes, pimps, or procurers; or willfully disobedient to the reasonable and lawful commands of his or her parents, guardian, or other custodian and in danger of becoming morally depraved. Mich. Comp. Laws Serv. §712A.2(d) (LexisNexis 2017).

Police can take any child into custody who is found violating any law or ordinance, or for whom there is a reasonable cause to believe is violating or has violated a personal protection order. Parents/guardians/custodians must be immediately notified. Mich. Comp. Laws Serv. §712A.14(1) (LexisNexis 2017). The child can be held in a detention facility while awaiting parents/guardians/custodians if he or she is isolated from adults so as to prevent any verbal, visual, or physical contact with any adult prisoner. *Id*., *see also* Mich. Comp. Laws Serv. §712A.15 (LexisNexis 2017). Prior to a hearing on the child's conduct, the court may send the child home, to a suitable foster care home subject to the court's supervision, to a child care institution or placing agency licensed by the department of human services, or to detention if the child violated a court order and requires detention. Mich. Comp. Laws Serv. §712A.14(3) (LexisNexis 2017). After a hearing, the court may give the parents/guardians/custodians a warning, put the child under supervision at home or in a relative's home, place the child on probation, in foster care or in a public or private institution; provide health care services to the child; order a parent/guardian/custodian or any other person to refrain from conduct likely to have caused the child's delinquency; appoint a guardian; order community service; place the child in a juvenile boot camp; order payment of a civil fine if an ordinance or law was violated; or if the child is convicted of an offense, and if the best interests of the public

would be so served, impose a sentence on the child as if he or she was an adult. See Mich. Comp. Laws Serv. § 712A.18 (LexisNexis 2017).

Minnesota

The term "Child In Need of Protective Services" ("CHINPS") is used to refer to children who have run away from home, are habitually truant from school, have engaged in prostitution, or have been abandoned, abused, or neglected. Minn. Stat. § 260C.007 (2017). A suspected runaway or endangered child may be taken into immediate custody, subjected to a protective pat-down, and may be detained up to 24 hours in a shelter or secure facility. Minn. Stat. § 260C.175 (2017). Police can give CHINPS notice to appear in court or take them into custody if they have run away from home or are in danger. Minn. Stat. §§ 260C.143, 175(2) (2017). Parents/custodians must be informed and can request that the child be placed with a relative or other caregiver instead of in a shelter. Minn. Stat. § 260C.176(subd. 1) (2017). CHINPS must be returned home or to another caregiver unless he/she would be a danger to self, others, or run away. *Id*. CHINPS cannot be placed in a shelter or other caregiver's home for more than 72 hours without a court hearing and cannot be placed in juvenile detention facilities. *Id*. § 260C.176(subd. 2) (2017).

The court must make sure that culturally appropriate services are provided to address the family's issues. Once determined to be CHINPS, the court can send the child home under supervision, transfer custody to an agency, order parents/guardians/custodians to provide needed special services, impose a fine, drug-testing or community service, suspend or deny the child's driver's license, or permit a child 16 years of age or older to live independently. In addition to these options, for runaways, courts can also order family counseling or placement in a group foster home, or transfer custody to another adult. See Minn. Stat. § 260C.201 (2017).

Mississippi

The term "neglected child" means a child (a) whose parent/guardian/custodian neglects or refuses, when able so to do, to provide for the child proper and necessary care, support, education (as required by law), or medical, surgical, or other care necessary for the child's well-being, (b) who is otherwise without proper care, custody, supervision, or support, (c) who, for any reason, lacks the special care made necessary for him by reason of his mental condition, whether the mental condition is having a mental illness or having an intellectual disability, or (d) who, for any reason, lacks the care necessary for the child's health, morals, or well-being. Miss. Code Ann. § 43-21-105(l) (2017).

The term "dependent child" means any child who is not a CHINS, a delinquent child, an abused child, or a neglected child, and has been voluntarily placed in the custody of the Department of Human Services by his/her parent, guardian, or custodian. *Id*. § 43-21-105(p) (2017).

The term "CHINS" refers to a youth at least 7 years of age and under 17 years of age who is in need of treatment or rehabilitation due to running away from home without good cause, being habitually truant or habitually disruptive in school, or

being ungovernable. Miss. Code Ann. § 43-21-105(k) (2017). A child believed to be a CHINS may not be taken into custody without a court order, except if the child is endangered, any person would be endangered by the child, to ensure the child's attendance in court at such time as required, or a parent/guardian/custodian is not available to provide for the care and supervision of the child, and the police cannot find a reasonable alternative to custody. Miss. Code Ann. § 43-21-301(a) (2017). When it is necessary to take a child into custody, the least restrictive custody should be selected, in which case the custody order must be written. *Id*. § 43-21-301(b) (2017). A person taking a child into custody must notify the court immediately and shall also make continuing reasonable efforts to notify the child's parent/guardian/custodian. Miss. Code Ann. § 43-21-309(2) (2017). A child taken into custody shall not be held in custody for a period longer than reasonably necessary, not to exceed 24 hours, and shall be released to the child's parent/guardian/custodian unless a court authorizes temporary custody. Miss. Code Ann. § 43-21-301(3)(b), 301(4) (2017). Temporary custody will be ordered if reasonable efforts to keep the child home have been made and failed, and custody is necessary because (a) the child is in danger or is dangerous to others, (b) the child is likely not to return to court, or (c) no parent/guardian/custodian is available. In these cases, the child may be held for up to 48 hours. Miss. Code Ann. § 43-21-307 (2017). CHINS can also be held in custody in emergency cases. *Id*. § 43-21-309(4)(b)(ii) (2017).

After a hearing, courts can order CHINS to (a) be released without further action, (b) be sent home or to a relative or other person under conditions or supervision, (c) receive treatment, (d) perform community service, (e) pay restitution, (f) undergo drug testing, or (g) be transferred to the custody of a public or private organization or the Department of Human Services for placement in a wilderness training or other program, not including a training school. See Miss. Code Ann. § 43-21-607(1) (2017).

Missouri

A person in Missouri is considered to be in "need of care and treatment" if he or she is under 18 years of age and is without care, custody, or support, is living in a room or building that is a public nuisance, or has been neglected or denied education or medical care by parents or guardians. Mo. Rev. Stat. § 211.031(1)(1) (2017). A child is in need of care and treatment if he/she is habitually absent from home without sufficient cause, permission, or justification, is beyond the control of parent/custodians, is repeatedly and unjustifiably truant from school, is injurious to self or others, or commits a status offense. A mandatory court proceeding must be held within three days of a child being taken into custody. *Id*. § 211.031(2) (2017).

The child's parent/guardian/custodian must be notified immediately if a child is taken into custody. Mo. Rev. Stat. § 211.131(2) (2017). The person taking the child into custody shall, unless ordered by the court, return the child to his/her parent/guardian/custodian on the promise of such person to bring the child to court. The court may also impose other conditions relating to activities of the child. If such conditions are not met, the court may order the child detained. A child may be conditionally detained for a period not to exceed 24 hours if it is impractical to obtain a written

order from the court. The detention may be in a county juvenile detention facility, a shelter care facility, a place of detention maintained by a Child Protection Association, or other suitable custody. Mo. Rev. Stat. § 211.151(1)(1)-(4) (2017). A child cannot be detained in a jail or other adult detention facility. *Id*. § 211.151(2) (2017).

Upon a finding that a child or person 17 years of age is in need of care and treatment, a court may (a) place him/her under supervision in his/her own home or in the custody of a relative or other suitable person subject to such conditions as the court may require, (b) commit him/her to the custody of an agency or institution authorized to care for children, or to place him/her in family homes, or the custody of a juvenile officer, (c) place the child or person 17 years of age in a family home, or (d) order that he/she receive the necessary services in the least restrictive appropriate environment, including home and community-based services, treatment, and support. Mo. Rev. Stat. § 211.181(1)(1)-(6) (2017).

Montana

The term "abandon" means (a) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future, (b) willfully surrendering physical custody for a period of 6 months and during that period, not manifesting a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child, and (c) that the parent has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed.

The term "child neglect" means actual or substantial risk of physical or psychological harm to a child or abandonment. Mont. Code Ann. § 41-3-102(7)(a) (2017). The term also includes actual physical or psychological harm to a child, substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare, or exposing a child to the criminal distribution, production, or manufacture of dangerous drugs. *Id*. § 41-3-102(7)(b)(i) (2017).

The term "physical neglect" means either failure to provide basic necessities, including but not limited to, appropriate and adequate nutrition, protective shelter from the elements, appropriate clothing related to weather conditions, failure to provide cleanliness and general supervision, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child. Mont. Code Ann. § 41-3-102(20) (2017).

A social worker, police officer, or county attorney who believes a youth is in immediate or apparent danger of harm may immediately remove the youth and place the youth in a protective facility. Mont. Code Ann. § 41-3-301(1) (2017). The person or agency placing the child shall notify the parent/guardian/custodian as soon after placement as possible. *Id*. A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail. *Id*. § 41-3-301(4) (2017). An abuse and neglect petition must be filed within 5 working days of the emergency removal unless acceptable arrangements for the care of the child have been made by the parents. Mont. Code Ann. § 41-3-301(6) (2017). If a child is found to be a youth in

need of care, the court may place the child with the child's custodial parent/guardian, a noncustodial parent, the Department, an agency licensed and authorized to receive and care for children, or an appropriate relative or other adult. Mont. Code Ann. § 41-3-438(3)(a)-(d), 438(f) (2017). The court may also grant limited emancipation to a child who is 16 years of age or older or order any child or other party to the action to undergo treatment, counseling, or evaluations that do not require the Department to expend money. Mont. Code Ann. § 41-3-438(e), 438(g) (2017). In the case of an abandoned child, the Department will give priority to placement with an extended family member. Mont. Code Ann. § 41-3-438(4)(a) (2017).

The term "YINI" refers to youth who commit a status offense, including running away from home or habitual truancy, if parents/guardians/custodians have exerted all reasonable efforts to mediate, resolve, or control the youth's behavior. Mont. Code Ann. § 41-5-103(51)(A) (2017). If a YINI is taken into custody, a hearing must be held within 24 hours. Mont. Code Ann. § 41-5-332(1) (2017). If the hearing is late, the child must be released. Mont. Code Ann. § 41-5-334(2) (2017). The court can order the child to be held only in shelter care and only if necessary to (a) address the situation and it is not possible for the youth to stay at home, (b) assess the youth, (c) to protect the youth or prevent bad behavior, (d) provide time for case planning, or (e) provide intensive crisis services aimed toward returning the youth home. Mont. Code Ann. § 41-5-342, 345 (2017). Shelter care includes both placement in a licensed shelter and placement on house arrest. Mont. Code Ann. § 41-5-347 (2017).

A probation officer can resolve a YINI case informally by providing counseling, other services, or voluntarily-accepted treatment. Mont. Code Ann. § 41-5-1301 (2017). If the court hears the case, the court cannot place the youth in a correctional facility, but can (a) place the youth on probation or house arrest, (b) order residential treatment, (c) commit the youth to a public agency for residential placement if reasonable efforts have failed to prevent removal from the home, (d) require restitution and court costs, (e) require community service, mediation, counseling, evaluations, or other services, (f) suspend the youth's driver's license, or (g) send the youth to an assessment center for up to 10 days. Mont. Code Ann. § 41-5-1512(1) (2017).

Montana has established a program for dealing with high-risk children with serious emotional issues. A committee exists to make rules and policies related to the care of those children that are placed or going to be placed in out-of-home settings. See Mont. Code Ann. §§ 41-5-1522, 52-2-301 (2017).

Nebraska

The juvenile court has authority over any juvenile who is habitually truant from home or school, homeless, destitute, abandoned, or neglected, beyond the control of parents/guardians/custodians or dangerous to self or others. Neb. Rev. Stat. Ann. § 43-247(3) (LexisNexis 2017). These children cannot be held in secure detention or treatment centers. Neb. Rev. Stat. Ann. § 43-251.01(2) (LexisNexis 2017).

The juvenile court also has authority over (a) any juvenile who has committed an act other than a traffic offence which would constitute a misdemeanor or an infraction

under the laws of Nebraska, or violation of a city or village ordinance, and who, beginning July 1, 2017, was eleven years of age or older at the time the act was committed and (b) any juvenile who has committed an act which would constitute a felony under the laws of Nebraska and who, beginning July 1, 2017, was eleven years of age or older at the time the act was committed. Neb. Rev. Stat. Ann. § 43-247(1)-(2) (LexisNexis 2017).

Police can take a juvenile into custody if they have run away from home or are seriously endangered in their surroundings. Neb. Rev. Stat. Ann. § 43-248(2)-(4) (LexisNexis 2017). The juvenile can be released, committed to the Department of Health and Human Services, placed in a mental health facility, or, if necessary, delivered to a probation officer. Neb. Rev. Stat. Ann. § 43-254 (LexisNexis 2017).

After a hearing, the court may send the child home under supervision or to another adult or family, an institution, mental health facility, or the Department of Health and Human Services. Neb. Rev. Stat. Ann. § 43-284 (2017). The court may also order restitution, community service, or probation. See Neb. Rev. Stat. Ann. §§ 43-250, 43-253, 43-286(1)(a) (LexisNexis 2017).

Nevada

Children In Need of Supervision ("CHINS") are people under 18 years of age who (a) are found wandering and have no home, no settled place of abode, no visible means of subsistence, or no proper guardianship, (b) are destitute, (c) are found begging or are found in any public place for the purpose of begging, even if doing so under the pretext of selling items or of giving public entertainment, (d) are beyond the control of parents/guardians/custodians, (e) are found living in a house of ill fame or with any disreputable person, (f) have been neglected or abandoned by parents, (g) live in an unfit home due to parents'/guardians'/custodians' neglect, cruelty, or depravity, (h) unlawfully go to a bar or habitually use alcohol or drugs, (i) are habitually truant, (j) lead idle, dissolute, lewd, or immoral lives or are guilty of indecent conduct, (k) use indecent language, or (l) violate any law. Nev. Rev. Stat. Ann. §§ 62B.320, 201.090 (LexisNexis 2017). A delinquent act is violating a county or municipal ordinance, violating any rule or regulation have the force of law, or committing any criminal offense. Nev. Rev. Stat. Ann. § 62B.330(2) (2017).

"Neglected child" and "delinquent child" have the same meaning as CHINS in the statute. However, the law specifies that children who are runaways, unmanageable, or habitually truant are CHINS and not delinquents. Nev. Rev. Stat. Ann. § 62B.320(2) (LexisNexis 2017).

Police can take CHINS into custody, and parents/guardians/custodians and a probation officer must be notified. Nev. Rev. Stat. Ann. § 62C.010(1)-(2) (LexisNexis 2017). The child must then be released within 24 hours to a parent or other adult unless impracticable or inadvisable. Nev. Rev. Stat. Ann. § 62C.050(1) (LexisNexis 2017). If not released, the child must be taken to court and may be detained or placed on home detention only if he/she has threatened to run away or is accused of violence or violating a supervision decree. Nev. Rev. Stat. Ann. § 62C.050(2) (LexisNexis 2017).

The child cannot be placed in a state detention or correctional facility. Nev. Rev. Stat. Ann. § 62C.030(1) (LexisNexis 2017). CHINS cannot be placed in a detention facility unless they are a danger to themselves or others or are likely to run away. Nev. Rev. Stat. Ann. § 62C.030(2) (LexisNexis 2017). Before a court can determine that a child is a CHINS, it must find that reasonable efforts were taken to help the child. Nev. Rev. Stat. Ann. § 62E.410(2) (LexisNexis 2017). Courts can also release and refer CHINS to services and counseling in the community if the child has not been a CHINS before. See Nev. Rev. Stat. Ann. § 62E.410(1)(c) (LexisNexis 2017).

New Hampshire

The term "abandoned" means the child has been left by the child's parent/guardian/custodian, without provision for the child's care, supervision, or financial support, although financially able to provide such support. N.H. Rev. Stat. Ann. § 169-C:3(I) (LexisNexis 2017).

The term "neglected child" means a child (a) who has been abandoned by the his/her parents/guardian/custodian, (b) who is without proper parental care or control, subsistence, education (as required by law), or other care or control necessary for his/her physical, mental, or emotional health, when it is established that his/her health has suffered or is very likely to suffer serious impairment, (not due primarily to lack of financial means of the parent/guardian/custodian), or (c) whose parents/guardian/custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity. N.H. Rev. Stat. Ann. § 169-C:3(XIX) (LexisNexis 2017).

The term "Child In Need of Services" ("CHINS") refers to a child under 18 years of age (a) who is subject to compulsory school attendance, and who is habitually, willfully, and without good and sufficient cause truant from school; (b) habitually run away from home, or who repeatedly disregards the reasonable and lawful commands of his parents/guardians/custodians and places himself/herself or others in unsafe circumstances, (c) who has exhibited willful, repeated, or habitual conduct constituting offenses which would be violations under the criminal code of this state if committed by an adult or, if committed by a person 16 years of age or older, would be violations under the motor vehicle code; (d) with a diagnosis of severe emotional, cognitive, or other mental health issues who engages in aggressive, fire setting, or sexualized behaviors that post a danger to the child or others, and (e) is expressly found to be in need of care, guidance, counseling, discipline, supervision, treatment, or rehabilitation. N.H. Rev. Stat. Ann. § 169-D:2 (II) (LexisNexis 2017).

A child may be taken into temporary custody pursuant to a court order or by a police/juvenile probation/parole officer when there are reasonable grounds to believe that a child has run away from his parents/guardian/custodian or is in dangerous circumstances. N.H. Rev. Stat. Ann. § 169-D:8 (LexisNexis 2017). The child must be released to parents/guardians/custodians unless they are not available. N.H. Rev. Stat. Ann. § 169-D:10(I)-(II) (LexisNexis 2017). In that case, the court shall release CHINS to a parent, guardian, relative, other adult, foster home, group or crisis home, or shelter, or an alcohol crisis center certified to accept juveniles. N.H. Rev. Stat. Ann.

§ 169-D:13 (LexisNexis 2017). Police can place the child in non-secure detention or other alternative program while waiting for parents/guardians/custodians to arrive. N.H. Rev. Stat. Ann. § 169-D:9-a (LexisNexis 2017). Children cannot be detained in a facility designed to physically restrict movement or activities of the person in custody (including locked rooms or buildings and fences). N.H. Rev. Stat. Ann. §§ 169-D:9-b, 9-c (LexisNexis 2017).

The court can refer CHINS and their families to diversion programs or other services. After a hearing, CHINS must be placed in the least restrictive setting, including (a) with parents/guardians/custodians under supervision and with counseling, (b) with a relative or other adult, or (c) in a group home, crisis home, shelter home, or foster home. The court can also order community service, participation in appropriate after-school or evening programs, or physical or mental health treatment. See N.H. Rev. Stat. Ann. §169-D:17(I)(2)(A) (LexisNexis 2017).

New Jersey

Abandonment of a child shall consist of (i) willfully forsaking a child; (ii) failing to care for and keep the control and custody of a child so that the child shall be exposed to physical or moral risk without proper and sufficient protection; and (iii) failing to care for and keep the control and custody of a child so that the child shall be liable to be supported and maintained at the expense of the public or private persons not legally chargeable with its or the child's care, custody and control. N.J. Stat. Ann. § 9:6-1 (2017).

"Neglect" of a child shall consist of (a) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education (as required by law), medical attendance or surgical treatment, and a clean and proper home, or (b) failure to do or permit to be done any act necessary for the child's physical or moral well-being. *Id*. Neglect also means the continued inappropriate placement of a child in an institution with the knowledge that the placement has resulted, and may continue to result, in harm to the child's mental or physical well-being. *Id*.

The term "juvenile-family crisis" is used to refer to behavior, conduct or a condition of a juvenile, parent or guardian, or other family member which results in (i) a youth running away from home for more than 24 hours, (ii) a serious conflict between a parent/guardian and juvenile manifested by repeated disregard for parental authority or misuse of lawful parental authority by a parent or guardian, (iii) a serious threat to a youth's well-being and safety, (iv) habitual truancy from school, or (v) an act which if committed by an adult would constitute prostitution or any offense which the youth alleges is related to being a victim of human trafficking. N.J. Stat. Ann. § 2A:4A-22(g) (2017).

Law enforcement officers can take youth into custody (i) pursuant to an order or warrant, (ii) where delinquent conduct is alleged, (iii) if they have run away from home, or (iv) if they are in serious danger and must be taken into custody for their protection. N.J. Stat. Ann. § 2A:4A-31 (2017). The officer must notify the Juvenile-Family Crisis Intervention Unit and bring the youth home or to a relative's home. N.J.

Stat. Ann. § 2A:4A-32(b)-(c) (2017). Youth taken into short-term custody cannot be held for more than 6 hours and cannot be held in detention facilities. N.J. Stat. Ann. § 2A:4A-32(a) (2017).

Every county must establish at least one Juvenile-Family Crisis Intervention Unit to provide services for youth and families. The unit can assist the family with or without court involvement. N.J. Stat. Ann. § 2A: 4A-76 (2017).

After a hearing, a court can order services through the Juvenile-Family Crisis Intervention Unit, send the youth home or to a relative or other person, place the youth under the care of the Department of Children and Families, place the youth in the custody of the Juvenile Justice Commission for placement in a group home or residential facility, commit the youth for treatment of mental illness, place the youth in a residential or non-residential addiction treatment program, or order education or counseling. N.J. Stat. Ann. § 2A:4A-43 (2017). Youth involved in a juvenile-family crisis that are not adjudicated delinquent cannot be placed in a secure facility for delinquent juveniles other than an institution for the mentally retarded, a mental hospital, or a facility for controlled substances addiction. See N.J. Stat. Ann. § 2A:4A-46(b) (2017).

New Mexico

The term "abandonment" includes instances when the parent, without justifiable cause, left the child without provision for the child's identification for 14 days or left the child with others, including the other parent or an agency, without provision for support and without communication for a period of 3 months (for a child under 6 years of age) or 6 months (for a child 6 years of age or older).

The term "neglected child" means a child who has either been abandoned or is without proper parental care, control, subsistence, education, medical or other care necessary for the child's well-being because of the faults of the child's parent/guardian/custodian or the failure or refusal of the parent/guardian/custodian, when able to do so, to provide them. A neglected child also includes one (a) who has been physically or sexually abused, (b) whose parent/guardian/custodian is unable to discharge that person's responsibilities to and for the child because of incarceration, hospitalization, physical or mental disorder, or incapacity, or (c) who has been placed for care or adoption in violation of the law.

The term "FINS" is used to refer to a family in which a child runs away for 24 hours or longer, refuses to live at home, is truant from school more than ten days during a semester, or the family refuses to permit the child to live with them.

The term "CHINS" refers to a child in need of care or rehabilitation who commits a status offense.

A "family in need of court-ordered services" means the child or the family has refused family services, the Department has exhausted appropriate and available family services, and/or court intervention is necessary to provide family services to the child or family. In addition, a family in need of court-ordered services is a family (a) whose child, subject to compulsory school attendance, is absent from school without an authorized excuse more than 10 days during a school year, (b) whose child runs away

for 12 hours or longer, (c) whose child refuses to return home and there is good cause to believe that the child will run away from home if forced to return to the parent/guardian/custodian, or (d) in which the child's parent/guardian/custodian refuses to allow the child to return home and a petition alleging neglect of the child is not in the child's best interests.

Any family member, including children, can request services as a FINS. Police can take a child into custody who has run away from home, is ill or injured, has been abandoned, or is in immediate danger. The police must tell the child why he/she is in custody and the child can be returned to parents/guardians/custodians or placed in a foster home, community-based shelter, or relative's home. The child cannot be transported in a police car unless necessary for his/her immediate safety and cannot be held for more than 48 hours without court involvement. The court must then send the child home unless that would put the child in danger or his/her parents/guardians/custodians are unable or unwilling to care for the child. If the child is released to a family member, the Department shall refer the family to voluntary family services. The court can also order assessment and referrals. Children of FINS cannot be held in detention facilities.

After a hearing, the court can (a) send the child home with conditions, (b) place the child under supervision, (c) transfer custody to the Department, an agency, or a noncustodial parent, or (d) join the local school district as a party if there are unmet educational needs. See N.M. Stat. Ann. §§ 32A-3A-2, 32A-3A-3, 32A-3B-3, 32A-3B-4, 32A-3B-5, 32A-3B-6, 32A-3B-7, 32A-3B-16, 32A-4-2, 32A-9-3 (2017).

New York

The term "abandoned child" means a child under 18 years of age who is abandoned by both parents, a custodial parent, or any other person or persons lawfully charged with his/her care or custody.

The term "neglected child" means a child under 18 years of age whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his/her parent/guardian/custodian to exercise a minimum degree of care in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so. The definition also includes a child whose parent/guardian/custodian has failed in providing the child with proper supervision or guardianship by unreasonably inflicting or allowing the child to be inflicted with harm or a substantial risk of harm, including misuse of drugs or alcohol, or a child who has been abandoned by his/her parents/other person legally responsible for his/her care.

The term "dependent child" means a child who is in the custody of, or wholly or partly maintained by, an authorized agency, an institution, society or other organization of charitable, eleemosynary, correctional, or reformatory character.

The term "destitute child" means a child who is in a state of want or suffering due to lack of sufficient food, clothing, shelter, or medical care, and does not fit within the

definition of an "abused child" or a "neglected child." It also includes a child who has left home without consent of parents/guardians/custodians, or is a former foster care youth under 21 years of age.

The term "Person In Need of Supervision" ("PINS") refers to a person under 18 years of age who does not attend school or who is incorrigible or habitually disobedient and is beyond the control of parents/guardians, or who appears to be a sexually exploited child.

Police can return runaway youth to their parents if it appears they have run away without just cause. Runaway youth can also be taken to a facility approved for such purpose by the office of children and family services, or secure detention facility certified by the Division for Youth for up to 72 hours without a court hearing. Runaway youth may be taken to a facility if the officer is unable to or it is unsafe to return the youth to his/her home or the custody of the youth's parent or legal guardian. PINS 16 years of age or older cannot be detained unless the court finds special circumstances.

The court can refer a youth for services without further court involvement. The Department of Public Welfare must care for destitute children who cannot be cared for in their homes. The Department must also provide necessary assistance, supervision and treatment, examinations, and health care for PINS and may place PINS and destitute children in foster care, under supervision, or in group homes or institutions if those are necessary or are the least restrictive appropriate placement. The court cannot order detention unless it determines that there is no substantial likelihood that the youth or the youth's family will continue to benefit from diversion services. Vocational training and summer camp can also be provided.

After a hearing, a court can (a) discharge a PINS with a warning, (b) release the child to his/her parents, a relative, or other adult, (c) award custody to the Department of Social Services, or (d) order probation, restitution, and alcohol awareness counseling. See N.Y. Soc. Serv. Law §§ 371, 384, 398 (Consol. 2017); N.Y. Fam. Ct. Act §§ 712, 718, 720, 724, 729, 754, 756, 757, 1015a, 1017, 1021 (Consol. 2017).

North Carolina

The term "dependent juvenile" means a juvenile in need of assistance or placement because the juvenile has no parent/guardian/custodian responsible for the juvenile's care or supervision or whose parent/guardian/custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.

The term "neglected juvenile" means a juvenile who (a) does not receive proper care, supervision, or discipline from the juvenile's parent/guardian/custodian/caretaker, (b) has been abandoned, (c) is not provided necessary medical or remedial care, (d) lives in an environment injurious to the juvenile's welfare, (e) the custody of whom has been unlawfully transferred, or (f) has been placed for care or adoption in violation of law.

The term "undisciplined juvenile" refers to young people 6 to 17 years of age who have run away from home for a period of more than 24 hours, are beyond the control of parents/guardians/custodians, or are regularly found in places where it is unlawful

for a juvenile to be. For children 6 to 15 years of age, this also includes those who are truant from school.

Police can take undisciplined juveniles into custody and must notify parents / guardians / custodians. The police can send the juvenile home or file a petition, with a court counselor's approval, to keep the juvenile in custody. The juvenile cannot be held for more than 12 hours without a court order, or 24 hours if any of the 12 hours falls on a Saturday, Sunday, or legal holiday. The court can only order custody if the juvenile has run away from home and agrees to custody, has run away from a residential facility, is suicidal, or there are delinquency issues. Undisciplined juveniles can be placed with relatives, in foster homes, or in other facilities.

After a hearing, the court can (a) order needed examinations, evaluations, and treatment, (b) send the child home under supervision and conditions, (c) place the child with a service agency, an appropriate person, or in the custody of the Department of Social Services, or (e) permit alternative education placement. See N.C. Gen. Stat. §§ 7B-101, 7B-1501, 7B-1900, 7B-1901, 7B-1903, 7B-1905, 7B-2502, 7B-2503 (2017).

North Dakota

The term "abandon" means to (a) leave the child for an indefinite period without making firm and agreed plans with the child's immediate caregiver for the parent's resumption of physical custody, (b) fail to arrange for the child's discharge, after the child's birth or treatment at a hospital, within 10 days after the child no longer requires hospital care, or (c) to willfully fail to furnish food, shelter, clothing, or medical attention reasonably sufficient to meet the child's needs.

The term "deprived child" means a child (a) who is without proper parental care or control, subsistence, education, or other care or control necessary for the child's physical, mental, or emotional health or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents/guardian/custodian, (b) has been placed for care or adoption in violation of law, (c) has been abandoned by the child's parents/guardian/custodian, (d) is in need of treatment and whose parents/guardian/custodian have refused to participate in treatment as ordered by the juvenile court, (e) had chronic or severe prenatal exposure to alcohol or drugs, (f) is present in an environment subjecting the child to exposure to a controlled substance, chemical substance, or drug paraphernalia (g) or is the victim of human trafficking.

The term "unruly child" refers to children who (a) are in need of treatment or rehabilitation and are ungovernable, (b) are willfully in a situation dangerous to the child or others, (c) are habitually truant from school without justification, (d) have committed status offenses, or (e) have purchased, possessed or used tobacco or alcohol.

A "delinquent child" is one who has committed a criminal act and is in need of treatment or rehabilitation.

Police can take children into custody if they are in immediate danger or have run away from home. Children can only be detained or placed in shelter if necessary to protect the child or others, and only in foster homes, child welfare facilities, detention

centers, or other suitable places. The juvenile court can issue a temporary order for custody for 96 hours. The court can order continued shelter care for up to 60 days. In order to facilitate a beneficial transition for the child, a court order transferring a child into custody must provide a reasonable period of time for the beneficial transition of the child and other parties involved.

If the family agrees to conditions and counseling, the child can be sent home without court involvement. Otherwise, the court can (a) send the child home, under supervision and conditions, to a relative, another person, a camp, an institution, or a public or private agency, (b) require parents/guardians/custodians to participate in treatment, (c) place the child on probation, (d) order community service or drug/alcohol testing, or (e) order a delinquent child to participate in a juvenile drug court program. When a child is unable to return home due to safety reasons, the Department of Human Services and applicable county service boards must explore the option of kinship care and, absent kinship options, must provide other options that are in the least restrictive care and near the family's home. See N.D. Cent. Code §§ 27-20-02, 27-20-10, 27-20-13, 27-20-14, 27-20-15, 27-20-16, 27-20-17, 27-20-30, 27-20-31, 27-20-32, 50-06-23 (2017).

Ohio

The term "dependent child" means any child (a) who is homeless or destitute or without adequate parental care, through no fault of the child's parents/guardian/custodian, (b) who lacks adequate parental care by reason of the mental or physical condition of the child's parents/guardian/custodian, (c) whose condition or environment is such as to warrant the state, in the interests of the child, in assuming the child's guardianship, or (d) the child is living where a parent/guardian/custodian/other member of the household committed an act that resulted in a sibling of the child or any other child in the household being adjudicated as an abused, neglected, or dependent child, and the child is in danger of being abused or neglected by the parent/guardian/custodian/other member of the household.

The term "unruly child" includes children who are wayward or habitually disobedient to parents/teachers/guardians/custodians, are habitually truant from school, are dangerous to themselves or others, or who commit status offenses.

A "neglected child" means any child (a) who is abandoned by his/her parent, guardian, or custodian, (b) who lacks adequate parental care, (c) whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary care, (d) whose parents, guardian, or custodian neglects the child or refuses to provide the special care made necessary by the child's mental condition, (e) whose health or welfare is harmed by the omission of the child's parents, guardian, or custodian, or (f) who is subjected to out-of-home child neglect.

The term "child without proper parental care" is a child whose (a) home is filthy and unsanitary, (b) parents, stepparents, guardian, or custodian permit him/her to become dependent, neglected, abused, or delinquent, (c) parents, stepparents, guardian, or custodian, when able, refuse or neglect to provide him/her with necessary care,

support, medical attention, and educational facilities, or (d) parents, stepparents, guardian, or custodian fail to subject such child to necessary discipline.

Any child can be taken into custody when they have run away, their health or welfare is endangered, or they may not appear in court. They may be held in jail for up to 3 hours for processing or, if the child is delinquent, up to 6 hours. They must then be sent home, unless a court determines they need to be held in detention or shelter care because it is necessary for their safety, they may run away, or if they have no parents/guardians/custodians or other person to care for them. Unruly children may be held only in foster homes, child welfare facilities or other suitable places, or in detention until the next business day if they are taken into custody on a weekend or holiday.

An abused, neglected, dependent, or unruly child can be (a) placed in protective supervision, (b) sent to a private or public agency, parent, relative, foster home, or other approved home, (c) awarded legal custody to either parent or another person, or (d) committed to the permanent custody of an agency. In addition, the person who abused or neglected the child may be ordered to leave the child's home. If a child is unruly, the court may also order community service, drug/alcohol counseling or other conditions, revoke the child's driver's license, or order alternative education. See Ohio Rev. Code Ann. §§ 2151.022, 2151.03, 2151.04, 2151.05, 2151.31, 2151.311, 2151.312, 2151.353, 2151.354 (2017).

Oklahoma

The term "abandonment" means the (a) willful intent by words, actions, or omissions not to return for a child, (b) the failure to maintain a significant parental relationship with a child through visitation or communication in which incidental or token visits or communication are not considered significant, or (c) the failure to respond to notice of deprived proceedings;

The term "dependency" means a child who is homeless or without proper care or guardianship through no fault of his/her parent, legal guardian, or custodian.

The term "deprived child" means a child (a) who is for any reason destitute, homeless, or abandoned, (b) who does not have the proper parental care or guardianship, (c) who has been abused, neglected, or is dependent, (d) whose home is an unfit place for the child by reason of depravity on the part of the parent or legal guardian of the child, or other person responsible for the health or welfare of the child, (e) who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment, (f) who is truant, due to improper parental care and guardianship, (g) whose parent, legal guardian, or custodian, for good cause, desires to be relieved of custody, (h) who has been born to a parent whose parental rights to another child have been involuntarily terminated by the court and the conditions which led to the making of the finding which resulted in the termination of the parental rights to the other child have not been corrected, or (i) whose parent, legal guardian, or custodian has subjected another child to abuse or neglect or has allowed another child to be subjected to abuse or neglect and is currently a respondent in a deprived proceeding.

The term "neglect" means abandonment or the failure or omission to provide (a) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, appropriate education, (b) medical, dental, or behavioral healthcare, (c) supervision or appropriate caretakers, or (d) special care made necessary by the physical or mental condition of the child. The term also includes the failure or omission to protect a child from exposure to the use, possession, sale, or manufacture of illegal drugs, illegal activities, sexual acts, or materials that are not age-appropriate.

The terms "CHINS" and "JINS" refer to juveniles who leave home without the consent of parent/guardian/custodian for a substantial length of time or without intent to return, who have repeatedly disobeyed reasonable and lawful commands of parents/guardians/custodians, or who are truant from school.

Police can take children into custody if they have run away from home for a substantial period of time, are in danger, or if in the reasonable belief, including the child's refusal to share name or contact information of the child, parent, or legal guardian, or the police have reason to doubt the information given, that the child appears to have run away from home without just cause. CHINS can be detained only if necessary to protect them or the public or to assure their appearance in court. CHINS can only be detained in shelter care or foster care. A minor in need of treatment due to mental illness, alcohol-dependency, or drug-dependency, however, can be admitted into a mental health or substance abuse treatment facility. CHINS can be returned home or released to an attorney or other adult, upon the written promise of such person to bring the child to court at the time fixed if a petition is to be filed.

After a child is found to be a CHINS, he/she may be sent home, to a relative's home, foster home, group home, transitional living program, independent living program, community-based setting, rehabilitative facility, or child care facility. The child may express a preference as to placement. See Okla. Stat. tit. 10A, §§ 1-1-105, 2-1-103, 2-2-101, 2-2-503, 2-3-101 (2017).

Oregon

No CHINS type statute was found in the Oregon Code; however, provisions of the Oregon Code address the terms and limits of taking a young person into custody and the types of treatment and other consequences a court can order for such children.

Police may take a child into protective custody when the child's welfare appears in jeopardy, when ordered by the juvenile court, or when it reasonably appears that the child has run away from home. The police must notify the child's parent/guardian/custodian immediately after the child is taken into custody. If the child taken into custody is a runaway, the police must release the child to the child's parent/guardian or to a shelter. If possible, the police must determine the preferences of the child and the child's parent/guardian as to whether the best interests of the child are better served by placement in a shelter facility or by release to the child's parent/guardian. The police must release the child into the custody of the child's parent or other responsible adult unless the court has ordered that the child be taken into protective custody or the welfare of the child or others is endangered by the release of the child. A child

may not be detained in any place where adults are detained except that police may detain a child in a police station for up to 5 hours when necessary to obtain the child's identifying information.

If a child taken into protective custody is not released to the child's parent/guardian, the police shall take the child before court or take the child to a shelter or to a public or private agency. See Or. Rev. Stat. §§ 419B.150, 419B.160, 419B.165, 419B.168 (2017).

Pennsylvania

The term "dependent child" refers to a child who, among other definitions, is without proper parental care, subsistence, education, or control; is without parents/guardians/custodians, is ungovernable and needs care, treatment or supervision; is neglected or abandoned by parents/guardians/custodians; or is habitually truant without justification. Police can take a child into custody if he or she is suffering from illness or injury, is in imminent danger, or has run away from home. A child taken into custody shall not be detained or placed in shelter care prior to a hearing unless: (a) it is required to protect the child or others; (b) the child may abscond or be removed from the jurisdiction of the court; or (c) he or she has no one able to provide supervision or care, and to return him or her to the court when required. Police must immediately notify the child's parents or guardian and must release the child to his or her parents or guardian unless detention or shelter is warranted. The child must be held only in a medical facility, foster home, child welfare facility, or other appropriate facility, and in no circumstances may the child be detained in a facility with adults.

A probation officer can refer a dependent child for services in the community. If the case goes to court, the court can send the child home under conditions or supervision, to a relative or other adult found to be qualified, or to a public or private agency. See 42 Pa. Cons. Stat. §§ 6302, 6323, 6324, 6325, 6326, 6327, 6331, 6351 (2017).

Rhode Island

The term "wayward" is used to describe a child who has deserted his/her home without good or sufficient cause, who habitually associates with immoral persons, who is leading an immoral life, who habitually disobeys reasonable commands of parents/guardians/custodians, who is habitually truant or in school, who has violated the law, or who is under 17 and in possession of 1 oz. or less of marijuana and not otherwise exempt from penalties of R.I. Gen. Laws § 21-28.6.

A "dependent" child is one who requires the protection and assistance of the court because the child's physical or mental health or welfare is harmed or threatened with harm due to the parent's or guardian's inability to provide a minimum degree of care or proper supervision because the child's parent has died or is ill, or the special medical, educational, or social-service needs of the child which the parent is unable to provide.

The term "neglect" is used to describe a child whose physical or mental health or welfare is harmed or threatened with harm because the parent or guardian is not

providing the child proper education as required by law or has abandoned or deserted the child.

Wayward or delinquent children can be taken into custody for up to 24 hours without a court order. Police or a probation counselor may take into custody any child who is violating any law or ordinance, or whose surroundings would endanger the child's health, morals, or welfare unless immediate action is taken.

The court can send a children in need of services (a) home or to a relative or other suitable person under supervision or on probation, (b) to the Department of Children, Youth and Families, or (c) to a training school, and may (i) order community service, (ii) revoke the child's driver's license or (iii) order the child's parents to receive counseling. A wayward, dependent, or neglected child may be placed on probation, placed under supervision in the child's home, placed in the custody of a relative or other suitable person, or placed in the custody of the Department of Children, Youth, and Families. Dependent and neglected children cannot be committed to a training school (although a delinquent or wayward child may be so committed). See R.I. Gen. Laws §§ 14-1-3, 14-1-22, 14-1-25, 14-1-32, 14-1-36, 14-1-67 (2017).

South Carolina

No CHINS type statute was found in the South Carolina Code.

The term "abandonment of a child" means a parent/guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

"Child neglect" occurs when the parent/guardian/custodian (a) inflicts physical or mental injury on the child, (b) commits a sexual offense against the child, or (c) fails to supply the child with adequate food, clothing, shelter, education, age- and development-appropriate supervision, or health care, though financially able to do so or offered financial or other reasonable means to do so, the failure of which has caused or presents a substantial risk of causing physical or mental injury. Child neglect also occurs when the parent/guardian/custodian abandons the child. See S. C. Code Ann § 63-7-20 (2017).

South Dakota

The term "Child In Need of Supervision" ("CHINS") refers to a child who has run away from home, who is beyond the control of parents/guardians/custodians, who is a danger to self or others, who is habitually truant from school, or who has committed a status offense.

An "abused child" or "neglected child" includes is a child (a) whose guardian has abandoned the child or subjected the child to mistreatment or abuse, (b) who lacks proper parental care, (c) whose environment is injurious to the child's welfare, (d) whose parent/guardian/custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being, (e) who is homeless or has run away,

and (f) whose parent/guardian/custodian has exposed them to manufacture, use, or distribution of illegal drugs.

Police can take CHINS into custody if the child is a runaway, is abandoned, is seriously endangered or endangering others, or is under the influence of alcohol or drugs. The child must then be sent home, or to a shelter if a parent/guardian/custodian cannot be found and an intake officer decides the parent/guardian/custodian is not suitable. The child may only be placed in detention if the child (a) has failed to follow court-ordered services, (b) is being held for another jurisdiction as a runaway or probation violator, or (c) has shown a tendency to run away, and when the detention is necessary to prevent harm to the child or others. The state's attorney can refer the child for informal supervision and treatment if the parent/guardian/custodian and the child agree.

If the child is not sent home, he/she can be held for up to 24 hours to wait for a court hearing. The court can send the child home with or without conditions, or place the child in foster care or shelter if the child (a) has failed to follow court-ordered services, (b) is being held for another jurisdiction as a runaway or probation violator or has shown a tendency to run away, or (c) detention is necessary to prevent harm to the child or others.

After the child is found to be a CHINS, the court can (a) send the child home or to a relative or other person under conditions or supervision, (b) place the child on probation, (c) order a supervised work program or alternative education program, (d) order restitution, (e) commit the child to the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center, (f) impose a fine, or (g) revoke the child's driver's license. See S.D. Codified Laws §§ 26-7A-10, 26-7A-11, 26-7A-12, 26-7A-14, 26-7A-20, 26-8A-2, 26-8B-2, 26-8B-3, 26-8B-6 (2017).

Tennessee

The term "dependent and neglected child" means a child (a) who is without a parent/guardian/custodian, (b) whose parent/guardian/custodian is unfit to properly care for the child, (c) whose parent/guardian/custodian neglects or refuses to provide necessary medical care for the child, (d) who is suffering from abuse or neglect, and (e) who has been allowed to engage in prostitution or pornography.

The term "unruly child" refers to a child (a) needing treatment and rehabilitation who has run away from home, (b) habitually disobey parents/guardians/custodians so as to endanger his/her safety, (c) is habitually truant from school without justification, or (d) commit status offenses.

A child may be taken into custody by police, a social worker of the Department of Human Services, or duly authorized officer of the court, if the child is believed to be a neglected, dependent, or abused child and detention is necessary because the child's health or safety is endangered. Police may also take into a custody a child believed be a runaway. Unruly children can be detained or placed in shelter care for up to 24 hours without a court hearing. The court can order continued detention up to 72

hours before a full hearing. Unruly children can be held in a secure facility if they have violated a court order, have run away from another jurisdiction, or if the risk of flight or serious physical injury leaves no alternative.

After a hearing, a court can (a) order a fine or community service, (b) place the youth with a suitable adult, agency, or facility, (c) place the youth on probation, or (d) refer the youth to the Department of Children's Services Juvenile-Family Crisis Intervention Program. If the youth is placed in shelter care or another temporary placement, necessary services must be provided. If a child is found to be dependent or neglected, the court may (a) permit the child to go home, subject to conditions and supervision, (b) transfer legal custody to a qualified adult, the Department of Children's Services, or an agency or other private organization, (c) commit the child to a county Department of Children's Services, if available, or (d) transfer custody to the juvenile court of another state. See Tenn. Code Ann. § 37-1-102, 37-1-113, 37-1-114, 37-1-130, 37-1-132 (2017).

Texas

The term "neglect" means leaving a child in a situation where the child would be exposed to a substantial risk of harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent/guardian/custodian. Neglect also means (a) failure to provide adequate medical care, food, clothing, or shelter (excluding failure caused primarily by financial inability unless relief services had been offered and refused), (b) placing a child in a situation where the child is could be exposed to harmful sexual conduct, or (c) failure to permit a child to return home after child has been absent from the home for any reason, including having run away, but does not include the refusal by a parent/guardian/custodian to permit the child to remain in or return to the child's home resulting in the placement of the child if (a) the child has a severe emotional disturbance, (b) the refusal is based on solely on the refuser's inability to obtain mental health services necessary to protect the safety and well-being of the child, and (c) the refuser has exhausted all reasonable means available to the refuser to obtain those mental health services.

The statute uses the expression "conduct indicating a need for supervision" to include running away from home for a substantial length of time or without intent to return, habitual truancy, and violation of school rules.

Law enforcement officers can take a youth into custody for conduct indicating a need for supervision. An officer may take a child who is subject to compulsory school attendance into custody in order to return the child to the school campus. In some cases, the officer can issue a warning to the youth and parents instead of taking the youth into custody. Once in custody, the youth must be immediately returned home or to another adult, brought before the juvenile board, or brought to a detention facility. In some cases, the officer can dismiss the case without involving the court, by referring the youth to another agency, conferencing with the family, or referring the family for other services. Juvenile boards can also establish first offender programs for youth who are taken into custody for conduct indicating a need for supervision. Participation must be voluntary and can result in restitution, community service,

required reporting to law enforcement, school, counseling, or other services. Cases can also be diverted later in the court process to allow families to agree to participate in services without court involvement.

The court must hold a detention hearing within 2 days and must release the youth unless necessary to prevent flight, provide suitable supervision and care, or protect the youth or the public. The court can order physical or mental health examinations at any time. The court can defer prosecution for up to one year. After a hearing, the court can order restitution, counseling, or provide referral information for social services.

The Department of Family and Protective Services is required to provide services for children in at-risk situations and for the families of those children, which may include crisis family intervention, emergency short-term residential care, family counseling, parenting skills training, youth coping skills training, mentoring, and advocacy training. See Tex. Fam. Code Ann. §§ 51.03, 51.20, 52.01, 52.02, 52.03, 52.031, 53.03, 54.01, 54.041, 59.003, 59.004, 261.001, 264.301 (2017).

Utah

No CHINS type statute was found in the Utah Code; however, provisions of the Utah Code address the terms and limits of taking a young person into custody and the types of treatment and other consequences a court can order for such children.

"Dependent child" includes a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian.

A "neglected child" is a child who has been subjected to neglect, which is defined to include abandonment, lack of proper parental care, or failure or refusal of parent/guardian/custodian to provide proper or necessary subsistence, education, medical care, or any other care necessary for the child's health, safety, morals, or well-being.

A minor may be taken into custody by the police without court order if the minor is a run away or habitual truant, has violated the law in the presence of the officer, or is seriously endangered or endangers others and immediate removal is necessary for the minor's or others' protection. Once taken into custody, the police must immediately notify the minor's parent/guardian/custodian and the minor must be released to the care of his/her parent/guardian/custodian or other responsible adult, unless the minor's immediate welfare or the protection of the community requires the minor's detention. A child cannot be held in temporary custody any longer than necessary to obtain identifying information and contact the child's parents/guardian/custodian. If the minor is not released to parents or another adult, the minor must be taken to a shelter or other place of detention.

Upon adjudication, the court may (a) place the minor on probation or under protective supervision in the minor's own home, or in the state supervision with the probation department, (b) place the minor in the legal custody of a relative or other suitable person, (c) vest legal custody of the minor in the Division of Child and Family Services, Division of Juvenile Justice Services, or the Division of Substance Abuse and Mental Health, (d) commit a minor to the Division of Juvenile Justice Services for

secure confinement (unless the minor is before the court solely on the ground of abuse, neglect, or dependency), (e) commit a minor to the temporary custody of the Division of Juvenile Justice Services for observation and evaluation for up to 45 days, (f) commit a minor to a place of detention for up to 30 days if the minor is adjudicated for contempt of court or an act which would be a criminal offense if committed by an adult, (g) vest legal custody of an abused, neglected, or dependent minor in the Division of Child and Family Services, (h) place the minor on a ranch, forestry camp, or similar work facility, (i) order restitution, (j) issue orders necessary for the collection of restitution, (k) order a youth to participate in a program of work restitution, (l) revoke the minor's driver's license, (m) order the youth to perform community service, (n) order a physical or mental examination or commitment to a hospital; in doing so, the Division of Child and Family Services must notify the youth's parents and defer to the parent's decisions regarding the child's health care to the extent that the child's health is not unreasonably compromised, (o) appoint a guardian, (p) order the youth's parents to comply with reasonable conditions, (q) order the youth to be committed to a mental health authority, (r) commit the youth to the Utah State Developmental Center if the minor has an intellectual disability, (s) terminate parental rights, (t) any other reasonable order for the best interest of the minor, except for jail or prison, or (u) any combination of the above. See Utah Code Ann. §§ 78A-6-105, 78A-6-112, 78A-6-117, 78A-6-301 (2017).

Vermont

The term "Child In Need of Care and Supervision" ("CHINCS") refers to children who are beyond the control of parents/guardians/custodians, habitually truant from school, abandoned or abused by parents/guardians/custodians, or without proper parental care or subsistence, education, or medical care.

The term "abused or neglected child" means a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his/her parent or other person responsible for the child's welfare. An abused or neglected child also means a child who is sexually abused or at substantial risk of sexual abuse by any person and a child who has died as a result of abuse or neglect.

A person is considered to have abandoned a child if the person is (a) unwilling to have physical custody of the child, (b) unable, unwilling, or has failed to make appropriate arrangements for the child's care, (c) unable to have physical custody of the child and has not arranged or cannot arrange for the safe and appropriate care of the child, or (d) has left the child with a care provider and the care provider is unwilling or unable to provide care or support for the child, the whereabouts of the person are unknown, and reasonable efforts to locate the person have been unsuccessful.

A child may be taken into custody pursuant to an order from the Family Division of Superior Court, by an officer when there are reasonable grounds to believe the child is in danger, and by an officer when there are reasonable grounds to believe the child has run away from a custodial parent, foster parent, guardian, custodian or noncustodial parent.

CHINCS can be taken into custody and must be immediately released to parents or brought to court. Runaway youth must be brought home or to an organization that assists runaway youth and their families.

The Department of Social and Rehabilitation Services must assess the youth's medical, psychological, social, educational, and vocational needs and recommend services. After a hearing, the court can (a) send the child home with conditions, (b) place the child under protective supervision, (c) send the child to a foster home, treatment, educational institution, or child placing agency, or (d) order parents to ensure the youth complies with the orders. CHINCS shall not be placed in an institution used solely for the treatment of delinquent children unless the child has been charged with or adjudicated as having committed a delinquent act. See Vt. Stat. Ann. tit. 33, §§ 4912, 5102, 5301, 5303, 5316, 5318, 5322 (2017).

Virginia

The term "child in need of services" refers to children whose behavior, conduct, or condition presents a serious threat to the well-being and physical safety of the child, or a child under 14 years of age whose behavior, conduct, or condition presents a serious threat to others. Any child who runs away from home due to physical, emotional, or sexual abuse will not be considered in need of services for that reason alone.

The term "child in need of supervision" means (a) a child who is habitually truant or who has run away from home on more than one occasion, which conduct presents substantial danger to the child's life or health, (b) the child or his/her family is in need of treatment, rehabilitation, or services not presently being received, and (c) the intervention of the court is essential to provide the treatment, rehabilitation, or services needed by the child or his/her family.

The term "abused or neglected child" means any child (a) whose parents inflict physical or mental injury or creates a substantial risk of death or harm, (b) whose parents neglect or refuse to provide care necessary for his/her health, (c) who is abandoned, or (d) who is without parental care caused by the unreasonable absence or the mental or physical incapacity of the child's parent/guardian/custodian.

Either type of CHINS can be taken into custody if necessary to ensure the child will appear in court or there is a clear and substantial danger to the child's life or health. Runaway youth can be taken into custody if there is a clear and substantial danger to their welfare.

CHINS must be sent home, to another adult, or brought to court. They can be brought to shelter care after a detention order is issued. Runaway youth must be sent home, released, or placed in shelter care for up to 24 hours if a detention order has been issued. A court can issue detention orders for several reasons, including if the youth does not consent to return home. CHINS cannot be placed in detention facilities. The court cannot become involved unless the youth and family have been referred to and made a reasonable effort to use community treatment and services.

After a hearing, CHINS can be (a) sent home under conditions, (b) permitted not to attend school if 14 years of age or older, (c) permitted to work if 14 years of age or older, (d) ordered to do community service, (e) sent to a foster home, residential facility, or independent living program, or (f) placed with a relative or other adult, child welfare agency, or facility. The court can order the child's parents to participate in treatment programs or take other actions.

CHINS must be evaluated to determine their service needs. The court can then make any order permitted for a CHINS, place the youth on probation, suspend driving privileges, order the youth or parents to participate in treatment programs, take other actions, or order community service. See Va. Code Ann. §§ 16.1-228, 16.1-246,16.1-247, 16.1-248.1, 16.1-260, 16.1-278.4, 16.1-278.5 (2017).

Washington

The term "at-risk youth" refers to youth who are absent from home for at least 72 consecutive hours without parental consent, are beyond the control of parents so as to endanger the youth or another person, or have a substance abuse problem.

The term "Child In Need of Services" ("CHINS") refers to juveniles who (a) have been absent from home or a court placement for at least 24 consecutive hours on two or more occasions, (b) are beyond the control of parents so as to endanger the youth or another person, (c) have serious substance abuse problems, (d) have exhibited behaviors that create a serious risk to health or welfare, or (e) need food, shelter, health care, clothing, education, or family reunification services.

The term "abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances that indicate that the child's health, welfare, and safety is harmed.

A law enforcement officer must take a youth into custody if a parent, agency, or court reports a child as a runaway youth, a youth is in danger, or a youth is violating a curfew ordinance. The youth must be immediately returned home or, at the parent's request, to a relative, other adult, crisis residential center, the department, or a licensed youth shelter. The youth can also be brought to a designated crisis residential center's secure facility or a center's semi-secure facility if the youth expresses fear or distress at the prospect of being returned home or no parent is available. A youth may also be placed in another out-of-home placement by the Department. If none of those options are available, the officer must try the following, in order: (a) the home of an adult extended family member; (b) a responsible adult, or (c) a licensed youth shelter. If no option is available, the youth must be released. The more restrictive of these placements can only last 72 hours without a court order.

Crisis residential center staff must make reasonable efforts to protect the child, achieve a reconciliation of the family, and inform the parent and youth of (a) the availability of counseling services, (b) the right to file a CHINS petition, (c) the right to a multidisciplinary team, (d) the right to request a mental health or chemical dependency evaluation, and (e) the right to request treatment in a program.

Youth can file CHINS petitions on their own behalf and can object to particular out-of-home placements. Parents can file CHINS or at-risk youth petitions. After a hearing, a court may reunite the family and dismiss the case, or approve an out-of-home placement. Family reconciliation services must be provided if requested, including referral to services for (a) suicide prevention, (b) psychiatric or other medical care, (c) psychological, mental health, drug or alcohol treatment, (d) welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family, and (e) training in parenting, conflict management, and dispute resolution skills.

At-risk youth can also be ordered to attend school, receive counseling, participate in a substance abuse or mental health outpatient treatment program, report regularly to an agency, get a job, complete an anger management program, refrain from using alcohol or drugs, or other requirements. Their parents can be ordered to attend counseling or other services. See Wash. Rev. Code Ann. §§ 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.120, 13.32A.130, 13.32A.179, 13.32A.191, 13.32A.196 (2017).

West Virginia

No CHINS type statute was found in the West Virginia Code.

The term "neglected child" means a child (a) whose physical or mental health is harmed or threatened by a present refusal, failure, or inability of the child's parent/guardian/custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education when such refusal, failure, or inability is not due primarily to a lack of financial means on the part of the parent/guardian/custodian, or (b) who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent/custodian. See W. Va. Code. §49-1-201 (2017).

Wisconsin

The term "JINPS" refers to youth (a) who habitually run away from home if the youth or parent/guardian/caretaker request court involvement because reconciliation efforts have failed, (b) whose parent/guardian request court involvement and cannot control the youth, (c) are habitually truant from school after intervention, or (d) have dropped out of school.

The term "neglect" means failure, refusal, or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.

JINPS can be taken into custody and held for 24 hours without a court order. The court can then send JINPS home or to another adult with restrictions, including electronic monitoring. The court can also dismiss the case and refer the family for informal services, or enter a consent decree that suspends the case, places the youth under supervision and orders actions of the youth or family.

After a hearing, the court can (a) send JINPS home to parents or another relative and order counseling of the youth or family, (b) place the youth under supervision, (c) order homemaker or parent aide services, respite care, housing assistance, day care or parent skills training, a volunteer role model, or general monitoring, (d) send the youth to teen court, or (e) order intensive supervision. JINPS cannot be placed in serious juvenile offender programs or secure facilities, ordered to pay restitution, denied driving privileges, or ordered into detention or nonsecure custody. See Wis. Stat. §§ 48.02, 938.13, 938.21, 938.32, 938.34, 938.345 (2017).

Wyoming

The terms "Child In Need of Supervision" ("CHINS") is used to refer to youth under 17 years of age who have run away from home, are habitually truant, habitually disobey reasonable and lawful demands of parents/guardians/custodians, commit status offenses, or are beyond control.

The term "neglect" means a failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education, or medical, surgical, or any other care necessary for the child's well being.

Law enforcement officers can take into custody runaway youth and any CHINS who are a danger to themselves or endangered by their surroundings. The youth must be sent home or to another adult and cannot be placed in detention or shelter care unless it is required for the youth's protection, to prevent flight, or to provide care. CHINS must be held in the least restrictive placement, including a foster home or other child care facility. CHINS cannot be held in jail or the state boys' or girls' school, but can be held in a separate detention home. CHINS cannot be placed in shelter care without a court order.

The Department of Family Services must prepare a family study, including consulting with the youth's school to determine educational needs. The court must also appoint a multi-disciplinary team to recommend a disposition for the youth. The court can also issue a consent decree, with the youth's consent, to provide services and supervision without further court involvement.

After a hearing, the court can (a) send the youth home under protective supervision, (b) place the youth under supervision with a relative or other adult, (c) transfer custody to a public agency, (d) revoke driving privileges, (e) order community service, work, counseling, or treatment (including placement in a facility or school for that purpose), or (f) order the parents to receive evaluation and treatment (including parenting classes). CHINS cannot be sent to the state boys' or girls' school. Wyoming has also created an Interagency Children's Collaborative. See Wyo. Stat. Ann. §§ 14-3-202, 14-3-215, 14-3-402, 14-3-405, 14-3-406, 14-3-407, 14-6-427, 14-6-428, 14-6-429 (2017).

American Samoa

The term "CHINS" refers to a child who has run away from home, is a danger to self or others, is beyond the control of parent/guardian/custodian, or is repeatedly truant from school.

The term "neglected or dependent child" means a child (a) whose parent/guardian/custodian has abandoned the child or subjected the child to mistreatment or abuse, (b) who lacks proper parental care through the actions or omissions of the parent/guardian/custodian, (c) whose environment is injurious to the child's welfare, (d) whose parent/guardian/custodian fails or refuses to provide proper or necessary subsistence, education, medical care, or any other care necessary for his health, guidance, or well-being, or (e) who is homeless, without proper care, or has run away.

Police can take into custody a child who has run away, been abandoned, is in serious danger, or seriously endangering others. The child must be released to a parent or other adult, unless detention in a shelter is necessary for the child's welfare or the protection of the community. A court must then review the case within 48 hours and determine if continued shelter placement is necessary.

After a hearing, the court may (a) send a CHINS home with parents or guardians under conditions, (b) place the child on probation, (c) place the child with a relative or other person under conditions, (c) order supervised work, (d) place the child in a child care center, (e) commit the child to the Department of Health or another agency, or (f) order restitution. See Am. Samoa Code Ann. §§ 45.0103, 45.0201, 45.0202, 45.0203, 45.0210, 45.0352 (2017).

District of Columbia

The term "CHINS" is used to refer to a child who is both in need of care or rehabilitation and (a) is habitually disobedient of the reasonable and lawful commands of his/her parent/guardian/custodian and is ungovernable, (b) is habitually truant from school, or (c) has committed an offense committable only by children.

The term "neglected child" means a child (a) who has been abandoned or abused by the child's parent/guardian/custodian, (b) who is without proper parental care, control, subsistence, education (as required by law), or other care or control necessary for the child's physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of the child's parent/guardian/custodian, (c) whose parent/guardian/custodian is incarcerated, hospitalized, or incapacitated, (d) whose parent/guardian/custodian refuses or is unable to assume the responsibility for the child's care, control, or subsistence and the person or institution which is providing for the child states an intention to discontinue such care, (e) who is in imminent danger of being abused and/or another child living in the same household or under the care of the same parent/guardian/custodian has been abused, (f) who has received negligent treatment or maltreatment from the child's parent/guardian/custodian, (g) who is born addicted to or in whose body there is a controlled substance, or (h) who is regularly exposed to illegal drug-related activity in the home.

Police may take CHINS into custody. A person taking a child into custody must, as soon as possible, release the child to his/her parent/guardian or custodian, bring the CHINS before the Director of Social Services, bring the child to a medical facility, or bring the neglected child to the Director of the Child and Family Services Agency. A child under 13 years of age who is taken into custody shall remain in the immediate

physical presence of a police officer pending release or delivery one of the agencies listed above. CHINS can be held prior to a court hearing only in a foster home, group home, shelter, or detention home designed from CHINS. However, no child may be detained in such a facility if it would result in his commingling with children who have been adjudicated delinquent and committed by order of the Family Division.

After a hearing, the court can let the child remain with his/her parents/guardians/custodians with necessary treatment, parenting classes, and/ or family counseling. The court can also (a) place the child under protective supervision or probation, (b) transfer custody to a public or private agency, relative, or another appropriate person, or (c) if necessary, commit the child to a facility for medical, psychiatric, or other treatment. The child must complete at least 90 hours of community service. Children who are found to be CHINS more than once may be placed in a facility for delinquent children. D.C. Code §§ 16-2301, 16-2309, 16-2311, 16-2313, 16-2320 (2017).

Guam

No CHINS type statute was found in the laws of Guam.

Northern Mariana Islands

No CHINS type statute was found in the laws of the Northern Mariana Islands.

Puerto Rico

No CHINS type statute was found in the Puerto Rico Code.

Virgin Islands

The term "PINS" refers to children who have run away from home, are beyond the control of parents/guardians/custodians, use alcohol or drugs, or are habitually truant from school.

The term "abandoned child" means a child whose parents/guardian/custodian desert the child for such a length of time and under such circumstances as to show an intent to evade the duty of rearing the child or a reckless disregard for the child's needs. Under the statute, abandonment is a form of neglect.

The term "neglect" means the failure by those responsible for the care and maintenance of the child to provide the necessary support, maintenance, education (as required by law), and medical or mental health care, to the extent that the child's health or welfare is harmed or threatened thereby. It shall also mean an abandoned child as defined in this chapter.

Police may take a child into custody who has run away, is in immediate physical danger, or has no parent/guardian/custodian or other person to care for him/her. The child must be sent home with a warning or bring the child to an intake officer, shelter care, or medical facility. If the child is brought to shelter care, the Attorney General must review the case and release the child, unless shelter care is necessary to protect the child or there is no person or agency able to care for the child and the child is unable to care for himself. If the child is not released, a court hearing must be held with 48 hours. The court can continue the shelter placement or release the child

under supervision or conditions. If the child agrees, the court can also divert the child to services in the community.

After a hearing, the court can send a PINS home under conditions, place the child on probation, order treatment or shelter care, and require actions of the parents. See V.I. Code Ann. tit. 5, §§ 2502, 2511, 2513, 2514, 2516, 2519, 2521 (2017).

APPENDIX 11

Rights of Youth to Enter Into Contracts Statutes

Alabama

Any minor 15 years of age or older may contract for annuities and for life, body, health, property. and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Ala. Code § 27-14-5 (West 2017).

Alaska

No specific statute regarding a minor's capacity to contract was found in Alaska. However, any person of competent legal capacity may contract for insurance. Alaska Stat. § 21.42.080 (2017).

Arizona

Any minor not less than 15 years of age may contract for his/her own life or disability insurance. The minor may not disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not be required to pay any premium on the insurance contract. Ariz. Rev. Stat. Ann. § 20-1106 (2017).

Arkansas

Any person over 18 years of age may contract to sell property. However, the contract may not be rescinded by the other person unless full restitution is made. Any person over 18 years of age may also hold title to real and personal property. In Arkansas, these laws give 18 years olds the same rights as someone over 21 years of age. Furthermore, if a minor borrows money from a bank for educational loans or for necessities, the minor may not disaffirm the contract. A bank may lease a safe-deposit box to a minor and in connection therewith, deal with him as if leasing to and dealing with a person of full legal capacity. As relating to property, mortgages, and liens, a minor over 15 years of age may not disaffirm the contract. However, a contract with the minor shall not be for a longer period than one year. Ark. Code Ann. §§ 9-26-101, 9-26-103, 23-47-509, 23-47-903, 18-42-102 (2017).

California

Any minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property not in the minor's immediate possession or control. A contract may be disaffirmed by a minor, either before majority or within a reasonable time afterward; however, a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. Cal. Fam. Code §§ 6700 to 6712 (2017).

Colorado

Any minor 16 years of age or older may contract for insurance upon the minor's own property or liability. The minor will not, by reason of his minority, be allowed to disaffirm the contract for insurance. Colo. Rev. Stat. 10-4-104 (2017)

Connecticut

Any minor 15 years of age or older may contract for life, health and accident insurance. Any person who is otherwise qualified may contract for a student loan. Conn. Gen. Stat. Ann. §§ 38a-284; 10a-207 (2017).

Delaware

Any minor 15 years of age or older, with a guardian's consent or with emancipation, may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. See Del. Code Ann. Tit. 18 § 2707 (2017).

Florida

Any minor 15 years of age or older may contract for annuities and for life, health, property, body and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Fla. Stat. § 627.406 (2017).

Georgia

A minor may disaffirm a contract. If a minor has contracted for property or some other valuable consideration, and the minor continues to enjoy the property and receive benefit for the consideration after reaching 18 years of age, the minor will not be allowed to disaffirm the contract. Contractual transactions are binding upon any minor who becomes emancipated. A minor also will not be able to disaffirm a contract for necessities, but the party furnishing the necessities must prove that the parent or guardian of such minor has failed or refused to supply sufficient necessaries for the minor or that the minor was emancipated. All persons qualifying to receive an educational loan are deemed to have full legal capacity to contract for one. Any minor 15 years of age or older may contract for annuities, endowments, and for life, accident, and sickness insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or policy. The minor may also contract for insurance on other subjects of insurance in which the minor has an insurable interest. Ga. Code Ann. §§ 1-2-8, 13-3-20, 20-3-287, 33-24-5 (2017).

Hawaii

Any minor 15 years of age or older may contract for life, accident, health, and sickness insurance. An unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract. Unless the minor has paid all of the premiums on the policy, then until the minor has reached 18 years of age, either or both parents of the minor may use the insurance policy for their own use. Haw. Rev. Stat. § 431:10-203 (2017).

Idaho

Any contract made by a minor may be disaffirmed, either before majority or within a reasonable time afterward, but a minor may not disaffirm a contract for necessities or one entered into by express statutory authority. Any minor 15 years of age or older may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Any person may have an interest in real or personal property, so it can be inferred that a minor may do so as well. Idaho Code Ann.§§ 29-101, 32-101, 32-103, 32-104, 32-105, 41-1807, 55-103 (2017).

Illinois

Any minor 15 years of age or older may contract for life, health and accident insurance on his own life for the benefit of himself or his immediate family. The minor may not, by reason of his minority, disaffirm the contract for insurance. 215 Ill. Comp. Stat. 5/242 (2017).

Indiana

Any minor 16 years of age or older may contract for annuities and for life, accident, and sickness insurance. Ind. Code. § 27-1-12-15 (2017).

Iowa

A minor is bound not only by contracts for necessities, but also by other contracts, unless the minor disaffirms them within a reasonable time after majority and restores any remaining consideration of the contract to the other party. However, a minor may not disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. Iowa Code §§ 599.1, 599.2, 599.3 (2017).

Kansas

A minor is bound not only by contracts for necessities, but also by other contracts, unless the minor disaffirms the contract within a reasonable time after reaching the age of majority and restores any remaining consideration to the other party. However, a minor may not disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. Any minor may enter into a contract for insurance, but the written consent of a parent, guardian, or conservator is required. Kan. Stat. Ann. §§ 38-102, 38-103, 40-237 (2017).

Kentucky

Any minor 15 years of age or older may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Ky. Rev. Stat. Ann. § 304.14-070 (2017).

Louisiana

Any minor may disaffirm a contract, except a contract for necessities for his support or education, or for business purposes. Any minor 15 years of age older may contract for life, health, or accident insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract. La. Civ. Code Ann. art. 1923 (2017); La. Rev. Stat. Ann. § 22:852 (2017).

Maine

Any minor 15 years of age or older may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an insurance contract or annuity. Any minor may disaffirm any contract unless the minor or another lawfully-authorized person ratifies the contract after the minor turns 18. However, the minor may not disaffirm a contract for necessities or for real estate in which the minor has title and benefit. The minor may also not disaffirm a contract for the purpose of furthering his/her higher education. Me. Rev. Stat. Ann. tit. 24-A § 2407 (2017); Me. Rev. Stat. Ann. tit. 33 § 52 (2017).

Maryland

Any minor 15 years of age or older may contract for annuities and for life or health insurance on his/her own life or body, or on the person of another in whom the minor has an insurable interest. The minor is not entitled to rescind, avoid, or repudiate the contract, or any exercise of a right or privilege because of his/her minority. The minor is not bound by any unperformed agreement to pay, by promissory note or otherwise, any premium on any insurance contract. See Md. Code Ann., Est. & Trusts § 13-503 (2017).

Massachusetts

Any minor 15 years of age or older may contract for life or endowment insurance upon his/her life. Mass Gen. Laws ch. 175, § 128 (2017).

Michigan

Any minor 16 years of age or older may contract for life or disability insurance for himself or an immediate family member. Mich. Comp. Laws § 500.2205 (2017).

Minnesota

No specific statute regarding a minor's capacity to contract was found in Minnesota. However, "infancy" is a defense to enforcement of contracts. Minn. Stat. 336.3-305.

Mississippi

Any minor 15 years of age or older may contract for life, health and accident insurance. The minor may also, with the permission of a chancery court, contract for life insurance on any person owning an estate of any kind in which the minor is to participate or to receive benefits upon the death of such person, either by inheritance or by will. Miss. Code Ann. § 83-7-19 (2017).

Missouri

Any minor may contract for housing, employment, automobiles, automobile insurance, student loans, admission to schools, medical care, bank accounts, and admission to domestic and homeless shelters if the minor is (a) 16 or 17 years old, (b) homeless or a victim of domestic violence, (c) self-supporting, and (d) living independently of the minor's parent(s) or guardian(s) control with consent. All deeds, mortgages, deeds of trust and other instruments affecting title to real estate hereafter executed by any person under 18 years of age will be binding upon such person unless he files a deed or other instrument in the office of the recorder of deeds where the land is situated, disaffirming the same, within two years after the disability of the minority is removed. See Mo. Rev. Stat. § 431.056; Mo. Rev. Stat. § 442.080 (2017).

Montana

Any minor 15 years of age or older may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Any minor may disaffirm a contract if the minor restores consideration to the other party either before the minor reaches majority or within a reasonable time afterward. However, the minor is not required to restore consideration to credit card companies or loan advance services that did not obtain the consent of the minor's parent or guardian before issuing the card or the loan advance. Any minor may not disaffirm a contract for necessities, and any minor may not disaffirm a contract expressly allowed by statute. Mont. Code Ann. § 33-15-103, Mont. Code Ann. §§41-1-301 to 41-1-306 (2017).

Nebraska

Any minor 10 years of age or older may contract for annuities and for life, accident, and disability insurance. The minor will not be deemed incompetent by reason of such

minority if he/she surrenders such insurance or gives a valid discharge on account of any benefit accruing or for money payable under the insurance contract, but the surrender or discharge must have the consent in writing of a parent or guardian. Neb. Rev. Stat. § 44-705 (2017). A person eighteen years of age or older and who is not a ward of the state may enter into a binding contract or lease of whatever kind or nature and shall be legally responsible therefor. Neb. Rev. Stat. § 43-2101 (2017).

Nevada

Any minor 16 years of age or older may affirm pre-existing contracts, as well as contract for annuities and for body, life, health, property, or liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Minors under the age of 16 shall be required to receive written consent of a parent or guardian in order to contract for insurance. Nev. Rev. Stat. § 687B.070 (2017). The court may approve certain contracts for the artistic, creative or athletic services, as well as intellectual property of minors. Nev. Rev. Stat. §§ 609.400 to 609.570 (2017).

New Hampshire

No specific statute regarding a minor's capacity to contract was found in New Hampshire.

New Jersey

Any minor 15 years of age or older may contract for annuities and for life, body, or health insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an annuity or insurance contract. N.J. Stat. Ann. § 17B:24-2 (2017).

New Mexico

Any minor 15 years of age or older may contract for annuities and for life or health insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on any annuity or insurance contract. N.M. Stat. § 59A-18-7 (2017).

New York

Any minor above the age of 14 years and 6 months may contract for life insurance and may also contract for insurance on any person in whom the minor has an insurable interest for the benefit of the minor's family. Married minor persons may enter contracts relating to ownership of real property, including contracts banks or trust companies for loans for real property. N.Y. Ins. Law § 3207 (2017); N.Y. Gen. Oblig. Law § 3-101 (2017)

North Carolina

Any minor may enter into a contract for (a) artistic or creative services, (b) the disposition of literary, musical, or dramatic properties, or use of a person's likeness, voice recording, performance, or story of or incidents in his/her life, (c) athletic services, or (d) rendering services as an extra, background performer, or in a similar capacity, through an agency or service that collects a fee. However, any such contract may not be disaffirmed by reason of his/her minority if approved by the superior court in which the minor resides. Any minor 15 years of age or older may contract for life insurance or for an annuity. N.C. Gen. Stat. § 48A-11, § 48A-12, § 58-58-100 (2017).

North Dakota

Any minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property that is not in the minor's immediate possession or control. A contract may be disaffirmed by a minor, either before the minor's majority or within one year afterward, but a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. N.D. Cent. Code § 14-10-09 to 14-10-13 (2017).

Ohio

Any minor 15 years of age or older may contract for life insurance. Ohio Rev. Code Ann. § 3911.08 (2017).

Oklahoma

Any minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property not in the minor's immediate possession or control. A contract may be disaffirmed by a minor, either before majority or within one year afterward, but a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. A minor between 16 and 18 who has paid for any repairing, supplying, or equipping on a motor vehicle may disaffirm that contract by restoring the consideration received. Any minor 15 years of age or older may contract for life, accident, or health insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay for any premium on any insurance contract. Any minor 16 years of age or older may contract for insurance on other subjects of insurance in which the minor has insurable interest. Okla. Stat. tit. 15, §§, 17, 18, 19, 20, 21; Okla. Stat. tit. 36, § 3606 (2017).

Oregon

Any unemancipated minors and unmarried persons living apart from their guardian who are (a) 16 or 17 years of age, (b) under 16 years of age and the parent of a child who are living in the physical custody of the person, or (c) under 16 years of age and pregnant with a child who will live with the minor are able to contract for the necessities of residential living, including contract for living units and utilities. Such a contract is binding upon the minor and cannot be voided or disaffirmed by the minor based upon the minor's age or status as a minor. Or. Rev. Stat. § 109.697 (2017).

Pennsylvania

No specific statute regarding a minor's capacity to contract was found in Pennsylvania.

Rhode Island

No specific statute regarding a minor's capacity to contract was found in Rhode Island.

South Carolina

No specific statute regarding a minor's capacity to contract was found in South Carolina.

South Dakota

Any minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property not in the minor's immediate possession or control. A contract, if made while the minor is under 16 years of age, may be disaffirmed by the minor, either before the minor's majority or within a year afterward. A contract, if made after the minor has reached 16 years of age, may be disaffirmed in like manner by the minor if he restores consideration to the other party or pays its equivalent with interest. A minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. S.D. Codified Laws §§ 26-2-1 to 26-2-6 (2017).

Tennessee

The Protection of Minor Performers Act states, "If a contract is approved by the appropriate court pursuant to this part, then the minor may not, either during minority or after reaching majority, disaffirm the contract on the ground of minority, nor may the minor assert that the minor's parent or guardian lacked the authority to make the contract personally as an adult." Tenn. Code Ann. § 50-5-207 (2017).

Texas

Any minor 14 years of age or older may contract for annuities and for life, term, or endowment insurance if they do not have a guardian of estate. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of minority, disaffirm the insurance contract. Tex. Ins. Code Ann. §§ 1104.003 to 1104.005 (2017).

Utah

Any minor is bound not only by contracts for necessities, but also by other contracts, unless the minor disaffirms them within a reasonable time after majority and restores any remaining consideration of the contract to the other party. However, a minor may not disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. Any minor 16 years of age or older may contract for insurance unless there is a conservatorship for property. In the case of a conservatorship over the person or property of a person under 16 years of age, the conservator may invest funds of the estate in life, accident, and health insurance, as well as annuity contracts, but only with the approval of the court having jurisdiction over the conservatorship. Utah Code Ann. §§ 15-2-2, 15-2-3; § 31A-21-103 (2017).

Vermont

Any minor 15 years of age or older may affirm preexisting contracts, as well as contract for annuities and for body, life, health, property, or liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his or her minority, disaffirm an insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay for the premium on any annuity or insurance contract. Vt. Stat. Ann. tit. 8 § 3710 (2017).

Virginia

Any minor 15 years of age or older may contract for life insurance. If the minor is living with at least one of his/her parents, written approval must be given by the parent for the policy application. The minor will not be allowed, because of his/her status as a minor, to recover premiums paid. Va. Code Ann. § 38.2-3105 (2017).

Washington

Any minor is bound not only by contracts for necessities, but also by other contracts, unless the minor disaffirms them within a reasonable time after majority and restores any remaining consideration of the contract to the other party. However, a minor may not disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. Any minor 15 years of age or older may contract for life or disability insurance. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay the premium on any insurance contract. Wash. Rev. Code § 26.28.030, § 26.28.040, § 48.18.020 (2017).

West Virginia

Any minor 15 years of age or older may contract for life, accident, and/or sickness insurance. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract. W. Va. Code § 33-6-4 (2017).

Wisconsin

No specific statute regarding a minor's capacity to contract was found in Wisconsin.

Wyoming

Any minor 15 years of age or older may contract for annuities and for life, body, health, property or liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Wyo. Stat. Ann. § 26-15-105 (2017).

American Samoa

No specific statute regarding a minor's capacity to contract was found in American Samoa.

District of Columbia

Any minor 15 years of age or older may contract for life, health, and accident insurance. D.C. Code § 31-4330 (2017).

Guam

A minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property not in the minor's immediate possession or control. A contract may be disaffirmed by a minor, either before majority or within a reasonable time afterward, but a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. Guam Code Ann. tit. 19, §§ 1106 to 1110 (2017).

Northern Mariana Islands

No specific statute regarding a minor's capacity to contract was found in the Northern Mariana Islands.

Puerto Rico

Any minor 15 years of age or older may contract for life, body, or disability insurance. An unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract. Minors who are not emancipated cannot give consent to a contract. Minors between 18 and 21 years of age who are engaged in commerce or industry may carry out all civil acts for its administration, including contracting. P.R. Laws Ann. tit. 26, § 1103; P.R. Laws Ann. tit. 31, § 3402 (2017).

Virgin Islands

Any minor 15 years of age or older may contract for life or disability insurance. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on the insurance contract. V.I. Code Ann. tit. 22, § 33-802 (2017).

APPENDIX 12

State TANF and SNAP Statutes and Regulations

Alabama

FA (Family Assistance Program)

FA provides assistance to minor parents, who are defined as recipients who are under 18 years of age, unmarried, and the natural parent of a dependent child living in the same household. Minor parents must live with a parent, adult relative, legal guardian, or in an adult-supervised supportive living arrangement, such as a foster home or maternity home. A minor parent may be exempt from this requirement if (a) the minor parent has no living parent or legal guardian whose whereabouts are known, (b) no living parent or legal guardian allows the minor parent to live in his/her home, (c) the minor parent lived apart from his/her own parent or legal guardian for at least 1 year before either the birth of his/her child or application for FA, (d) the physical or emotional health or safety of the minor parent or his/her child would be jeopardized if they resides in the same residence with the minor parent's parent or legal guardian, (e) the parent of legal guardian does not live in Alabama, (f) the minor parent would be financially or legally penalized as a result of breaking a lease, etc, if s/he moved, or (g) other appropriate reasons. Ala. Admin. Code r. 660-2-2.38 (2017).

Minor parents without a high school diploma or its equivalent must participate in education activities directed toward the attainment of a high school diploma or its equivalent or an alternative educational or training program approved by the State. Minor parents with a child under 12 weeks of age are exempt from this requirement. Ala. Admin. Code r. 660-2-2-.38.(4) (2017).

Food Assistance Program, Ala. Code § 38-2-6(17), http://dhr.alabama.gov/services/Food_Assistance/Food_Assistance_Division.aspx; http://codes.findlaw.com/al/title-38-public-welfare/al-code-sect-38-2-6.html

Information about the recipient may be shared with, among others, The Medicaid Agency, without the Household's permission. Chapter 214B of the Alabama Policy Manual. Unless otherwise exempt, each household member must be registered for work. It is unclear if Alabama has a meals program that allows recipients to use EBT at restaurants.

Alaska

ATAP (Alaska Temporary Assistance Program)

ATAP provides assistance to minor parents. Alaska Stat. § 47.027 (2017). Eligible minor parents are recipients under the age of 18, unmarried, un-emancipated and either pregnant or parenting. Alaska Stat. § 47.27.027 (2017). Generally, minor parents must live in the household of a parent, legal guardian, or other adult relative in order to receive assistance. However, a minor parent may live in an approved,

adult-supervised, supportive living environment if (a) the minor parent does not have a living parent, legal guardian, or other adult relative whose whereabouts are known, (b) no living parent, legal guardian, or adult relative will allow the minor to reside in his/her home, (c) the minor parent lived apart from the minor parent's parent or legal guardian for at least 1 year before either the birth of the minor parent's child or the date of the minor parent's application for assistance, (d) the Department determines that having the minor parent live in the home of the minor parent's parent, legal guardian, or other relative would endanger the physical or emotional health of the minor parent, his/her child, or another individual in the home, or (e) the Department required the minor parent to participate in education, training, or substance abuse treatment that is not available in the community where the parent, legal guardian, or adult relative lives. Alaska Stat. § 47.227 (2017).

Minor parents who do not have a high school diploma or GED must attend a secondary school or other appropriate training program. Alaska Stat. § 47.27.027(3) (2017).

Arizona

Arizona Cash Assistance – Temporary Assistance for Needy Families Program

The Cash Assistance program provides assistance to minor parents, who are defined as recipients under 18 years old, have never been married, and are the natural parent of a dependent child living in the same household. In order to receive cash assistance, minor parents must live with a parent, adult relative, or legal guardian, unless (a) the minor parent has not living or locatable parent, adult relative, or legal guardian, (b) the minor parent is legally emancipated, or (c) the physical or emotional health or safety of the minor parent or the minor parent's child would be at risk if the minor parent resided in the home of his/her parent, adult relative, or legal guardian. Ariz. Rev. Stat. § 46-294 (2017). Additionally, a minor parent recipient of cash assistance must be finger imaged as a condition of eligibility to prevent multiple enrollments. Ariz. Rev. Stat. § 46-217 (2017).

Nutrition Assistance - Ariz. Code § 41-1954(A)(18) - https://des.az.gov/services/basic-needs/food/nutrition-assistance-formerly-food-stamp-program; http://www.azleg.gov/viewdocument/?docName=http://www.azleg.gov/ars/41/01954.htm.

Joint SNAP and Medicaid application processing in some cases. All AZ Nutrition Assistance participants are required to participate in the Nutrition Assistance Employment and Training Program unless exempt.

Exemptions are for anyone under the age of 18 unless the participant is a 16 or 17 year old who is the Nutrition Assistance employment and training Lead Participant (Head of Household) unless that participant is enrolled in school or an employment training program on at least a half-time basis. Exemption also for individuals mentally or physically unfit for work. A Restaurant Meals Program is available for individuals experiencing homelessness (and elderly and disabled) to purchase prepared meals from participating restaurants, including the deli section of a grocery store. People experiencing homelessness are also eligible to purchase meals from shelters, soup kitchens and other public or private nonprofit establishments that provide meals to people in need of assistance.

Arkansas

TEA (Transitional Employment Assistance)

TEA provides assistance to minor parents, which are defined as parents under the age of 18. A "head of household" minor parent is a minor parent who is legally married, regardless of whether s/he is currently living with the spouse, or a minor parent who is living on his or her own without adult supervision and it has been determined that this is an appropriate living arrangement for the minor parent and child. Ark. Admin. Code § 208.00.1-2120.1 (2017). A minor parent who is not a head of household must live in the home of a parent, legal guardian, or other adult relative. A minor parent may be exempt from this requirement if (a) the minor parent's current living arrangement is determined to be appropriate, (b) the minor parent has no parent, legal guardian, or other appropriate adult relative who is living or whose whereabouts are known, (c) no parent, legal guardian, or adult relative will allow the minor parent to live in his/her household, (d) the minor parent or child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the home of the minor parent's parent or legal guardian, (e) substantial evidence exists that the minor parent or child would be at risk of imminent or serious harm in the home of the minor parent's parent or legal guardian, or (f) it is otherwise determined that it is in the best interest of the minor parent's child to waive the living arrangement requirement Ark. Admin. Code § 208.00.1-2122.1 (2017).

All minor parents who do not have a high school diploma or its equivalent must attend school or participate in other educational activities directed toward the attainment of a high school diploma or its equivalent. Minor parents who have a child under 3 months old are exempted from this requirement. Ark. Admin. Code § 208.00.1-2123 (2017). All supportive services offered in the TEA program, including transportation, child care, case management, and mentoring, are available to minor parents. Ark. Admin. Code § 208.00.1-3350 (2017).

Supplemental Nutrition Assistance Program, http://humanservices.arkansas.gov/dco/Pages/SupportServices.aspx

Joint SNAP and TANF application and processing exists. All able-bodied participating adults must meet work requirements, including responding to any requests from an eligibility worker for information regarding employment status, accepting a bona fide offer, continuing employment at a suitable job, and avoiding reducing one's work to less than 30 hours per week.

Exemptions include those who are under 16 years old or 16 or 17 year olds living with a parent or person acting as a parent, or attending a school or a training program on at least a half-time basis. Households composed of individuals experiencing homelessness may purchase meals from restaurants that contract with the Arkansas Department of Human Services to supply meals to people in need at an already low or reduced price. These restaurants must also be approved by FNS to accept SNAP benefits.

California

CALWORKS (California Work Opportunity and Responsibility to Kids)

CALWORKS provides assistance to minor parents and pregnant minors in their third trimester. Cal. Welf. & Inst. Code § 11545 (West 2017). Generally, never-married parenting and pregnant recipients under the age of 18 must reside with a parent, other adult relative, legal guardian, or in a state licensed adult-supervised living arrangement, such as a group home or maternity home. However, a minor parent may be exempt from this requirement if (a) the minor parent has no parent or legal guardian who is living, whose whereabouts are known, or who will allow the minor parent to live in his/her home, (b) it is determined by a Child Protective Services worker that the physical or emotional health/safety of the minor parent or his/her child would be jeopardized if they lived in the home with the minor's parent, legal guardian, or other adult relative, (c) the minor parent has lived apart from his/her parent or legal guardian for at least 12 months before the birth of the youngest child or the application for assistance, or (d) there is other good cause to waive the living arrangement requirement. Cal. Welf. & Inst. Code § 11254 (West 2017).

Parenting and pregnant recipients under the age of 19 who have not yet completed high school must participate in Cal-Learn, which provides payments for child care, transportation and school expenses while the minor parent attends school. Cal. Welf. & Inst. Code § 11331.5 (West 2017). Cal-Learn also provides cash bonuses for good grades, sanctions for bad grades, and a bonus of $500 upon completion of high school or an equivalent program. Cal. Welf. & Inst. Code § 11333.7 (West 2017).

CalFresh, Cal. Welfare & Inst. Code § 18900 et seq. - http://www.cdss.ca.gov/inforesources/CalFresh; https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=WIC&division=9.&title=&part=6.&chapter=10.&article=

Joint SNAP and Medicaid processing in some cases; Joint application and processing in some cases (63-407): Every household member ages 16-60 must be registered for employment at the time of application and once every twelve months, unless they meet certain exemptions. Exemptions from 63-407.02 include: a person younger than 16 or a person age 16 or 17 who is not the head of household; a 16 or 17 year old who is attending school or enrolled in an employment training program on at least a half-time basis; or an individual who is mentally or physically unfit for work - 63-102(2) (g) - 63-102(2) (h). Meals purchased by people experiencing homelessness at soup kitchens or shelters as well was meals purchased under the provision of a CDSS-Approved restaurant meal program are covered by SNAP.

63-503.8 - Homeless food stamp households shall be permitted to use their food stamp benefits to purchase prepared meals from meal providers for the homeless that have been authorized by the Food and Nutrition Service (FNS) to accept food stamp coupons.

Colorado

Colorado Works

Colorado Works provides assistance to unemancipated minor parents and to married, emancipated minor parents. Minor parents are only eligible for benefits if they are in a county approved setting, but the county shall help minor parents find an arrangement if they are not currently eligible.

Unmarried minors under the age of 18 who have not completed high school or its equivalent must attend high school, work on a GED, or participate in an alternative education or training program approved by the State. Minor parents with a child under 12 weeks old are exempt from this requirement. 9 Colo. Code Regs. § 2503-1: 3.604.2 (2017).

Food Assistance Program, Col. Rev. Stat. § 26-2-301 et seq. - https://www.colorado.gov/pacific/cdhs/food-assistance-0; http://law.justia.com/codes/colorado/2016/title-26/article-2/part-3/.

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing in some cases (4.310). All members of eligible households who are 16 or older and not yet 60 must register for work, participate in an employment and training program as required, accept suitable employment, and provide sufficient information to allow the agency to determine the employment status or the job availability of the individual, unless exempt.

Section 4.310.3A has exemptions for persons under 18: a 16 or 17 year old who is not head of household is exempt. A 16 or 17 year old head of household who is attending school or enrolled in an employment training program on at least a halftime basis is exempt, as is an individual mentally or physically unfit for employment.

Under 4.310.3 C. 2, those who are chronically homeless may be deemed physically or mentally unfit for employment and may be exempt from work registration. Chronic homelessness is defined as lacking nighttime residence. 4.040.1 B. - Homeless households shall be permitted to use their benefits to purchase prepared meals from an authorized public or private nonprofit provider. A meal provider means a public or private non-profit establishment including, but not limited to, soup kitchens and temporary shelters that feed homeless persons. In order to be considered a homeless meal provider, the meal provider must be approved as such by the USDA, FNS.

Homeless households may also purchase meals from restaurants if the restaurant offers discounts to homeless households or serves food to homeless households at concessional (reduced) prices, and the restaurant is authorized by the USDA, FNS as a retailer.

Connecticut

JOBS FIRST

Unmarried minor parents who have not completed high school or its equivalent must participate in educational activities directed toward the attainment of a high school

diploma or its equivalent. Minor parents who have a child under 12 weeks old are exempt from this requirement. Conn. Gen. Stat. Ann. § 17b-688g (West 2017).

Supplemental Nutrition Assistance Program, Conn. Gen. Stat. § 17b-790 et seq. - http://portal.ct.gov/dss/SNAP/Supplemental-Nutrition-Assistance-Program---SNAP; http://law.justia.com/codes/connecticut/2013/title-17b/chapter-319tt/

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. 7 CFR 273.7(j) - Food Assistance applicants and recipients are mandatory work registrants unless they qualify for an exemption. Mandatory Work Registrants are also required to not voluntarily quit a job that provides at least 30 hours of work weekly and work at least 30 hours a week if their employer offers it. (7 CFR 273.7(a)).

7 CFR 273.7(b) - Exemptions include children under age of 16, 16 or 17 year olds who are not head of household, and individuals who are mentally or physically unfit for work. 7 CFR 273.11(e) - Homeless persons can use Food Assistance for meal services provided by a facility that is a homeless meal provider.

7 CFR 272.9 - A homeless meal provider may be a private or public non-profit establishment that serves meals to homeless persons (e.g., a soup kitchen or shelter) or a restaurant that contracts with DHS to offer meals at low or reduced prices to homeless persons.

Delaware

TANF

Delaware's TANF program provides assistance to minor parents and pregnant minors beginning on the first day of the month of the due date. 16 Del. Admin. Code § 5100-3028.2 (2017). Unmarried, unemancipated parents under the age of 18 may only receive assistance in the form of vouchers and services, unless the minor parent's child was conceived as a result of incest or sexual assault. 16 Del. Admin. Code § 5100-3008 (2017). In order to receive assistance, unmarried, un-emancipated parents under the age of 18 must reside in the household of a parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement approved by the Division of Family Services. 16 Del. Admin. Code § 5100-3027.2 (2017).

Teen parents are required to attend (a) elementary, secondary, post-secondary, vocational, or training school, (b) a GED program, or (c) work. 16 Del. Admin. Code § 5100-3008.1.4 (2017). All recipients are required to obtain family planning information from the provider of their choice. 16 Del. Admin. Code § 5100-3014 (2017).

Food Supplement Program, 31 Del. Code Ch. 5 and 6 - http://www.dhss.delaware.gov/dhss/dss/foodstamps.html; http://delcode.delaware.gov/title31/index.shtml

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF application and processing in some cases. (9018.1) - No physically and mentally fit individual over the age of 15 and under the age of 60 shall be eligible to participate if the individual refuses to register for employment at the time of application and

every 12 months after or refuses to accept an offer of employment without good cause.

(9018.3) - Lays out exemptions from work registration, including a 16 or 17 year old who is not head of household or who is attending school or enrolled in an employment and training program on an at least a half-time basis. (9083) - Permits homeless food stamp households to use their food stamp benefits to purchase prepared meals from homeless meal providers authorized by FNS.

Florida

Welfare Transition Program

Florida's Temporary Cash Assistance program provides assistance to parents and expectant mothers on the first day of the month in which their due date falls. Fla. Admin. Code Ann. r. 65A-4.215 (West 2017). Teen parents are defined as unmarried parents who are less than 18 years old and unmarried parents who are 18 years old and are full-time students in secondary school or the equivalent level of career training. Fla. Admin. Code Ann. r. 65A-4.217 (2017). Generally, teen parents must live with a parent, legal guardian, or other adult caretaker relative in order to receive assistance. However, a teen parent may live in an alternative adult-supervised supportive living arrangement if the Department determines that the teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative or the requirement is not in the best interest of the teen parent or the child. The State will assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Assistance will be provided during this interim period. Fla. Stat. Ann. § 414.095(14) (West 2017).

Teen parents who do not have a high school diploma or its equivalent must attend school, an approved GED program, or an approved alternative training program. Teen parents with a child who is less than 12 weeks old are exempt from this requirement. All teen parents must attend parenting and family classes that provide a curriculum specified by the Department or the Department of Health. Fla. Stat. Ann. § 414.095(14) (2017). Recipients may receive subsidized child care assistance when it is necessary for them to participate in employment and training activities. 65 Fla. Admin. Code Ann. r. 65A-4.218 (West 2017).

Food Assistance Program, Fla. Stat. § 414.31 et seq. - http://www.myflfamilies.com/service-programs/access-florida-food-medical-assistance-cash/food-assistance-and-suncap; http://law.justia.com/codes/florida/2016/title-xxx/chapter-414/.

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing (program manual is written with policies for Food Stamps, Temporary Cash Assistance, Family-related Medicaid, SSI-Related Medicaid and State Funded Programs, Child in Care and Refugee Assistance Program). 1410.1900 - Certain individuals who are not exempt must register and/or participate in food stamp employment and training (FSET) or work activities.

1410.1906 - Exemptions to work requirements include children under 16, 16 or

17 year olds who are not payee/head of household or who are attending school or enrolled in employment and training programs at least half-time, and individuals mentally or physically unfit for work.

Georgia

TANF

Georgia's TANF program provides assistance to minor parents. Generally, unmarried parents under the age of 18 must live in the household of a parent, legal guardian, other adult relative, or in a foster home, maternity home, or other supportive adult-supervised living arrangement in order to receive assistance. This requirement may be waived if (a) the recipient has no parent or legal guardian whose whereabouts are known, (b) no parent or legal guardian allows the recipient to live in his/her home, or (c) there is another good cause to waive the requirement. Ga. Code Ann. § 49-4-184 (2017).

Unmarried parents under the age of 18 who have not completed high school or its equivalent must participate in education activities directed toward the attainment of a high school diploma or its equivalent or an alternative educational or training program that has been approved by the State. This requirement does not apply to recipients who have a child under 12 weeks old and may also be waived for good cause. Ga. Code Ann. § 49-4-184 (2017).

Food Stamps Program, Ga. Code Ann. § 49-4-1 et seq. - https://dfcs.georgia.gov/food-stamps; http://law.justia.com/codes/georgia/2010/title-49/chapter-4/article-1/.

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. 3350 - All nonexempt individuals in an Assistance Unit are required to register for work. Additionally, they are required to participate in work requirements such as providing sufficient information for the agency to determine the employment status or job availability of the individual, participating in the SNAP Works program if assigned and as required by the program, accepting a bona fide offer of employment, reporting to an employer if employment meets the requirements of suitable employment, and continuing employment without quitting or reducing work hours below 30 hours.

Exemptions under 3350 include under 16 years old, 16 or 17 year old and not head of Assistance Unit, a 16 or 17 year old who is head of Assistance Unit who does not meet another exemption, and those mentally or physically unfit for employment. 3205.1 - Homeless Assistance Units may use benefits to purchase prepared meals from homeless meal providers and other facilities authorized by FNS.

Hawaii

TANF

Hawaii's TANF program provides assistance to minor parents and pregnant minors in their ninth month of pregnancy. Haw. Code R. § 17-656.1-15 (2017).

A custodial parent under the age of 20 who does not have a high school diploma must attend high school or a GED program. Haw. Code R. § 17-794.1-37 (2017).

Supplemental Nutrition Assistance Program, Haw. Rev. Stat. § 346-51 et seq. - http://humanservices.hawaii.gov/bessd/snap/; http://law.justia.com/codes/hawaii/2011/division1/title20/chapter346

Neither joint processing nor application for SNAP and Medicaid; Joint SNAP and TANF application and processing. HAR §17-684.1-6 - As a condition of eligibility for food stamps, each household member not exempt must register for work and meet other work requirements,

HAR§17-684.1-7 - Exemptions from work registration (§17-684.1-8) include age under 16, 16 or 17 who is a dependent in the household, a student, or physically or mentally unfit for work. 17-610-1 (8) - In the case of homeless food stamp households, meals prepared for and served by an authorized public or private nonprofit establishment (e.g., soup kitchen, temporary kitchen) approved by SNAP that serves homeless persons qualifies as eligible.

Idaho

TAFI (Temporary Assistance for Families in Idaho)

TAFI provides assistance to parents and pregnant women who are in their third trimester and unable to work. Enhanced Work Services Manual, p. 14 (2008). Generally, unmarried parents under age 18 must live with their parents in order to receive assistance. Two unmarried parents under age 18, with a child in common, can choose to live with the parents of the unmarried father or the unmarried mother. Idaho Admin. Code r. 16.03.08.128 (2017). This requirement may be waived if (a) the child of the minor parent was conceived by rape or incest, (b) the minor's parents are abusive, (c) the minor parent's parents are not available due to incarceration, death, or their whereabouts are unknown, (d) the minor parent's parents refuse to allow the minor parent into the home and no alternative care is available, or (d) the minor parent is dangerous to the parents or other household members. Idaho Admin. Code r. 16.03.08.129 (2017). A minor parent who is exempt from living with his or her parents may live with an adult guardian, an appropriate adult relative, an appropriate adult not related to the minor parent, or in an independent living arrangement with adult supervision, including a home for unwed mothers. Enhanced Work Services Manual, p. 17 (2008).

A child between the ages of 16 and 18 who is not attending school must participate up to 40 hours per week in assigned work activities. A single custodial parent of a child less than 6 years of age is exempt from work activities if distance or child care is a hardship. Work activities consist of paid work, including self-employment that produces earnings of at least the federal minimum wage; unpaid work; community service; work search activities; education leading to high school diploma or equivalency; work preparation education; vocational or job skills training; and other activities that improve the ability to obtain and maintain employment or support self-reliance. Idaho Admin. Code r. 16.03.08.163 to 16.03.08.164

Food Stamp Program, Idaho Code § 56-201 et seq. - http://healthandwelfare.idaho.gov/FoodCashAssistance/FoodStamps/tabid/90/Default.aspx; http://law.justia.com/codes/idaho/2015/title-56/chapter-2/

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. 226 - All household members must participate in Job Search Assistance Program (JSAP), unless exempt.

227 - Exemptions include children under 16, children ages 16-17 attending school or training program at least half-time, and those mentally or physically unfit to work.. 816.05 - Homeless Food Stamp households may use Food Stamps to buy meals prepared and served by homeless meal providers. The providers must be FCS authorized to accept Food Stamps. 011.16 - defines a "homeless meal provider" as a public or private nonprofit establishment or a profit making restaurant that provides meals to homeless people. The establishment or restaurant must be approved by the Department and authorized as a retail food store by FCS.

Illinois

TANF

Illinois's TANF program provides assistance to parents of children under the age of 18 and expectant mothers. 305 Ill. Comp. Stat. 5/4-1.1 (2017). Generally, never-married parenting or pregnant recipients who are under the age of 18 must reside with a parent, legal guardian, or other adult relative or in a foster home, maternity home, or other adult-supervised living arrangement in order to receive assistance. However, this requirement may be waived if (a) the recipient has no living parent or legal guardian whose whereabouts are known, (b) the State determines that the physical health or safety of the recipient or child would be jeopardized, or (c) the recipient has lived apart from her/his parent or legal guardian for at least 1 year before the child's birth or before applying for assistance. 305 Ill. Comp. Stat. 5/4-1.2c (2017).

Parents under the age of 20 who have not completed high school or its equivalent must enroll in school or an educational program that is expected to result in the receipt of a high school diploma or its equivalency. However, 18 and 19 year-old parents may be assigned to work activities or training if, based on an individualized assessment, it is determined that secondary school is inappropriate. 305 Ill. Comp. Stat. 5/4-1.9 (2017).

Supplemental Nutrition Assistance Program, 305 ILCS § 5/12-4.4 et seq. - http://www.dhs.state.il.us/page.aspx?item=30357, http://law.justia.com/codes/illinois/2016/chapter-305/act-305-ilcs-5/article-xii/.

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. PM 03-15-00 - Each unit member must register for work, cooperate with SNAP employment and TANF work and training program requirements, accept a suitable job, and not voluntarily quit a job or reduce work hours to less than 30 hours per week unless exceptions are met.

PM 03-15-02 - Exceptions include persons under 16, ages 16 or 17 and not the SNAP Payee, a student at least half-time in any recognized school or training program, and those mentally or physically unfit for employment. PM 06-04-07 - Homeless clients may use SNAP benefits for meals prepared for and served by public or private nonprofit groups and shelters that provide food or temporary residence.

Indiana

TANF

Indiana's TANF program provides assistance to parents and expectant mothers. Ind. Code Ann. § 12-14-28-1 (West 2017). Generally, parenting and pregnant recipients who are under the age of 18 and either unmarried or married but not residing with or receiving support from a spouse, must live with a parent, legal guardian, or adult relative. However, this requirement may be waived if (a) the minor parent does not have a living parent or legal guardian whose whereabouts are known, (b) the minor parent lived apart from his/her parent or legal guardian for at least 1 year before the birth of the child or the application for assistance, (c) the physical health of the safety of the minor parent or the child would be jeopardized if they reside with a parent, legal guardian, or adult relative, or (d) the minor parent or the child has been alleged or adjudicated a child in need of services or has been placed under the wardship or guardianship of the county office. The parent of a dependent minor who has a child is financially responsible for the care of the grandchild until the dependent child becomes 18 years old. Ind. Code Ann. § 12-14-1-1.5 2017.

A recipient under the age of 18 who has not graduated from high school or obtained a GED must attend school. Ind. Code Ann. § 12-14-2-17 2017.

Supplemental Nutrition Assistance Program, Ind. Code § 12-14-30 - http://www.in.gov/fssa/dfr/2691.htm; http://law.justia.com/codes/indiana/2016/title-12/article-14/chapter-30/

Joint SNAP and Medicaid processing; Joint SNAP and TANF application and processing. 2438.00.00 - Work registration is completed when an assistance group member signs an application and, unless exempt, is required to respond to requests for more info about employment status or availability for work, provide sufficient information to determine availability, not quit a job without good cause, and not voluntarily reduce work hours below 30 hours. Mandatory work registrants are not required to participate in IMPACT (Indiana Manpower Placement and Comprehensive Training) but can volunteer.

2438.15.05 - Exemptions from Work Registration - under 16, 16 or 17 and not Assistance Group head, 16 or 17 and attending school or enrolled in an employment and training program at least half-time, and those mentally or physically unfit for employment.

1460.10.05 - Communal dining is available for homeless, "Communal dining facilities include restaurants that have a signed agreement with the Indiana Family and Social Services Administration to provide meals to homeless, elderly or SSI recipients."

1460.10.30 - Homeless meal providers are eligible institutions if they are public or private nonprofit establishments certified by FSSA and authorized by USDA to accept SNAP in payment for prepared meals for the homeless. Homeless individuals may use SNAP benefits to purchase meals prepared and served by such providers. Meals must be provided at the same rate to SNAP recipients as to other homeless individuals.

Iowa

FIP (Family Investment Program)

FIP provides assistance to minor parents, which are defined as parents who are under the age of 18 and have never been married. Iowa Code Ann. § 239B.1 (9) (2017). In order to receive assistance, minor parents must live with a parent or legal guardian, unless (a) the parent or guardian of the minor parent is deceased, missing, or living in another state, (b) the minor parent's health or safety would be jeopardized if the minor parent is required to live with the parent or guardian, (c) the minor parent is in foster care, (d) the minor parent is participating in the Job Corps Solo Parent Program or independent living program, or (e) other good cause exists. A minor parent not required to live with the minor parent's parent or guardian shall be required to participate in a family development program.

Minor parents who do not have a high school diploma or its equivalent must be engaged full-time in completing high school graduation or equivalency requirements, subject to the availability of child care. Parents who are 19 years of age or younger must also attend parenting classes. Iowa Code Ann. § 239B.10 (2017).

Food Assistance, Iowa Admin. Code § 441-65.1 et seq. - http://dhs.iowa.gov/food-assistance; https://www.legis.iowa.gov/docs/ACO/chapter/441.65.pdf.

Joint SNAP and Medicaid processing in some cases only; Joint SNAP and TANF application and processing (Can file SSI and Food Assistance application jointly). 7 CFR 273.7(j) - Food Assistance applicants and recipients are mandatory work registrants unless they qualify for an exemption. Mandatory Work Registrants are also required to not voluntarily quit a job that provides at least 30 hours of work weekly and work at least 30 hours a week if their employer offers it. (7 CFR 273.7(a)).

7 CFR 273.7(b) - Exemptions include children under age of 16, 16 or 17 year olds who are not heads of household, and those physically or mentally unfit for work. 7 CFR 273.11(e) - Homeless persons can use Food Assistance for meal services provided by a facility that is a homeless meal provider.

7 CFR 272.9 - A homeless meal provider may be a private or public non-profit establishment that serves meals to homeless persons (e.g., a soup kitchen or shelter) or it can be a restaurant that contracts with DHS to offer meals at low or reduced prices to homeless persons.

Kansas

TAF (Temporary Assistance for Families)

To receive TAF assistance, parents who are under the age of 18 and un-emancipated must reside with a caretaker, unless (a) either the parents of the recipient are institutionalized or the recipient has no parent who is living or whose whereabouts are known, and there is not other caretaker who is willing to assume parental control of the recipient or (b) the health and safety of the recipient has or would be jeopardized by remaining in the household with the recipient's parents or other caretakers. Kan. Admin. Regs. §§ 30-4-34, 52 (2017).

Unmarried parents under the age of 18 who have not completed high school or its equivalent must work toward attainment of a high school diploma or its equivalent. Recipients with a child under 12 weeks of age of exempt from this requirement. Kan. Admin. Regs. § 30-4-70(f) (2017).

Food Assistance Program, Kan. Stat. Ann. § 39-701 et seq. - http://www.dcf.ks.gov/services/ees/Pages/Food/FoodAssistance.aspx; http://law.justia.com/codes/kansas/2016/chapter-39/article-7/.

Neither joint processing nor application for SNAP and Medicaid; Joint SNAP and TANF application and processing. 3100 - Each Food Assistance household member, ages 16-59, who is not exempt from work requirements is required to register for work.

3210 - Exemptions include a person 17 or under working toward a high school diploma. 3230 - Exemptions also include a person age 16 or 17 who is not the case head or who is attending school or an employment training program on at least half-time basis, or who is mentally or physically unfit for work. No mention of prepared meals or restaurants.

Kentucky

K-TAP (Kentucky Transitional Assistance Program)

Minor teenage parents, defined as recipients under the age of 18 who are either unmarried or married but not living with the spouse must reside in the household of a parent, legal guardian, or an adult relative. However, a minor teenage parent may live in an adult-supervised supportive living arrangement, such as a second-chance home or maternity home, if (a) the minor teenage parent does not have a parent, legal guardian, or appropriate adult relative who is living, whose whereabouts are known, or who would allow the minor teenage parent to live in his/her home, (b) the minor teenage parent or child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the minor teenage parent's own parent or legal guardian, or (c) there is substantial evidence of imminent or serious harm if the minor teenage parent and child lived in the same residence with the minor teenage parent's own parent or legal guardian. The residency requirement may be waived if the Cabinet determines that living in the place of residence maintained by

the parent, legal guardian, or adult relative is not in the best interest of the minor child or the minor teenage parent's current living arrangement is appropriate. 921 Ky. Admin. Regs. 2:006 § 1 (2017).

All parents under the age of 18 who have not completed high school or its equivalent must participate in an educational activity toward the attainment of a high school diploma/its equivalent or a Cabinet-approved alternate education or training program. Parents who have a child under 12 weeks old are exempt from this requirement. 921 Ky. Admin. Regs. 2:006 § 20 (2017).

Supplemental Nutrition Assistance Program, Ky. Admin. Regs. Title 921 Ch. 3 - http://chfs.ky.gov/dcbs/dfs/foodstampsebt.htm; http://www.lrc.ky.gov/kar/TITLE921.HTM.

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF application and processing. 921 KAR 3:042 - section 2 - unless exempt, all household members shall register for work at the time of initial application and every 12 months after initial application.

7 C.F.R. 273.7(b)(1) - Exemptions include under 16 years old, age 16 or 17 and not principal wage earner regardless of student status, and a student regardless of age enrolled at least half-time in any recognized school or training program. No mention of prepared meals or restaurants.

Louisiana

FITAP (Family Independence Temporary Assistance Program)

FITAP provides assistance to minor parents and pregnant minors in their sixth month of pregnancy. La. Rev. Stat. Ann. § 46:231.2 (2017). Generally, minor unmarried parents must reside in the household of a parent, legal guardian, other relative, or in a foster home, maternity home, or other adult-supervised supportive living arrangement in order to receive assistance. However, this requirement may be waived if (a) the minor parent has no parent or guardian who is living and whose whereabouts are known, (b) no living parent or legal guardian allows the minor parent to live in his/her home, (3) the minor parent lived apart from his/her own parent or legal guardian for at least 1 year before the birth of the child or the application for FITAP, (d) the physical or emotional health or safety of the minor parent or child would be jeopardized if they resided in the same household with the parent or legal guardian, or (e) there is otherwise good cause to waive the requirement. La. Admin. Code tit. 67, § 1227 (2017).

Parents who are under the age of 18 and have not completed high school or its equivalent must attend school or related education classes designed to obtain a high school diploma or its equivalent. Additionally, all recipients who are pregnant or have a child under the age of 1 must participate in parenting skills classes. La. Rev. Stat. Ann. §§ 46:231.3, 46:231.5 (2017).

Supplemental Nutrition Assistance Program, La. Admin. Code tit. 67, § 1701 et seq - http://www.dss.state.la.us/index.cfm?md=pagebuilder&tmp=home&pid=93.

Neither joint processing nor application for SNAP and Medicaid; Joint SNAP and TANF application and processing. B-1400-SNAP - All SNAP applicants and recipients who are not exempt are considered mandatory work registrants and are required to register, participate in employment and training programs, and comply with all other registration requirements.

B-1420-SNAP - Exemptions include Persons under 16, 16 and 17 year olds who are not heads of household or are attending school or enrolled in an employment and training program on at least a half-time basis, and those who are temporarily or permanently disabled mentally or physically. LAC 1709 - Homeless SNAP recipients may use their SNAP benefits to purchase prepared meals served by authorized public or nonprofit establishments.

Maine

TANF

Maine's TANF program provides assistance to parents and pregnant women 90 days before their due date. Me. Rev. Stat. Ann. tit. 22, § 3762 (3)(B)(5) (2017). Unmarried parents under the age of 18 may only receive benefits in the form of vouchers. Me. Rev. Stat. Ann. tit. 22, § 3763 (2017).

Generally, unmarried parents under the age of 18 must reside with a parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement in order to receive assistance. However, a minor parent may be exempt from this requirement if (a) the minor parent does not have a living parent or legal guardian whose whereabouts are known, (b) no living parent or legal guardian allows the minor parent to live in his/her home, (c) the minor parent lived apart from the his/her own parent or legal guardian for a period of at least 1 year before the birth of the child or the application for TANF, (d) the physical or emotional health or safety of the minor parent or child would be jeopardized if that minor parent or dependent child resided in the same residence with the minor parent's parent or legal guardian, or (e) there is other good cause for exemption. Me. Rev. Stat. Ann. tit. 22, § 3763(4) (2017).

Normally, a recipient who is the single custodial parent or a caretaker relative of a child under 1 year old and is personally providing care for that child is exempt from work or education requirements for no more than 12 months per single custodial parent or caretaker relative. Me. Rev. Stat. Ann. tit. 22, § 3763 (2) (2017). However, parents who are under the age of 20 and have not completed high school or its equivalent must participate in the ASPIRE-TANF program and attend courses to complete high school, regardless of the age of the youngest child. Me. Rev. Stat. Ann. tit. 22, § 3763 (3) (2017).

Food Supplement Program, Me. Stat. § 3104 et seq. - http://www.maine.gov/dhhs/ofi/services/snap/index.html; http://www.mainelegislature.org/legis/statutes/22/title22sec3104.html

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. Section: FS-111-5 (7 CFR 273.7) - Within 30 days of any application and once every 12 months after being found eligible, each household member who

is not exempt must register and maintain an active Maine JobLink Account with the Maine DOL and must comply with the provisions of the Responsibilities of Registrants. Exemptions include under 16 years old, age 16 or 17 and not principal wage earner regardless of student status, a student regardless of age enrolled at least half-time in any recognized school or training program, and an individual who is mentally or physically unfit to work. FS-1 (7 CFR 272.6) - Certain households, including homeless persons, are able to use FS to obtain prepared meals from shelters or communal dining facilities.

Maryland

FIP (Family Investment Program)

FIP provides assistance to parents and pregnant women. MD. Human Serv. § 5-308(a) (2017). Generally, parents under the age of 18 must live with a parent, legal guardian, or other adult relative in order to receive assistance. However, minor parents may live in an adult-supervised group living arrangement if (a) there is no available parent, legal guardian, custodian, or other adult relative with whom the minor parent can live, (b) the minor parent or child would be subject to physical or emotional harm, sexual abuse, or neglect in the home of any available adult relative, or (c) a social service worker finds that living with any available adult relative would not be in the best interest of the minor parent or child. Minor parents may also live independently if a social service worker confirms that the physical safety or emotional health of the minor parent or child would otherwise be in jeopardy. MD. Human Serv. § 5-312(b)(3) (2017).

Food Supplement Program, Md. Code Ann. § 5-501 et seq. - http://dhr.maryland.gov/food-supplement-program/; http://law.justia.com/codes/maryland/2016/human-services/title-5/subtitle-5/

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF application and processing in some cases. 130 - Each household member, unless exempt must register for work and accept suitable work, with a few exceptions.

130.5 - Exemptions include: children under 16, children 16 or 17 who are not head of household, students enrolled at least half-time in any recognized school, training program. or institution of higher education, and individuals who are mentally or physically unfit to work. 500 - Homeless Meal Provider - a public or private non-profit establishment, such as a soup kitchen or temporary shelter, that feeds homeless people. Hot foods that are ready to eat are ineligible foods, unless bought from an authorized homeless meal provider.

Massachusetts

TAFDC (Transitional Aid to Families with Dependent Children)

TAFDC provides assistance to pregnant women 120 days before their due date or if the pregnant woman is a teen parent. 106 Mass. Code Regs. 203.565 (2017). To receive assistance, parents under the age of 20 must live in the home of a parent or adult relative who is at least 20 years old (but not the child's other parent, if unmarried), an

approved foster parent, or a legal guardian. However, if there is no adult relative that the teenage parent can live with, or if there is abuse, neglect, or substance abuse at home, the teenage parent must live in a supervised, structured setting through the Department's Teen Living Program.

In addition to cash assistance, TAFDC provides a number of services for teen parents. Teen parents may be eligible for child care while in school or at work. 106 Mass. Code Regs. 207.210 (2017). The Young Parents Program provides literacy and other skills training to pregnant and parenting TAFDC recipients between 14-22, who have not yet achieved a high school diploma or its equivalent. 106 Mass. Code Regs. 207.140 (2017).

Parents under the age of 20 who have not completed high school or its equivalent must attend primary/secondary school or a full-time GED program and participate in an approved training or employment-related activity for 20 hours per week. School attendance is not required for 3 months after the birth of a child. A teenage parent in a structured living program is required to enroll and make progress in high school or a GED program and participate in basic parenting skills, life skills, and pregnancy prevention classes. A structured living program also provides necessary rules and regulations to promote stability and provides regular counseling sessions. 106 Mass. Code Regs. 203.600 to 203.630 (2017). A teenage parent may also live independently if the Department determines s/he if the teenage parent has achieved the necessary educational and vocational goals and acquired sufficient independent living skills and parenting skills. 106 Mass. Code Regs. 203.640 (2017). The school attendance requirement may be waived for teen parents who are victims of domestic violence. 106 Mass. Code Regs. 203.110 (2017).

The Emergency Assistance program provides temporary emergency shelter to eligible TAFDC families and assists them in finding permanent housing. To be eligible, families must meet the TAFDC asset limits and have gross income less than or equal to 115% of the FPL. 760 Mass. Code Regs. 67.02 (2017). The Emergency Assistance Shelter Program to Non-TAFDC Families provides temporary emergency shelter to eligible homeless families who are not TAFDC recipients and assists them in finding permanent housing. To be eligible, families must have household gross income less than or equal to 130% of FPL and assets not greater than $2,500. The Housing Assistance Program provides housing search services to homeless families in temporary, emergency shelter. 760 Mass. Code Regs. 67.02 (2017).

Supplemental Nutrition Assistance Program, Mass. Gen. Laws ch. 18 - http://www.mass.gov/eohhs/gov/departments/dta/food-assistance.html; https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter18

Neither joint processing nor application for SNAP and Medicaid; Joint SNAP and TANF application and processing. 106 CMR 362.300 - 106 CMR 362.310 - Non-exempt household members between the ages of 16 and 59 must: register for work at application time and every 12 months after initial registration; provide information to the Department regarding employment status or job availability when requested; report to an employer when the Department has made a referral and the work

meets suitability requirements; accept a legitimate offer of suitable employment; not voluntarily or without cause quit a job of more than 30 hours per week or reduce hours to less than 30 hours per week.

106 CMR 362.310 (c) - Exemptions include: A person under 16, a 16 or 17 year old who is not head of household, attending school or employment and training program on at least a half-time basis, a student enrolled at least half-time in high school, recognized school, employment training program, or institution of higher learning, and a person who is mentally or physically unfit for employment. 106 CMR 362.120 (f) - Eligible households not living in permanent dwellings or having no fixed mailing addresses may use all or part of the SNAP benefits for meals prepared and served by a public or private nonprofit establishment (e.g., homeless meal provider, soup kitchen, temporary shelter) approved by an appropriate state or local agency to feed homeless individuals and authorized by FNS as a retail food outlet.

Michigan

FIP (Family Independence Program)

FIP provides assistance to minor parents, who are defined as parenting or pregnant recipients who are under the age of 18 and not emancipated. Mich. Comp. Laws Ann. § 400.57 (2017). Generally, minor parents must live with a parent, stepparent, or legal guardian in order to receive assistance. However, a minor parent may live in another adult-supervised household if there is good cause as shown by: (a) the minor parent's parent, stepparent, or guardian being unavailable or unwilling to allow the minor to live in his or her household, (b) a reasonable belief of physical, sexual, or substance abuse occurring in the household, or (c) other risks to the physical or emotional health or safety of the minor parent or child. This requirement may be waived with respect to a minor parent who is at least 17, attending secondary school full-time, and participating in a department service plan or a teen parenting program, if moving would require the minor to change schools. Mich. Comp. Laws Ann. § 400.57b (2017).

Minor parents who have not completed secondary school must attend school. Mich. Comp. Laws Ann. § 400.57e (2017).

Food Assistance Program, Mich. Comp. Laws § 400.171 et seq. - http://www.michigan.gov/mdhhs/0,5885,7-339-71547_5527---,00.html; https://www.legislature.mi.gov/(S(gobf4zqx20dzj5l3kmdijmb1))/mileg.aspx?page=getObject&objectName=mcl-Act-43-of-1973.

Joint SNAP and Medicaid processing; Joint SNAP and TANF application and processing. BEM 230 - Non-deferred adult members of FAP households must comply with certain work-related requirements in order to receive food assistance.

Requirements: non-deferred adults must be registered for work and informed of the work requirements; can not voluntarily quit a job of 30 hours or more per week or voluntarily reduce hours below 30 hours per week; non-deferred adults who are not working or are working less than 30 hours per week must accept a bona fide offer of employment and participate in activities required to receive unemployment benefits if

they have applied for or are receiving unemployment benefits.

Deferrals (exemptions) include under 16, 16 or 17 year olds who live with a parent or person in parental role, who attend school at least half-time or are enrolled in an employment/training program at least half-time, students meeting certain requirements, and persons who are physically or mentally unfit for employment. Can be deemed unable to purchase and prepare meals with a statement from physician or psychologist (this seems to be for elderly and disabled). Homeless persons can use FAP benefits at nonprofit homeless meal providers authorized by FNS.

Minnesota

MFIP (Minnesota Family Investment Program)

MFIP provides assistance to minor caregivers, who are defined as either a natural parent of a minor child living in the same household or is eligible for assistance paid to a pregnant woman under the age of 18 who have never been married or legally emancipated. Minn. Stat. Ann. § 256J.08 (59) (2017). Generally, minor parents must reside in the household of a parent, legal guardian, or other adult relative in order to receive assistance. However, a minor parent may live in an adult-supervised supportive living arrangement if (a) the minor parent has no living parent, other adult relative, or legal guardian whose whereabouts are known, (b) no living parent, other adult relative, or legal guardian allows the minor parent to live in their home, or (c) the physical or emotional health or safety of the minor parent or minor child would be jeopardized if the minor parent and the minor child resided in the same residence with the minor parent's parent, other adult relative, or legal guardian. An adult-supervised supportive living arrangement is either a private family setting which assumes responsibility for the care and control of the minor parent and his/her child, or some other living arrangement (not including a public institution) that is licensed by the Commissioner of Human Services and ensures the minor parent receives adult supervision and supportive services, such as counseling, guidance, independent living skills training, or supervision. A minor parent may also be allowed to live independently if (a) the minor parent lived apart from the minor parent's parent or legal guardian for at least 1 year before either the birth of the minor child or the minor parent's application for assistance, or (b) an adult supervised supportive living arrangement is not available for the minor parent and child in the county in which the minor parent and child currently reside. Minn. Stat. Ann. § 256J.14 (2017).

Minor parents without a high school diploma or its equivalent must attend school. An 18- or 19- year-old parent without a high school diploma may choose between attending school or fulfilling the work requirements of MFIP. Minn. Stat. Ann § 256J.54 (2017).

Supplemental Nutrition Assistance Program, Minn. Stat. Chapter 256D - https://mn.gov/dhs/people-we-serve/adults/economic-assistance/food-nutrition/; https://www.revisor.mn.gov/statutes/?id=256D

Joint SNAP and Medicaid processing in some cases only; Joint SNAP and TANF application and processing. 0028.06.12 - All non-exempt SNAP participants must

register for work, which is automatically completed when a unit member signs the combined application form.

Exemptions from work registration include: under 16, age 16 or 17 and living with a parent/ caregiver, 16 or 17 and attending school or enrolled in an employment training program at least half-time, and persons who are mentally or physically unfit for work. There is no definition of meal provider or homeless meal provider.

Mississippi

TANF

Mississippi's TANF program provides assistance to minor parents, who are defined as parents under the age of 18. Generally, unmarried minor parents must live with a parent or other adult caretaker in order to receive assistance. However, an unmarried minor parent may be exempt from this requirement if (a) the minor parent has no living parent or suitable relative whose whereabouts are known, (b) no living parent, specified relative, or legal guardian will allow the minor parent to live in his or her home, (c) the minor parent has lived on her own, apart from adult supervision, for at least 1 year prior to the birth of the child or to making application for TANF, (d) the physical or emotional health or safety of the minor parent or her child would be endangered by residing with the minor parent's parent or other caretaker, or (e) there is other good cause to grant assistance to a minor parent living apart from adult supervision. Minor parents who have not completed high school or its equivalent are required to remain in school. School attendance requirements apply once the minor parent's child is 12 weeks old. Supportive services are available if the minor parent needs child care in order to remain in school. Miss. Admin. Code 18-13:3.3100 (2017).

Supplemental Nutrition Assistance Program, Miss. Code Ann. § 43-1-28 - http://www.mdhs.state.ms.us/field-operations/programs-dfo/supplemental-nutrition-assistance-program-(snap)/; http://law.justia.com/codes/mississippi/2016/title-43/chapter-1/in-general/section-43-1-28

Neither joint processing nor joint application for SNAP and Medicaid; Joint SNAP and TANF application and processing. Volume V Chapter 3 P. 3250 - Every household member who does not meet an exemption must register for work.

Exemptions include: Persons under 16 years old, 16 and 17 year olds who are not a household head, or are head of household who are attending school or enrolled in SNAP E&T, and those mentally or physically unable to work. Volume V, Chapter 2 p. 2010 - Homeless Meal Provider- "A private or public non-profit establishment, e.g., soup kitchen, temporary shelter, etc., approved by a State or local agency, that feeds homeless persons."

Missouri

Temporary Assistance

To receive Temporary Assistance, a never-married parenting or pregnant individual under the age of 18 must reside with a parent, legal guardian, other adult relative,

or in some other adult-supervised supportive living arrangement. Exceptions to this requirement are allowed if (a) the minor parent has no parent or legal guardian who is living or whose whereabouts are known, (b) the Family Support Division determines that the physical health or safety of the minor parent or child would be jeopardized, (c) the minor parent has lived apart from any parent or legal guardian for a period of at least 1 year prior to the birth of the child or applying for benefits, or (d) the child abuse hotline has made a "reason to suspect finding" that the minor parent was a victim of abuse while residing in the home where he/she would be required to reside. Mo. Ann. Stat. § 208.040 (West 2017).

Food Stamp Program - https://mydss.mo.gov/food-assistance/food-stamp-program.

Joint SNAP and Medicaid processing in some cases only; Joint SNAP and TANF application and processing. 1105.025.00 - All Food Stamp Applicants and participants over the age of 15 and under the age of 60 must comply with the following work requirements as a condition of eligibility: register for work at the time of application and recertification; not quit a job of 30 hours/week (or with earnings equal to 30 hours at minimum wage); not reduce hours under 30 hours per week (or equivalent earnings); not refuse to accept a bona fide offer of employment without good cause

1105.025.05 - Exemptions include: Under age 16; age 16-18 attending school full time; 16 or 17 year old, unless head of household; physically or mental unable to work. Note - "Homelessness is an indicator that an individual may meet an exemption to work/training requirements." 1135.050.30 - Homeless meal providers must be nonprofit organizations, public or private, serving meals to homeless residents and non-residents.

Montana

FAIM (Families Achieving Independence in Montana)

FAIM provides assistance to teen parents, who are defined as an individual under the age of 18 who is unmarried and either parenting or in the third trimester of pregnancy. Generally, teen parents must live with a parent, legal guardian, or other adult relative in order to receive assistance. However, a teen parent may live in an alternative setting if (a) the teen parent has no parent, legal guardian, or other adult relative who would qualify to serve as a guardian, and who will allow the teenage parent to live in their home, (b) physical, verbal, or emotional abuse exists in the home of any adult relative or guardian with whom the teen parent could otherwise live, (c) alcohol or drug abuse exists in the home of any adult relative or guardian with whom the teen parent could otherwise live, (d) any adult relatives with whom the teen parent could otherwise live do not live in Montana, (e) any adult relative with whom the teen parent could otherwise live is mentally ill, or (f) it would be dangerous to the teen parent's physical or emotional well being to live with any adult relatives with whom the teen parent could otherwise live. Mont. Admin. R. 37.78.206 (2017).

Teen parents who have not completed high school or its equivalent must participate in educational activities. Mont. Admin. R. 37.78.811 (2017). The Parents as Scholars Program provides assistance to a limited number of recipients who are or will be

undergraduates in a two- or four-year post-secondary institution. Mont. Admin. R. 78.812 (2017).

Supplemental Nutrition Assistance Program, Mont. Code Ann. § 53-2-901 et seq. - http://dphhs.mt.gov/hcsd/snap/index; http://law.justia.com/codes/montana/2015/title-53/chapter-2/part-9/

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF application and processing in some cases . SNAP 700 (7 CFR 273.7) - All Snap household members who are at least 16 years old and not yet 60 must register for work.

SNAP 701-1 (7 CFR 273.7) - Exemptions include individuals younger than 16, 16 and 17 year olds if they are not heads of the household, attending school on at least a half-time basis or enrolled in an employment training program on at least a half-time basis; students who are enrolled at least half-time in any recognized school, training program, or institution of higher learning who also meet the eligibility requirements as eligible students; individuals physically or mentally unfit for employment

SNAP801-1 - Chronically homeless individuals may be considered unfit for employment (in ABAWD section). SNAP 0-3 - mentions that "A limited number of participants who meet specific eligibility and residence criteria may use their SNAP benefits to buy prepared meals" including at communal dining facilities, but it does not specifically mention restaurants or homeless persons as being eligible in Montana.

Nebraska

ADC (Aid to Dependent Children)

ADC provides assistance to minor parents and pregnant minors in their third trimester. A minor parent living with a relative, guardian, or conservator is considered emancipated unless the minor parent is receiving support from his or her parent(s), guardian, or conservator. A minor parent who is married is considered emancipated, even if the minor parent is living in his or her parent's home. 486 Neb. Admin. Code § 2-007.2 (2017).

Supplemental Nutrition Assistance Program, Neb. Rev. Stat. § 68-1017.01 and .02 - http://dhhs.ne.gov/children_family_services/Pages/fia_fstamps.aspx; http://law.justia.com/codes/nebraska/2006/s68index/s68index.html.

Neither joint processing nor application for SNAP and Medicaid; Joint SNAP and TANF application and processing. 3-001.04 - All household members age 16 through 59 must meet these work requirements: Work Registration, Bona Fide Job Offer, Voluntary Quit, Employment First (EF) work requirements.

3-001.04A - Exemptions include: persons age 15 or younger; A person age 16 or 17 who is not the head of household, or who is attending school, or enrolled in an employment and training program on at least a half-time basis; High school students of any age who are attending classes at least half-time; A student enrolled at least half time in any recognized school, training program, or post-secondary education when the individual is an exempt student; A person who is physically or mentally

unfit for work. A homeless meal provider can be a "restaurant that contracts with the Department to offer meals at a low or reduced prices to homeless persons" as well as a nonprofit establishment like a soup kitchen.

Nevada

TANF

Nevada's TANF program provides assistance to poor families. Nev. Rev. Stat. Ann. § 422A.080 (2017).

Unmarried minor parents must attend training to learn the skills necessary to care for a child and are encouraged to participate in a program that provides mentors for such parents. Nev. Rev. Stat. Ann. § 422A.535 (2017).

Supplemental Nutrition Assistance Program, https://dwss.nv.gov/SNAP/Food/

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF application and processing in some cases. 7 CFR 273.7(j) - Food Assistance applicant and recipients are mandatory work registrants unless they qualify for an exemption. Mandatory Work Registrants are also required to not voluntarily quit a job that provides at least 30 hours of work weekly and work at least 30 hours a week if their employer offers it. (7 CFR 273.7(a)).

7 CFR 273.7(b) - Exemptions include children under age of 16, 16 or 17 year olds who are not heads of household, and for persons who are mentally or physically unfit for employment. 7 CFR 273.11(e) - Homeless persons can use Food Assistance for meal services provided by a facility that is a homeless meal provider.

7 CFR 272.9 - A homeless meal provider may be a private or public non-profit establishment that feeds homeless persons (e.g., a soup kitchen or shelter) or it can be a restaurant that contracts with DHS to offer meals at low or reduced prices to homeless persons.

New Hampshire

FAP (Family Assistance Program)

In order to receive FAP assistance, an unmarried parent under 18 years of age must reside with a parent, legal guardian, other adult relative, or in another adult-supervised supported arrangement, unless (a) the minor parent resided separately from his/her parent or legal guardian for a period of at least 1 year before either the birth of his/her child or application for assistance, (b) the physical or emotional health or safety of the minor parent or dependent child would be jeopardized, or (c) there is otherwise good cause for the minor parent and dependent child to receive assistance while residing separate from a parent, legal guardian, other adult relative, or outside of an adult-supervised living arrangement. N.H. Rev. Stat. Ann. § 167:79 (2017).

A recipient who is married or is a single head of household and is under the age of 20 must attend secondary school, its equivalent, or participate in education directly related to employment for at least 20 hours per week. N.H. Rev. Stat. Ann. § 167:85 (2017).

Food Stamps, N.H. Rev. Stat. Chapter 161 - https://www.dhhs.nh.gov/dfa/foodstamps/index.htm; http://www.gencourt.state.nh.us/rsa/html/NHTOC/NHTOC-XII-161.htm.

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. 813 - When eligible for FS, applicants aged 16-60 are registered to work, unless exempt.

809 - Exemption includes individuals under 16, individuals 16 or 17 and not head of household, individuals 16 or 17 and head of household who are attending school or training program half-time or more, or individuals who are physically or mental unfit for work. No mention of persons experiencing homelessness.

New Jersey

WFNJ (Work First New Jersey)

In order to receive WFNJ assistance, never-married parenting or pregnant individuals under 18 years old must reside in a home maintained by a parent, legal guardian, or other adult relative unless it is determined that the adult relative (a) refuses or is unable to allow the applicant/recipient or that person's dependent child to reside in that adult's home, (b) poses a threat to the emotional health or physical safety of the applicant/recipient, (c) has physically or sexually abused the applicant/recipient or the applicant's/recipient's dependent child, or poses a risk of doing so, or (d) has exhibited neglect with respect to the needs of the applicant/recipient and the applicant's/recipient's dependent child. N.J. Stat. Ann. § 44:10-60 (West 2017).

Never-married parenting or pregnant individuals under 18 years old must regularly attend a high school or equivalency program of study unless the Commissioner determines that the minor parent lacks a reasonable prospect of being able to successfully complete high school or its equivalent. If the minor parent has completed secondary education, he or she must engage in a work activity. The Commissioner may exempt a minor parent from the preceding requirements if the Commissioner determines that such an exemption would be in the best interests of the minor parent or his or her dependent child. N.J. Stat. Ann. § 44:10-60 (West 2017).

NJ SNAP, N.J. Stat. § 44:10-80 et seq. - http://www.nj.gov/humanservices/dfd/programs/njsnap/index.html;

Joint SNAP and Medicaid processing in some cases only; Joint SNAP and TANF application and processing in some cases. 10:87-3.16 - Each household member who is not exempt shall be registered for employment by the CWA at time of application, and at least once every 12 months as a condition of eligibility for participation in the NJ SNAP program.

10:87-10.2 - Exemption from work registration requirements include individuals under 16 years of age, persons age 16 or 17 who are not the head of household and who are attending school, or enrolled in an NJ SNAP ETP on at least a half-time basis, and adults who are physically or mentally unfit for employment. 10:87-3.12 (a)(6)(i) - Homeless NJ SNAP households may use their benefits at restaurants who have entered into a contract.

CWA to provide meals to homeless individuals and who have been approved by FNS to accept NJ SNAP benefits.

New Mexico

NM Works

NM Works provides assistance to parents and pregnant women in their third trimester. N.M. Admin. Code § 8.102.400 (2017). Generally, unmarried recipients under the age of 18 who are pregnant or parenting must reside in the household of a parent, legal guardian, or other adult relative. However, unmarried minor parents may be exempted from this requirement if the Department refers the minor parent to a second-chance home, maternity home, or other appropriate adult-supervised supportive living arrangement. Unmarried minor parents may also be exempted if the Department determines that (a) the minor parent has no parent, legal guardian, or other appropriate adult relative who is living or whose whereabouts are known, (b) the minor parent is not allowed to live in the home of a living parent, legal guardian, or other appropriate adult relative, (c) the minor parent is or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the home of the parent, legal guardian, or other appropriate adult relative, (d) an imminent or serious harm exists to the minor parent and child if they live in the same residence with the parent, legal guardian, or other appropriate adult relative, or (e) it is in the best interest of the minor parent to waive this requirement. N.M. Admin. Code § 8.102.400.12 (2017).

An unmarried minor parent who has not completed high school and who has a child at least 12 weeks of age must participate in educational activities directed toward the attainment of a high school diploma, its equivalent, or participate in an alternative educational or training program that has been approved by the Department. N.M. Admin. Code § 8.102.420.9 (B)(5) (2017).

Supplemental Nutrition Assistance Program, N.M. Stat. § 27-2-10 - http://www.hsd.state.nm.us/LookingForAssistance/Supplemental_Nutrition_Assistance_Program__SNAP_.aspx; https://www.lawserver.com/law/state/new-mexico/nm-statutes/new_mexico_statutes_27-2-10

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. 8.139.410.12 - SNAP recipients who do not meet a federal exemption must register for work at the time of application and every 12 months thereafter, as well as compliance with other work requirements.

7 CFR 273.7(b) - Exemption to work requirement includes individuals younger than 16 years of age, a person age 16 or 17 who is not the head of a household or who is attending school, or is enrolled in an employment training program on at least a half-time basis, or a person physically or mentally unfit for employment. 8.139.100.7 (45) - A homeless meal provider is defined as "a public or private nonprofit establishment, (e.g., soup kitchen, temporary shelter) approved by an appropriate state agency, that feeds homeless persons."

New York

FA (Family Assistance Program)

FA provides assistance to parenting and pregnant minors who are "fit person to bring up such child so that his or her physical, mental and moral well-being will be safeguarded." N.Y. Soc. Serv. Law § 349, (McKinney 2017). Eligibility for FA is generally determined from financial need, age, welfare of child or minor, residence within New York State, living arrangements, relationship of child to relative, and the durational limits applicable to the FA program. Generally, unmarried pregnant or parenting recipients who are under 19 years of age must reside in the household of a parent, legal guardian, or other adult relative. However, a minor parent may be exempted from this requirement if (a) the minor parent has no living parent or legal guardian whose whereabouts are known, (b) no living parent, legal guardian, or adult relative allows the minor parent to live in his or her home, (c) the minor parent or child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the parent or guardian, (d) substantial evidence exists of imminent or serious harm if the minor parent or child were to live in the residence with the parent or legal guardian, or (e) the Social Services District determines that it is in best interest of the child to waive such requirement. When such an exemption exists, and unless the individual's current living arrangement is appropriate, the Social Services District will assist the individual in locating an adult-supervised supportive living arrangement, such as a maternity home or a second chance home. N.Y. Comp. Codes R. & Regs. tit.18, § 369.2 (2017).

Additional assistance may be provided through the Child Assistance Program (CAP), a district-optional component of FA. Recipients of FA are eligible for CAP if they are in the possession of a support order for each child enrolling in CAP and the parent named in the order is absent from the home. CAP assistance may also be provided where failure to obtain a support order is due to the fact that the absent parent is deceased, the custodial parent made diligent attempt to get the support order, the custodial parent has good cause for not obtaining the support order, or the child resides with both parents and paternity is acknowledged or adjudicated. N.Y. Comp. Codes R. & Regs. tit.18, §§ 366.0, 366.4.

Supplemental Nutrition Assistance Program, http://otda.ny.gov/programs/snap/

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF application processing in some cases. Section 5, page 93 - Applicant and recipient household members are required to register for employment unless they are exempt.

Work requirement exemptions are the same as the federal exemptions. Section 9 page 218 - Nonprofit and publicly operated facilities such as shelters for the homeless and soup kitchens that provide prepared meals to homeless persons may be authorized to receive FS in payment for the meals provided. Restaurant meals program for elderly and disabled persons has been terminated. It is unclear whether there is a restaurant program for homeless individuals.

North Carolina

Work First

Work First provides assistance to minor parents, who are defined as individuals under 18 years old who live with a parent or in another adult-supervised setting approved by the County Director or his designee. In certain counties, a minor parent may live independently upon recommendation of a social worker. N.C. State Plan, pp. 26, 27 (2017).

Minor parents must also stay in school to complete their high school education or its equivalent. When a minor parent has completed high school, has received a GED, or is suspended or expelled from school, the minor parent must participate in an appropriate educational, training, or other work activity. N.C. State Plan, p. 40 (2017).

http://www.ncdhhs.gov/dss/workfirst/docs/TANF State Plan 10-09.pdf

Food and Nutrition Services, N.C. Gen. Stat. § 108A-51 et seq. - https://www2.ncdhhs.gov/dss/foodstamp/index.htm; http://law.justia.com/codes/north-carolina/2015/chapter-108a/article-2/

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF processing in some cases only. 240.00 - Unit members ages 16-59 are required to register for work at the time of application and every 12 months after unless exempt as well as other work requirements.

240.02 - Exemptions include individuals younger than age 16, Age 16 or 17 and not the head of household, Age 16 or 17 who are the head of household and in school or in an employment or training program, and individuals who are physically or mentally unfit for employment.

245.01 (5)(d) - Chronic homelessness is an exemption from the ABAWD time limit as the person is considered unfit for employment. There is no mention of restaurant usage. Authorized homeless meal provider is mentioned in 220.01 (c), but only in that they are not authorized to serve as an authorized representative for homeless food stamp recipients.

North Dakota

TANF

North Dakota's TANF program provides assistance to parents and women in their third trimester of pregnancy. N.D. Cent. Code § 50-09-29 (2017). Generally, a minor parent must live with a parent, legal guardian, other adult relative, or in a state-approved adult supervised supported living arrangement in order to receive assistance. However, a minor parent may be exempt from this requirement if (a) the minor parent has no living parent or legal guardian, (b) no parent or legal guardian will allow the minor parent to live in their home, (c) the physical or emotional health or safety of the minor parent or child would be jeopardized if they lived with the minor parent's parent or legal guardian, or (d) after reasonable search, the whereabouts of the minor caretaker's parents or legal guardian are unknown. N.D. Admin. Code 75-02-01.2-31 (2017).

All recipients without a high school diploma or its equivalent must attend high school, an alternative high school, an adult learning center program, a general equivalency diploma program, education in English proficiency, or a basic/remedial education program. N.D. Admin. Code 75-02-01.2-91 (2017). A bonus of $250 will be given to recipients upon completion of high school or a GED. N.D. Admin. Code 75-02-01.2-68 (2017).

Supplemental Nutrition Assistance Program, N. Dak. Century Code Ch. 50-06 - http://www.nd.gov/dhs/services/financialhelp/foodstamps.html, http://law.justia.com/codes/north-dakota/2016/title-50/chapter-50-06/

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. 430-05-40-05 - All individuals receiving SNAP are required to register for work at time of application and every 12 months. Additionally, they are required to seek and accept suitable employment, have good cause when quitting suitable employment, and comply with JOBS and BEST requirements.

430-05-40-10 - Exempts individuals under the age of 16, 16 and 17 year olds who are not the primary recipient or are attending school or are enrolled in an employment or training program at least half-time, individuals enrolled at least half-time in high school or any recognized school or training program, and individuals physically or mentally unable to work 30 hours or more per week. According to the definitions, a "homeless meal provider" can include meals prepared by an authorized restaurant.

Ohio

OWF (Ohio Works First)

OWF provides assistance to minor parents, defined as unmarried parents and women in their sixth month of pregnancy who are under age 18. Generally, minor parents must live with a parent, guardian, custodian, or specified relative in order to receive assistance. However, a minor parent may live an alternative adult-supervised living arrangement if (a) the minor parent does not have a living parent, guardian, custodian, or specified relative whose whereabouts are known, (b) no parent, guardian, custodian, or specified relative will allow the minor parent to live in their home, (c) the Department of Job and Family Services or a Public Children Services Agency determines that the physical or emotional health or safety of the minor parent or child would be in jeopardy if they lived in the same home as the parent, guardian, custodian, or specified relative, or (d) a Public Children Services Agency otherwise determines that it is in the best interest of the minor parent and child. An adult-supervised living arrangement is a family setting that has been approved, licensed, or certified by an appropriate agency and is maintained by a person who is at least 18 years old and who assumes responsibility for the care and control of or provides supportive services to a minor parent. Ohio Rev. Code Ann. § 5107.24 (West 2017).

Parenting and pregnant recipients under the age of 19 who have not completed high school or its equivalent must participate in an educational program designed to lead to the attainment of a high school diploma or its equivalent. Ohio Rev. Code Ann. § 5107.30 (West 2017).

Supplemental Nutrition Assistance Program, Ohio Rev. Code § 5101.54 et seq. - http://jfs.ohio.gov/OFam/foodstamps.stm; http://codes.ohio.gov/orc/5101.54

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and Medicaid application and processing in some cases. 7 CFR 273.7(j) - Food Assistance applicants and recipients are Mandatory Work Registrants unless they qualify for an exemption. Mandatory Work Registrants are also required to not voluntarily quit a job that provides at least 30 hours of work weekly and to work at least 30 hours a week if their employer offers it. (7 CFR 273.7(a)).

7 CFR 273.7(b) - Exemptions include children under the age of 16, 16 or 17 year olds who are not the head of household, and individuals mentally or physically unfit for employment. 7 CFR 273.11(e) - Homeless persons can use Food Assistance for meal services provided by a facility that is a homeless meal provider.

7 CFR 272.9 - A homeless meal provider may be a private or public non-profit establishment that feeds homeless persons (e.g., a soup kitchen or shelter) or it can be a restaurant that contracts with DHS to offer meals at low or reduced prices to homeless persons.

Oklahoma

TANF

In order to receive benefits, parenting and pregnant recipients under the age of 18 must live in an approved adult-supervised setting unless legally emancipated under Oklahoma law. Okla. Stat. Ann. tit. 56, § 230.52(8) (West 2017).

Unmarried teen parents who have a child at least 12 weeks of age must participate in educational activities or work activities approved by the State. Okla. Stat. Ann. tit. 56, § 230.52(6) (West 2017).

Supplemental Nutrition Assistance Program, 56 Ok. Stat. § 56-241 - http://www.okdhs.org/services/snap/Pages/default.aspx, http://law.justia.com/codes/oklahoma/2016/title-56/section-56-241/

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF application and processing in some cases. 340:50-5-85 - Certain unemployed adults must comply with work registration requirements and they must register at time of application and every twelve months. Certain exemptions to work requirements in 340:50-5-86 exempt individuals under 16, students who are enrolled in a school or training program, employed persons (30 hour or 30 hour wage equivalent), individuals mentally or physically incapacitated, and 16 or 17 year olds who are not the heads of household.

340:50-5-64(c)(2)(C) - Exempts chronically homeless individuals as mentally or physically unfit for employment from ABAWD (Able Bodied Adults with Dependents) work requirements. 340:50-5-30 - Food and Nutrition Service authorizes retail food service providers as providers of meals for homeless. Meal providers must be public or private, non-profit organizations.

Oregon

JOBS (Job Opportunities and Basic Skills Program)

JOBS provides assistance to minor parents and pregnant minors once pregnancy has reached the calendar month before the month in which the due date falls. Or. Admin. R. 461-135-0070(1)(e) (2017). Generally, parenting or pregnant individuals under the age of 18 must live with a parent or legal guardian in order to receive assistance. However, if the Department of Human Services determines that it is unsafe or impractical for the minor parent to reside with a parent or legal guardian then the minor parent may live in an alternative supervised living arrangement. Or. Admin. R. 461-135-0080) (2017).

A teen parent that does not have a high school diploma or GED must participate in educational activities. Exceptions are made for the first 16 weeks after the birth of a child, for teens who intend to go into an in-demand occupation that will lead to self-sufficiency but does not require a diploma or GED, and for teens in a job skills program, especially those 18 or 19 who is not achieving satisfying progress in school. Or. Admin. R. 461-190-0171 (2017). The Parents as Scholars JOBS component provides assistance to TANF parents who are or will be undergraduates to begin or continue their education at a two or four year educational institution. Or. Admin. R. 461-190-0199 (2017).

Supplemental Nutrition Assistance Program, Oregon Rev. Stat. § 411.806 et seq. - http://www.oregon.gov/dhs/assistance/food-benefits/pages/index.aspx; https://www.oregonlaws.org/ors/411.806

Joint SNAP and Medicaid processing in some cases only; Joint SNAP and TANF application and processing. SNAP E.7 - Everyone aged 18 and not yet 60, or 16 or 17 if head of household must cooperate with work requirements in section E.9, including registering for work, cooperating in determining their exempt or mandatory status, accepting a bona fide offer of employment, and maintaining employment and hours.

SNAP E.8 - Exemptions include 16 and 17 year olds who are heads of household as long as they are attending school or enrolled in an employment training program at least half-time, students who are enrolled at least half-time in high school or a training program, and individuals who are unfit mentally or physically for work. SNAP J.4 - Identifies homeless meal providers and mentions only four authorized locations, two of which are shelters, one YMCA outreach, and one additional, but no mention of restaurants.

Pennsylvania

Pennsylvania TANF

Pennsylvania's TANF program provides assistance to minor parents, who are defined as individuals under the age of 18 who have never been married, and are parenting or pregnant. 55 Pa. Code § 141.42. (2017). Generally, minor parents must reside in the home of the minor parent's parent, legal guardian, or other adult relative in order to

receive assistance. Minor parents may be given a special allowance payment to return to the home of the minor parent's parent, legal guardian, or other adult relative. If the minor parent cannot return to the home of a parent, legal guardian or other adult relative, the State will provide assistance to locate a second-chance home, maternity home, or other appropriate adult-supervised supportive living arrangement. A minor may be exempt from this requirement if no adult-supervised living arrangements are available and: (a) neither a parent, legal guardian, nor other adult relative is able to retain or assume parental control over the minor parent because of a physical, emotional, mental, financial or other limitation; (b) the minor parent does not have a living parent, legal guardian, or other adult relative whose whereabouts are known; (c) neither a parent, legal guardian, nor other adult relative of the minor parent will allow the minor parent to live in the common residence; (d) the physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided with the minor parent's parent, legal guardian, or other adult relative; (e) the minor parent's parent, legal guardian, or other adult relative has exhibited neglect of the minor parent or minor parent's child; (f) the minor parent's child or unborn child was conceived as a result of rape or incest committed by someone still residing in or visiting with other individuals residing in the residence; (g) the minor parent and dependent child no longer reside in the home of the parent, legal guardian, or other adult relative because of the threat or occurrence of physical or sexual abuse to the minor parent, minor parent's child, or any other child in the household; (h) the parent, legal guardian, or other adult relative lives in another area of Pennsylvania, in another state, or out of the country, the minor parent has not resided with the parent, legal guardian, or other adult relative for 12 months or more, and the minor parent is already enrolled in a vocational school, other educational program, job training, substance abuse treatment program, or is employed; (i) the parent, legal guardian, or other adult relative has spent the minor parent's assistance in an improper manner; or (j) other good cause necessary to protect the minor parent and child. 55 Pa. Code § 141.21(p)-(q) (2017).

Supplemental Nutrition Assistance Program, 55 Pa. Code Ch. 501 - http://www.dhs.pa.gov/citizens/supplementalnutritionassistanceprogram/index.htm#.VvQ4DE3fNaQ; http://www.pacode.com/secure/data/055/chapter501/chap501toc.html

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. 55 PA code 501.6(a) - A person required to register for work and not exempted shall participate in the Employment and Training Program.

55 Pa. Code § 501.6(b)(1) - Offers an exemption for individuals who are homeless as well as federal exemptions listed in 7 CFR 273.7(b), which include those under 18 who are not heads of household, 16 and 17 year olds who are attending school or an employment training program at least half-time, and for those who are mentally or physically unfit for employment. Chapter 511.24 - Lists restaurants as a valid provider of meals for homeless individuals.

Rhode Island

R.I. Works

A minor parent is a parent under the age of 18. A minor who is a parent or in the sixth month of pregnancy must reside in the home of an adult parent, legal guardian, or relative. This shall not apply if (a) the minor parent or pregnant minor has no parent, legal guardian, or other adult relative who is living and/or whose whereabouts are known, (b) the Department determines that the physical or emotional health or safety of the minor parent, his/her child, or the pregnant minor would be jeopardized (refusal of a parent, legal guardian, or other adult relative to allow the minor parent., his/her child, or a pregnant minor to live in his/her home shall constitute a presumption that the health or safety would be so jeopardized), (c) the minor parent or pregnant minor has lived apart from his/her own parent or legal guardian for a period of at least 1 year before either the birth of any child to a minor parent or the onset of the pregnant minor's pregnancy, (d) (i) there is good cause, under departmental regulations, for waiving the subsection, and (ii) the individual resides in supervised supportive living arrangement to the extent available. A supervised supportive living arrangement includes enrolling and making satisfactory progress in a program leading to a high school diploma or a general education development certificate and requires participation in a parenting program. R.I. Gen. Laws §§ 40-5.2-8, 2-10 (2017).

Minor parents are exempt from school/work requirements only for the first 12 weeks after the birth of a child. R.I. Gen. Laws §§ 40-5.2-12 (2017).

Supplemental Nutrition Assistance Program, R.I. Gen. Laws § 40-6-8 - http://www.dhs.ri.gov/Programs/SNAPEligibility.php; http://law.justia.com/codes/rhode-island/2014/title-40/chapter-40-6/section-40-6-8/

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. 1004.25 - Each non-exempt, unemployed adult household member must register for employment at the time of application and every 12 months after registration.

1004.25.05 - Exemptions exist for those under 16, students, 16 and 17 year olds who are not head of household or are half-time students in school or enrolled in an employment training program, and persons with disabling conditions. 1014.65 - Homeless households are permitted to use their SNAP benefits to purchase prepared meals from authorized homeless meal providers. No mention of restaurants.

South Carolina

Family Independence

Generally, unmarried minor mothers must live with their parent or guardian in order to receive assistance. However, a minor parent may live in an alternative living arrangement if (a) the minor parent has no living parent or legal guardian whose whereabouts are known, (b) no parent or legal guardian allows the minor parent to live in his or her home, (c) the minor parent lived apart from his or her own parent or legal guardian for at least 1 year before either the birth of the child or the application

for assistance, (d) the physical or emotional health or safety of the minor parent or child would be jeopardized if they resided in the same residence with the parent or legal guardian, or (e) there is otherwise good cause for the minor parent and child to receive assistance while living apart from the minor parent's parent, legal guardian, adult relative, or an adult supervised supportive living arrangement. S.C. Code Ann. § 43-5-1220(A) (2017).

In addition, minor mother recipients must participate in a family skills training program that includes parenting skills, financial planning, and health information. S.C. Code Ann. § 43-5-1185 (2017). All recipients under 18 must maintain satisfactory school attendance. S.C. Code Ann. § 43-5-1215 (2017).

Supplemental Nutrition Assistance Program - https://dss.sc.gov/assistance-programs/snap/

Neither joint processing nor application for SNAP and Medicaid; Joint SNAP and TANF application and processing. Chapter 8.1 - All individuals who are not exempt must comply with work requirements, including registering for work, providing agency with sufficient information about employment status, reporting to an employer they are referred to, accepting a bona fide offer of employment, and not voluntarily quitting or reducing hours below 30 hours.

Chapter 8.2 - Exemptions include individuals under 18 who are not head of household, 16 and 17 year olds who are heads of household and are attending school or enrolled in training program on half-time basis, individuals who are mentally or physically unfit for employment, and students. Chapter 14.6 - Homeless SNAP Households can purchase prepared meals from homeless meal providers authorized by FNS. No mention of restaurants.

South Dakota

TANF

Generally, unmarried parents under the age of 18 must live with a parent, legal guardian, or adult relative and either have completed or must participate in educational activities toward a diploma/GED in order to receive assistance. S.D. Admin. R. 67:10:01:14 (2017). However, this requirement may be waived if there is no living adult relative or legal guardian that will allow the minor parent and child to live with them or if the Department determines that it is not in the best interests of the minor parent and child to live with an adult relative or legal guardian. In such a case, the Department may require the minor parent to live in an adult-supervised living arrangement that provides parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote the minor parent's long-term economic independence and the well being of the child. S.D. Admin. R. 67:10:01:15 (2017).

Supplemental Nutrition Assistance Program, S. Dak. Laws § 28-12-1 et seq. - http://dss.sd.gov/economicassistance/snap/, http://law.justia.com/codes/south-dakota/2016/title-28/chapter-12/

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application

and processing. Chapter 13000 - All individuals must register for work unless exempt and must meet general work registration requirements.

Chapter 13130 - Provides exemptions for persons under 16, individuals 16 or 17 who are attending school half-time, are enrolled in a training or employment program, or are a dependent child residing with a parent or under parental control, students, or those mentally or physically unfit. Chapter 7412 - Homeless Meal Providers must be public or private non-profit organization. No mention of restaurants.

Tennessee

Families First

Parenting and pregnant recipients who are under the age of 18 and have never been married must live with the applicant's parent, legal guardian, other adult relative, or in another suitable living arrangement approved by the Department. However, applicants are exempted from this requirement if (a) they do not have a parent, legal guardian, or other adult relative whose whereabouts are known, (b) they do not have a parent, legal guardian, or other adult relative who will allow the applicant to live in his or her home, or (c) the Department determines that there is good cause to exempt the applicant. Tenn. Code Ann. § 71-3-104(f) (2017).

Parents under the age of 18 who are not heads of household and have not completed high school or its equivalent must participate in education activities directed towards the attainment of a high school diploma or its equivalent. Parents under the age of 19 who are heads of household and have not completed high school or its equivalent must either participate in education activities directed towards the attainment of a high school diploma, its equivalent, or must work 30 hours a week. Parents with a child under 16 weeks old are exempt from these requirements. Tenn. Code Ann. § 71-3-154(e) (2017).

Supplemental Nutrition Assistance Program, http://tennessee.gov/humanservices/topic/supplemental-nutrition-assistance-program-snap

Joint SNAP and Medicaid processing in some cases only; Joint SNAP and TANF application and processing in some cases only. Chapter 9 A - Every household member, unless exempt, must register for employment prior to certification and once a year thereafter and must follow chapter 9B work registration requirements.

Chapter 9C - Exemptions include federal exemptions for persons under 16, 16 and 17 year olds who are not heads of household or are attending school or an employment training program, and those who are physically or mentally unfit for employment.

Chapter 9D - Lists homelessness without a fixed address as an additional recognized barriers to employment. No mention of restaurants. Homeless persons can purchase prepared meals from shelters or other authorized homeless meal providers.

Texas

TANF

To be eligible for TANF assistance, unmarried minors must reside with a parent, legal guardian, or other adult relative, unless (a) the parent(s), legal guardian, or other adult relative(s) are deceased or their whereabouts are unknown, (b) the parent(s), legal guardian, or other adult relative(s) will not allow the minor to live in the home, (c) the State determines that the minor parent or child is or has been subjected to serious physical or emotional harm, sexual abuse or exploitation in the adult's home, or (d) that State otherwise determines that it is in the child's best interest to waive the requirement. Tex. State Plan, p5 (2017).

In order to receive assistance, parents under the age of 19 who do not have a high school diploma or its equivalent must attend school regularly. Parents under the age of 19 who do have a high school diploma or its equivalent must work at least 30 hours a week. Tex. Hum. Res. Code Ann. § 31.0031 (Vernon 2017).

Supplemental Nutrition Assistance Program, Tex. Hum. Res. Code § 33.0005 et seq. - https://yourtexasbenefits.hhsc.texas.gov/programs/snap; http://www.statutes.legis.state.tx.us/Docs/HR/htm/HR.33.htm

Joint SNAP and Medicaid processing in some cases only; Joint SNAP and TANF application and processing. A-144.2 - Advisors should register the applicant for work unless applicant is exempt.

A-1822.1 - Individuals are exempt from employment and training requirements if they are 15 or younger, 16 or 17 and head of household, 16 or 17 and attending school, including homeschooling, or in an employment training program on at least half-time basis, or if they are physically or mentally unfit for employment. B-462 - Homeless individuals may use SNAP benefits to purchase prepared meals from meal providers authorized by FNS. C-540 Item 101 - Homeless individuals are eligible to purchase prepared meals from restaurants.

Utah

FEP (Family Employment Program)

FEP provides assistance to parents and pregnant women in their third trimester of pregnancy. Utah Admin. Code r. 986-200 (204) (2017). Generally, recipients under the age of 18 must live with a parent, legal guardian, or other adult relative. However, minor parents may live in an alternative living arrangement approved by the Department if (a) the minor parent has no living parent or guardian whose whereabouts are known, (b) has no living parent or guardian that will allow the minor parent to live in his or her home, (c) the minor parent lived apart from his or her own parent or legal guardian for at least 1 year before either the birth of the child or the application for FEP and the minor parent was self supporting during this period of time, or (d) the physical or emotional health or safety of the minor parent or child would be jeopardized if they resided in the same residence with the minor parent's parent or guardian. Utah Admin. Code r. 986-200 (213) (2017).

In addition, minor parents must participate in parenting and life skills programs operated by the Department of Health. Minor parents who do not have a high school diploma must attend high school or an alternative to high school. Minor parents with a high school diploma must participate in education and training and/or employment for at least 20 hours per week. Utah Admin. Code r. 986-200 (213) (2017).

Food Stamps, https://jobs.utah.gov/customereducation/services/foodstamps/index.html

Joint SNAP and Medicaid processing; Joint SNAP and TANF application and processing. 342 - All SNAP applicants and recipients, unless exempt, must meet employment and training requirements, federal requirements, not voluntarily reduce hours below 30 hours, and not voluntarily quit.

342-A - Exemptions include those younger than 16, 16 and 17 year olds attending training at least half-time, 16 and 17 year olds enrolled in school (no minimum attendance), 16 and 17 year olds who are head of household, and those who are mentally or physically unfit for work.

342-1B - Exemption also exists for persons with no fixed address. 207 - Homeless individuals can use their SNAP assistance at certified restaurants.

Vermont

Reach Up

A minor parent is an individual under age 18 who is a parent or pregnant individual. Regardless of their school attendance, dependent status, age, the age of their youngest child, or participation in a supervised living arrangement, all minor parents must participate in Family Development Plan activities. The minor parent shall take part in case-managed support, education, and training activities. The minor parent shall attend school or an appropriate alternative education or training program. If the minor parent is not emancipated, the minor parent and the dependent child must reside with a parent or in an approved living arrangement. Vt. Stat. Ann. tit. 33, § 1101, et seq. (2017).

3SquaresVT, Vt. Stat. § 33-1701 - http://vermontfoodhelp.com/; http://legislature.vermont.gov/statutes/fullchapter/33/017

Neither joint processing nor application for SNAP and Medicaid; Joint SNAP and TANF application and processing in some cases. 273.7 (a) - Each household member who is not exempt has to register for employment at time of application and once every 12 months after initial registration.

273.7 (b) - Exceptions include person under 16, persons mentally or physically unfit for employment, 16 or 17 year olds who are not heads of household, 16 or 17 year old heads of household who are enrolled in a school or training program, or those who are mentally or physically unfit for work. Definitions - "Homeless meal provider" means (1) A public or private nonprofit establishment (e.g., soup kitchens, temporary shelters) that feed homeless persons; or (2) A restaurant that contracts with an appropriate State agency to offer meals at low or reduced prices to homeless persons.

Virginia

VIEW (Virginia Initiative for Employment, Not Welfare)

Virginia's TANF program provides assistance to parents under age 18 who live with a parent, other adult relative, legal guardian, or another adult determined by the Department to be acting in place of a parent. However, if the local Department of Social Services determines, by clear and convincing evidence, that the physical or emotional health or safety of the minor parent or his/her dependent child would be jeopardized if the minor parent and dependent lived in the same residence with the minor parent's parent, other adult relative, or legal guardian, then the Department will refer the minor parent to an adult-supervised supportive living arrangement. 22 Va. Admin. Code § 40-35-60 (2017).

All parents under 16 years of age, parents under 20 years of age and enrolled full-time in either elementary, secondary, career, or technical school, full-time caregivers, and parents caring for a child under 12 months of age are exempt from the work requirements of VIEW. However, these recipients should participate in summer work if feasible. 22 Va. Admin. Code § 40-35-80 (2017).

Supplemental Nutrition Assistance Program, Va. Code § 63.2-801 - http://www.dss.virginia.gov/benefit/snap.cgi; https://law.lis.virginia.gov/vacode/title63.2/chapter8/section63.2-801/

Joint SNAP and Medicaid processing in some cases; Joint SNAP and TANF application and processing in some cases. 7 CFR 273.7(j) - Food Assistance applicant and recipients are Mandatory Work Registrants unless they qualify for an exemption. Mandatory Work Registrants are required to not voluntarily quit a job that provides at least 30 hours of work weekly and work at least 30 hours a week if their employer offers it. (7 CFR 273.7(a)).

7 CFR 273.7(b) - Exemptions include children under the age of 16, 16 or 17 year olds who are not heads of household, and those who are mentally or physically unfit for employment. 7 CFR 273.11(e) - Homeless individuals can use Food Assistance for meal services provided by a facility that is a homeless meal provider.

7 CFR 272.9 - A homeless meal provider may be a private or public non-profit establishment that feeds homeless persons (e.g., a soup kitchen or shelter) or a restaurant that contracts with DHS to offer meals at low or reduced prices to homeless persons.

Washington

WorkFirst

WorkFirst provides assistance to unmarried parenting and pregnant applicants under age 18 that reside in an appropriate living arrangement. Appropriate living situations include a place of residence that is maintained by the applicant's parent(s), legal guardian, or other adult relative as their own home or an environment maintained by an agency that the Department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by

the Department, taking into consideration the statement/opinion of the minor parent. Wash. Rev. Code Ann. § 74.12.255(1) (West 2017).

Basic Food, Wash. Rev. Code § 74.04.500 et seq. - https://www.dshs.wa.gov/esa/community-services-offices/basic-food; http://app.leg.wa.gov/RCW/default.aspx?cite=74.04

Neither joint SNAP and Medicaid application or processing; Joint SNAP and TANF application and processing. WAC 388-444-0005 - Individuals age 16-59 who are not exempt from work registration must register for work when they apply and every twelve months after. They also are required to contact the Agency as required, provide employment status as asked, report to employer if referred, not voluntarily quit or reduce hours without good cause, and accept a bona fide offer of employment.

WAC 388-444-0010 - Exemptions include age 16 or 17 who are not the head of household or who attend school or a training program at least half-time.

West Virginia

West Virginia Works

In order to receive assistance, minor parents must live with their parents or in an adult-supervised setting. Teen parents are required to attend school if they do not have a high school diploma or its equivalent. W.V. State Plan, p. 6 (2009). West Virginia does not provide assistance to pregnant women who have no other minor children. W.V. State Plan, p. 7 (2009).

Minor parents who are eligible for cash assistance are also eligible for other services, including child care, transportation for participation in required activities, drivers' education courses, relocation payments, a GED achievement bonus, a high school graduation achievement bonus, and a 6 month self-sufficiency bonus. W.V. State Plan, p. 15-17 (2009).

Supplemental Nutrition Assistance Program, http://www.dhhr.wv.gov/bcf/Services/familyassistance/Pages/Supplemental-Nutritional-Assistance-Program-%28Former-Food-Stamp-Program%29.aspx

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing. Chapter 13.2 - All SNAP recipients are subject to a work requirement unless exempt. Exempt recipients must register on WorkForce WV and follow other work requirements. SNAP recipients are also members of WV Work and must meet WV Work requirements as their employment requirement for SNAP.

Chapter 13.2 A (2) - Provides exemption to work registration for individuals under 16, persons who are 16 or 17 and attending school or enrolled in an employment training program on at least a half-time basis, and individuals who are physically or mentally unfit for employment as determined in section 12.15. Homelessness is not included on the list of disabilities in section 12.15, but it is listed under exemptions from ABAWD (Able Bodied Adults Without Dependents) work requirements as it establishes such individuals as unfit for employment. 14.2D(4) - Homeless meal providers must be a public or private non-profit organization.

Wisconsin

W-2 (Wisconsin Works)

Parenting and pregnant recipients under the age of 18 who do not have a high school diploma or its equivalent must attend school. Parents with a child under 45 days old are exempt from this requirement. Wis. Stat. Ann. § 49.26(g)(5) (West 2017). 18- and 19-year old recipients may choose whether to attend high school, enroll in an approved course of study, or participate in employment-related activities. Wisconsin Works Manual § 8.3.2.1 (2017). Minor custodial parents, regardless of their income and assets, are eligible to meet with a financial and employment planner who will provide them with information regarding Wisconsin Works eligibility, available child care services, employment and financial planning, family planning services, community resources, eligibility for food stamps, and other food and nutrition programs. Wis. Stat. Ann. § 49.159(2) (West 2017).

FoodShare, Wisc. Stat. § 49.79 et seq. - https://www.dhs.wisconsin.gov/foodshare/index.htm; https://docs.legis.wisconsin.gov/statutes/statutes/49/V/79

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing in some cases. 3.16.1.2 - Wisconsin FoodShare Handbook - All applicants ages 16-59 must comply with work registration requirements. After registering for work, applicants must not voluntarily quit or reduce hours without good cause or turn down suitable work in order to maintain eligibility. https://www.dhs.wisconsin.gov/publications/p1/p16001-18-03.pdf

3.16.1.3 - Exemptions include a person 16 or 17 years old who is not the primary person in the food unit, a person age 16 or 17 who is the primary person in the food unit who is enrolled at least half-time in school, or an individual who is physically or mentally unable to work.

3.17.1.5 - Chronically homeless are considered exempt from ABAWD (Able Bodied Adult Without Dependent) work requirements and are considered unfit for work. 3.2.1.3.3 - Homeless can use FoodShare benefits to purchase prepared meals from authorized shelters, some restaurants, and grocery stores.

Wyoming

POWER (Personal Opportunity with Employment Responsibility)

Wyoming provides financial assistance through POWER. Unmarried parents under the age of 18 must reside in the household of a parent or in a supervised setting with a relative or guardian in order to receive assistance, unless there are charges of incest. Wyo. Stat. Ann. §§ 42-2-102 to -104 (2017).

Minor parents are required to attend school if they are under 16 or have not completed the tenth grade. Wyo. Stat. Ann. § 21-4-102 (2017). Students must maintain a "C" or equivalent grade point average and attend school full-time. Wyo. Stat. Ann. § 42-2-109(a) (2017).

Supplemental Nutrition Assistance Program, Wyo. Stat. § 42-2-103 - http://dfsweb.

wyo.gov/economic-assistance/snap; http://law.justia.com/codes/wyoming/2011/title42/chapter2/section42-2-103/

Neither joint processing nor joint application for SNAP and Medicaid; Joint SNAP and TANF processing and application. Section 701 - All applicants must register at time of application and every 12 months after and they must meet other mandatory work requirements.

702 exemptions include children under 16 and anyone age 16 or 17 who is not the head of assistance unit (Head of household) or who is attending school or enrolled in an employment training program at least half-time, and someone physically or mentally unfit for work. Appendix A lists eligible foods, including meals prepared for homeless individuals and served at a shelter or soup kitchen, but does not mention restaurants.

American Samoa

American Samoa does not have a TANF program nor a SNAP program.

District of Columbia

TANF

The District of Columbia's TANF program provides assistance to parents and pregnant women in their third trimester. D.C. Code § 4-205.43 (2017). Generally, pregnant or parenting recipients under the age of 18 must reside with a parent, adult relative, or legal guardian in order to receive assistance. However, the Family Services Administration (FSA) may waive this requirement based on a number of factors, including (a) the teen parent's maturity, (b) the period of time the teen parent has lived independently, (c) the minor teen's access to supportive services, and (d) the teen parent's demonstration of independent living and parenting skills. If FSA determines that an alternative living situation is appropriate, then the teen parent may live in a second chance home, maternity home, or other adult-supervised supportive living arrangement. D.C. Code Mun. Regs. tit. 29, § 5801.6 (LexisNexis 2017).

Pregnant or parenting recipients under the age of 20 who have not completed high school must attend high school or an approved alternate education/training program. Recipients with a child under 12 weeks of age are exempt from this requirement. D.C. Code Mun. Regs. tit. 29, § 5800 (LexisNexis 2017).

Supplemental Nutrition Assistance Program - https://dhs.dc.gov/service/supplemental-nutrition-assistance-snap

Joint SNAP and Medicaid processing; Joint TANF and SNAP application and processing. Part V, chapter 1 - Each applicant household member who is not exempt will register for FSET at the time of application and every 12 months after initial registration as a condition of eligibility. They also must respond to requests for information about employment status, participate in work activities upon notification from the Department to do so, report to an employer to whom they are referred, and accept a bona fide offer at a suitable employer.

Part V Chapter 1.6 - Exemptions from FSET participation include homeless persons, individuals who are 16 or 17 and a student at a school or enrolled in a training program, and individuals mentally or physically unfit for employment. Part 1, Chapter 2.5.1 - In the case of homeless eligible individuals, meals can be purchased with benefits if prepared and served by a public or private nonprofit agency or other entity through a contract with the Department.

Guam

TANF

There are no statutory or regulatory provisions specific to unaccompanied youth (or minor parents). Background federal regulations apply.

Joint SNAP and Medicaid application and processing; Joint SNAP and TANF application and processing.

Northern Mariana Islands

Northern Mariana Islands does not have a TANF program.

Puerto Rico

TANF

There are no statutory or regulatory provisions specific to unaccompanied youth (or minor parents). Background federal regulations apply.

Virgin Islands

(FIP) Family Improvement Program

There are no statutory or regulatory provisions specific to unaccompanied youth (or minor parents). Federal regulations apply.

Joint SNAP and Medicaid application and processing in some cases; Joint SNAP and TANF application and processing.

APPENDIX 13

Updated Dispute Resolution Procedures as of September 2017

Georgia

Georgia's State Plan for the Every Student Succeeds Act (ESSA)

Georgia's State Plan for ESSA requires the Secretary to establish procedures and criteria under which, after consultation with the Governor, a SEA may submit a consolidated State plan designed to simplify the application requirements and reduce burden for SEAs. The programs that SEAs can include in their consolidated state plans are: improving basic programs operated by local educational agencies; education of migratory children; prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk; supporting effective instruction; english language acquisition, language enhancement, and academic achievement; student support and academic enrichment grants; 21st century community learning centers; rural and low-income school program; and subpart B of the McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youth Program.

Ga. Dep't of Educ., *Educating Georgia's Future, Georgia's State Plan for the Every Student Succeeds Act* (ESSA), at 88-89, http://www.gadoe.org/Documents/Georgia%27s%20State%20ESSA%20Plan%20--%20Governor%20Deal.pdf (June 15, 2017).

Indiana

Indiana Education for Homeless Children & Youth (INEHCY) McKinney-Vento Homeless Education Program

INEHCY McKinney-Vento Homeless Education Program addresses the requirements for resolving disputes applicable to enrollment or school placement for youth experiencing homelessness as covered by McKinney-Vento. The program has six parts. First, school corporations are required to adopt written procedures for the receipt and resolution of complaints alleging violations of law with regards to enrollment and school placement as covered by the McKinney-Vento Act. Second, the Indiana State Board of Education will hear all appeals on an order expelling a child, in addition to all disputes on (A) legal settlement; (B) right to transfer; (C) right to attend school in any school corporation; (D) amount of transfer tuition; and (E) any matter arising under Transfers and Transfer Tuition. Third, the State Coordinator for the Education for Homeless Children and Youth Program will provide technical assistance to interested parties and the State Board as requested and as necessary. Fourth, the Indiana State Board of Education or hearing examiner shall make written findings of fact and recommendations. Fifth, a notice of the Board's determination shall be mailed to each party by certified mail.

Sixth, the determination of the Indiana State Board of Education as a result of the proceedings described above is final and binding on the parties to the proceeding.

Ind. Dep't of Educ., *Indiana Education for Homeless Children & Youth (INEHCY) McKinney-Vento Homeless Education Program Dispute Resolution Procedure*, http://www.doe.in.gov/sites/default/files/student-services/dispute-resolution-procedures-essa.pdf.

Iowa

Iowa Educating the Homeless Chapter 33

Chapter 33 incorporates changes to the McKinney-Vento Homeless Assistance Act made by ESSA, including modifying the requirements of the State Plan to include procedures that ensure that students experiencing homelessness have equal access to the same free, appropriate public education, including a public preschool education, as provided to other students. This equal access includes removing barriers that prevent students from accessing academic or extracurricular activities because of their homelessness. Other amendments include removal of "awaiting foster care placement" from the definition of "homeless child or youth," revisions to the definition of "school of origin," and clarifications regarding required transportation for the school of origin.

Iowa State Bd. of Educ., *Executive Summary*, https://www.educateiowa.gov/sites/files/ed/documents/2017-08-03%20Chapter%2033.pdf (August 3, 2017).

Kentucky

Kentucky Dispute Resolution Procedure

The Kentucky Dispute Resolution Procedure lists procedures for when disputes arise between or among the school district of residency; another school district; or the parent, youth experiencing homelessness, or person in parental relationship to the student experiencing homelessness regarding the school that the child shall attend or the educational placement of the student experiencing homelessness. The procedure involves continuous enrollment, local district liaisons, recommended timelines, documented communications, mediations and hearings, and written requests.

Ky. Dep't of Educ., *Dispute Resolution Procedure*, https://education.ky.gov/federal/progs/txc/Documents/Dispute%20Resolution%20Procedure.pdf (last visited October 11, 2017).

Massachusetts

McKinney-Vento Homeless Education Assistance - Advisories

The Mckinney-Vento Homeless Education Assistance is intended to advise school districts, families experiencing homelessness, unaccompanied youth experiencing homelessness, and homeless service providers on definitions; the role and responsibilities of homeless education liaisons; school placement, transportation and enrollment; and the ESE McKinney-Vento dispute resolution process, including social district notification to parent/guardian of enrollment decision form and parent/

guardian appeal of school district enrollment decision form.

Mass. Dep't of Elementary and Secondary Educ., *McKinney-Vento Homeless Educ. Assistance – Advisories*, http://www.doe.mass.edu/mv/haa/McKinney-Vento.pdf (last revised Oct. 11, 2017).

Missouri

Missouri's Consolidated State Plan

Missouri's Consolidated State Plan includes three key strategic priorities to support the goal that all Missouri students will graduate college and career ready: access, opportunity, equity; teachers and leaders; and efficiency and effectiveness. Missouri's ESSA Consolidated State Plan is a component of and complement to Missouri's overall state plan under MSIP. The plan details specific strategies and initiatives MO-DESE uses to serve all of Missouri's children. The programs included in the consolidated state plan are: improving basic programs operated by local educational agencies; education of migratory children; prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk; supporting effective instruction; english language acquisition, language enhancement, and academic achievement; student support and academic enrichment grants; 21st century community learning centers; rural and low-income school program; and subpart B of the McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youth Program.

Mo. Dep't of Elementary and Secondary Educ., *Missouri Consolidated State Plan*, at 58-60, https://dese.mo.gov/sites/default/files/ESSA-Plan-Final.pdf (Sept. 18, 2017).

Nebraska

Rule 19 Regulations Regarding School Enrollment

Rule 19 requires each public school district to enroll and serve persons, upon request, who are entitled to a free public education in that district and contains provisions for students seeking to transfer to other districts under the enrollment option program. The chapter also outlines definitions, enrollment requirements, contract dispute resolution, and enrollment of homeless children and youths.

Neb. Dep't of Educ., *Rule 19 Regulations Regarding School Enrollment*, https://www.education.ne.gov/legal/webrulespdf/CLEAN_Rule19_2017.pdf (last revised June 6, 2017).

Oregon

McKinney-Vento Act: Education of Homeless Children & Youth Dispute Resolution Protocols, District Procedures and Compliance

The brief provides guidance for Oregon school districts regarding procedures and protocols for dispute resolution and appeals, in compliance with the McKinney-Vento Act's Education of Homeless Children and Youth program, as reauthorized in 2015 under the ESSA. One change occurred in the determination of a student's best interest rather than feasibility, where the district shall presume that keeping the student in the school of origin is in their best interest, except when doing so is contrary to the

request of the parent or unaccompanied youth. In addition to the presumption clause, MV directs districts to consider student-centered factors related to the child or youth's best interest, including factors related to "the impact of mobility on achievement, education, health and safety" of students experiencing homelessness, giving priority to the request of the parent or unaccompanied youth. An additional change is the provision that the receiving or feeder schools are included in the definition of "school of origin."

Or. Dep't of Educ., *McKinney-Vento Act: Education of Homeless Children & Youth Dispute Resolution Protocols, District Procedures and Compliance*, http://www.oregon.gov/ode/schools-and-districts/grants/ESEA/McKinney-Vento/Documents/DisputeResolution.pdf (last updated Mar. 2017).

Pennsylvania

Dispute Resolution Process

Pennsylvania's dispute resolution process outlines the procedures to govern the resolution of disputes regarding enrollment, school selection, homeless status and complaints of non-compliance with legal requirements pertaining to the education for children and youth experiencing homelessness. Level 1 of the procedure is that a dispute may be raised with a LEA. Level 2 of the procedure is that a complaint may be filed with a McKinney-Vento coordinator, which can occur if the parent, guardian, or unaccompanied youth is dissatisfied with the LEA's disposition of a dispute or would like to raise any issue of McKinney-Vento Act noncompliance.

Pa. Dep't of Educ., *Dispute Resolution Process Education for Children and Youth Experiencing Homelessness Program*, http://www.education.pa.gov/Documents/K-12/Homeless%20Education/Dispute%20Resolution%20Process.docx (last visited Oct. 11, 2017).

Tennessee

McKinney-Vento Dispute Resolution State Process

Tennessee's McKinney-Vento Dispute Resolution State Process outlines the processes that are to be used when the parent or unaccompanied youth has the right to appeal the eligibility, enrollment, or school selection of a child or youth experiencing homelessness. The four levels include: appeal to the school or the district homeless liaison; appeal to the district superintendent; appeal to the state coordinator; and appeal to the state executive director of CPM. Every effort must be made to resolve the complaint or dispute at the local level before it is brought to the Tennessee Department of Education. If a dispute arises a the school level over school selection or enrollment, the child or youth shall be immediately admitted to the school in which enrollment is sought, pending resolution of the dispute. In the case of an unaccompanied youth, the homeless liaison shall ensure that the youth is immediately enrolled in school pending resolution of the dispute.

Tenn. Dep't of Educ., *McKinney-Vento Dispute Resolution State Process*, https://www.tn.gov/content/dam/tn/education/cpm/cpm_mckinney-vento_dispute_resolution_

process.pdf (Mar. 1, 2017).

Vermont

Revised State Template for the Consolidated State Plan

The Revised State Template for the Consolidated State Plan outlines the responsibilities of SEAs and lists the programs that SEAs can include in their consolidated state plans: improving basic programs operated by local educational agencies; education of migratory children; prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk; supporting effective instruction; english language acquisition, language enhancement, and academic achievement; student support and academic enrichment grants; 21st century community learning centers; rural and low-income school program; and subpart B of the McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youth Program. The template also includes state statistics on students experiencing homelessness, students with disabilities, and migrant students across various measures.

Vt. Dep't of Educ., *Revised State Template for the Consolidated State Plan, The Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act*, app. F, http://education.vermont.gov/sites/aoe/files/documents/edu-essa-vermont-state-plan-final.pdf (last updated Mar. 2017).

Virginia

Revisions to Virginia's Best Interest Determination and Dispute Resolution Process for Students Experiencing Homelessness

The memorandum provides revisions to Virginia's best interest determination and dispute resolution processes developed to comply with the McKinney-Vento Homeless Assistance Act, Title IX, Part A of the ESSA. School divisions are responsible for conducting best interest determinations when deciding if the school of origin is in the best interest of a student experiencing homelessness. The parent, guardian, or unaccompanied youth must be provided a written explanation when there is a disagreement about placement, including the right to appeal the decision. If a dispute arises over eligibility, school selection, or enrollment in a school, the local homeless education liaison must carry out the dispute resolution process. This includes the state level dispute resolution process. The changes from the 2005 process include the creation of a "McKinney-Vento Best Interest Determination for School Placement" form; under ESSA, "feasibility" has been replaced with "best interest" as the focus for decision making; the inclusion of eligibility as a student experiencing homelessness as a disputable action with a separate state-level appeal process; modified timelines for state level appeals to ensure they are resolved in a timely manner; and updated directions and forms that may be used by school divisions to inform parents, guardians, and unaccompanied youth of decision-making and the dispute resolution process.

Va. Dep't of Edu., *Dispute Resolution Process for Virginia Public Schools School Selection or Enrollment*, http://doe.virginia.gov/administrators/superintendents_memos/2017/215-17d.pdf (last visited Oct. 11, 2017).

West Virginia

Educational Stability for Homeless Children and Children in Foster Care

The purpose of the Educational Stability for Homeless Children and Children in Foster Care is to provide guidance to West Virginia school systems and child welfare agencies that will enable them to provide required supports and services to children experiencing homelessness and children in foster care. The federal directives are provided through the McKinney-Vento Act, the Fostering Connections Act, and the ESSA. The document includes a definition of homelessness, the educational stability process, inter-county considerations, and LEA points of contacts.

W. Va. Dep't of Health and Human Servs., *Educational Stability for Homeless Children and Children in Foster Care*, https://wvde.state.wv.us/federal-programs/documents/Edu.StabilityHomelessandFosterGuidanceDHHRandWVDE.pdf (April 2017).

Wyoming

Wyoming's Consolidated State Plan for ESSA

Wyoming's consolidated state plan is a product of the Wyoming Department of Education cooperating with the State Board and multiple stakeholders across the state to streamline ESSA requirements with the Wyoming Accountability in Education Act. The programs included in the consolidated state plan are: improving basic programs operated by local educational agencies; education of migratory children; prevention and intervention programs for children and youth who are neglected, delinquent, or at-risk; supporting effective instruction; english language acquisition, language enhancement, and academic achievement; student support and academic enrichment grants; 21st century community learning centers; rural and low-income school program; and subpart B of the McKinney-Vento Homeless Assistance Act: Education for Homeless Children and Youth Program.

Letter from Jillian Balow, Wyo. Dep't of Educ. Superintendent of Pub. Instruction, to Betsy DeVos, Sect'y of Education, http://edu.wyoming.gov/downloads/accountability/ESSAFinal.pdf (Aug. 18, 2017).

APPENDIX 14

Overcoming Financial Barriers to Health Care State Provisions

Alabama

Alabama's CHIP program is referred to as the ALL Kids plan. In order to be eligible, the youth must (a) be under 19 years of age, (b) be a U.S. citizen or eligible immigrant, (c) be a resident of Alabama, (d) not be covered under any health insurance or Medicaid, (e) not be institutionalized or be eligible for dependent coverage under state or public school employees' insurance, and (f) meet certain income eligibility requirements. In addition, the state also sponsors the Alabama Child Caring Program. The Alabama Child Caring Program provides coverage for doctor visits and immunizations for youth who are above the income limits for ALL Kids up to a family income of 300% of the Federal Poverty Level (FPL). The applicant completes a single application for all programs and is enrolled in the program for which he or she is eligible. Alabama's Medicaid coverage is available to youth age 18 and under with a family income up to 100% of the FPL. ALL Kids participants are required to pay co-payments for services based on a schedule that depends on whether family income is above or below 150% of the Federal Poverty Level. There are no co-pays for preventive services like regular check-ups, immunizations, dental cleanings, and vision exams. A youth's ALL Kids enrollment lasts for 12 months.

Although there is nothing on the Alabama Department of Public Health (ADPH) website to the contrary, the informal policy of ADPH is that a parent or guardian must apply for a youth to receive coverage.

The application for all three programs may be completed online or is available at any County Health Department or other health and community agencies, including doctors' offices, hospitals, pharmacies, and schools. ALL Kids uses Blue Cross Blue Shield of Alabama (BCBSAL) to provide medical, mental health, and substance abuse services through their preferred provider network (PPO). One online application can be used to apply for ALL Kids, SOBRA Medicaid, Medicaid for Low Income Families (MLIF) and the Alabama Child Caring Program. The online application is located at https://insurealabama.adph.state.al.us/ or a paper application is available by calling 1-888-373-5437. The website for ALL Kids is located at http://www.adph.org/allkids/.

Alaska

Alaska's CHIP program is referred to as Denali KidCare, which is issued 12 months at a time. It is operated as an extension of Alaska's Medicaid plan. Youth up to 18 years of age with a family income of less 177% of the Federal Poverty Guidelines (FPG) for Alaska are eligible for the plan. Those that are covered by Indian Health Service may also be eligible. While there is no cost, some youth that are 18 years of age may be required to share a limited amount of the cost for some services. In addition to Denali KidCare, Alaska maintains a program called Under 21 Medicaid which allows

individuals who are 19 or 20 years of age and who meet an asset test to qualify for Medicaid even though their family income is over the adult Medicaid threshold. The Denali KidCare program is administered by the Division of Health Care Services.

The program guidelines specifically state that a teen who is living independently of his or her parents may apply for coverage.

Applications are available online at dhss.alaska.gov/dpa/Pages/features/org/application-gen50b.aspx or by calling 1-800-478-4372 or 1-800-478-4364 for the Anchorage area. See the Public Assistance office listing of numbers for the contact information for other offices at http://dhss.alaska.gov/dpa/Pages/features/org/dpado.aspx.The Denali KidCare website is located at http://dhss.alaska.gov/dhcs/Pages/denalikidcare/default.aspx.

Arizona

Arizona's CHIP program is referred to as KidsCare. In addition to KidsCare, Arizona's Medicaid program, called the Arizona Health Care Cost Containment System (AHCCCS), covers youth 19 years of age with family incomes up to 133% of the FPL for children ages 6 to 19. KidsCare covers youth 18 years of age and under with a Social Security number (or applying for one) with a family income under 200% of the FPL and is not eligible to receive Medicaid coverage. The Department of Economic Security (DES) will first review the application to determine if a family may be eligible for AHCCCS Health Insurance. If a family's youth are not eligible for AHCCCS Health Insurance, they may still be eligible for the KidsCare program if they are willing to pay a monthly premium. There is a maximum monthly premium for KidsCare coverage of $70 per month for more than one child, depending on family income.

Unaccompanied youth may apply for KidsCare or AHCCCS coverage without a parent's signature according to a KidsCare hotline representative.

Applications for KidsCare and AHCCCS are available online at https://www.healthearizonaplus.gov/Default/Default..aspx or can be requested by calling 855-432-7587. Applications for AHCCCS Health Insurance are available on the AHCCCS Health Insurance Application page. The site for the application in English is http://scorm.azahcccs.gov/Temp/FA-001English.pdf and in Spanish at http://scorm.azahcccs.gov/Temp/FA-001Spanish.pdf.

Arkansas

Arkansas' CHIP program is referred to as ARKids First. There are two programs, ARKids First-A and ARKids First-B. ARKids-A is an extension of Arkansas' Medicaid program and is generally available to youth with family income up to 100% of the FPL who would otherwise be eligible for Medicaid. ARKids First-B covers youth under 19 years of age whose family income is up to 200% of the FPL. ARKids First-B, there is a small copayment for prescription drugs and some medical care, but not for preventive care like well-child check-ups. Application for both the ARKids First-A and ARKids First-B can be made simultaneously. The only paperwork needed for submission along with the application is proof of the ages and proof of alien status for youth who are not U.S. citizens. There are no deductibles, premiums, or copayments for ARKids First-A

for youth under 18; youth who are 18 will have nominal cost sharing at pharmacies, hospitals on the first Medicaid covered day of a hospitalization, and for prescription services for eyeglasses. For ARKids First-B coverage, there are no deductibles or premiums, but there may be a small copayment of usually $10.

According to the informal policy of the Division of Medical Services who administers the program, unaccompanied youth need a legal guardian or need to be an emancipated adult to apply for ARKids First.

To enroll in the ARKids First program, you must choose a primary care doctor, called a ConnectCare doctor. For a list of participating ConnectCare doctors, call 1-800-275-1131. Applications are available at https://access.arkansas.gov/Welcome.aspx and throughout the community at local health units, hospitals, churches, daycare centers, pharmacies, and public schools. The ARKids First website is located at http://www.arkidsfirst.com/apply.htm or you can call the hotline at 1-888-474-8275.

California

California's CHIP program is called Healthy Families and is managed by the Managed Risk Medical Insurance Board. The program covers youth 18 years of age who (a) are residents of California, (b) meet the income requirements, and (c) are either U.S. citizens, U.S. non-citizen nationals, or eligible qualified immigrants. The Healthy Families program generally covers youth with family incomes ranging from the Medicaid threshold to up to 250% of the FPL. Youth under 18 years of age are also eligible for Medi-Cal, California's Medicaid program, and may apply jointly for both programs. Members pay a monthly premium of approximately $4- $24 per youth or no more than $72 per family. Members also pay a co-payment of approximately $5-$15 when visiting a doctor or getting other services; some services are free. There is no premium for Medi-Cal coverage.

Unaccompanied youth may apply for Healthy Families and Medi-Cal coverage individually if they otherwise meet the requirements.

A youth may apply for Healthy Families and Medi-Cal coverage online, by completing a paper application, or over the phone. A youth may also obtain help completing the application from an application specialist, a volunteer trained to assist in the application process. Call 1-888-747-1222 toll free to find a specialist in a particular area. Applications can be found at http://echealthinsurance.com/california-health-insurance/public-programs/healthy-families-california/. Fill out the application and mail it in the envelope provided. A complete application includes copies of papers showing income along with other required papers. The Healthy Families website is available at http://www.healthyfamilies.ca.gov or by calling 1-800-880-5305, Monday to Friday, 8 a.m. to 8 p.m. or on Saturday, 8 a.m. to 5 p.m. Once enrolled, a member should call 1-866-848-9166 for additional questions.

Colorado

Colorado's CHIP program is called Child Health Plan Plus (CHP+) and is administered by the Department of Health Care Policy and Financing. The program covers youth ages 18 and younger and pregnant women ages 19 and older who (a) are residents of Colorado, (b) are either U.S. citizens or permanent legal residents who have had an Alien Registration number for at least 5 years, such as refugee or asylum residents, and (c) meet the income guidelines. The CHP+ program generally covers youth with family incomes ranging from the Medicaid threshold to 260% of the FPL. The program is mostly free; however, depending on a family's size and income, a family may need to pay an annual enrollment fee. The fees are $0 for an adult pregnant woman to enroll in the CHP+ Prenatal Care Program, $25 to enroll one youth, and $35 to enroll 2 or more youth. Families earning more than 214% of the Federal Poverty Level will pay higher fees. Native Americans and Alaskan Natives do not have to pay a fee. A co-payment may also be required depending on income level. Co-payments may include up to $10 per visit for medical care and up to $15 for prescriptions, and up to $50 per visit for emergency services. There is an out of pocket maximum amount of spending per household of 5% of a household's annual income. There are no co-payments for preventative care, such as prenatal care and check-ups. Native Americans and Alaskan Natives do not have to pay copayments.

A youth may apply jointly for Medicaid and CHP+, but the application cannot be processed without a parent or guardian's signature.

The applicant may apply by completing a paper application, available at https://departmentcolorado.gov/pacific/sites/default/files/Medicaid%20and%20Child%20Health%20Plan%20Plus%20Paper%20Application%20-%20English.pdf, and mail it to the Colorado Medical Assistance Program (for households whose income is near or below 133% of the FPL) or Connect for Health Colorado (for households whose income is near or above 133% of the federal poverty level). An applicant may also apply online at Colorado.gov/PEAK or ConnectforHealthCO.com. Assistance in filling out the online application is available at 1-800-221-3943 and 1-855-752-6749, respectively.

Connecticut

Connecticut's CHIP program is called Healthcare for Uninsured Kids and Youth (HUSKY) and is administered by the Connecticut Department of Social Services. The program covers youth 19 years of age and under from families of all income levels who are residents of Connecticut and are U.S. citizens or eligible immigrants. Husky A is CT's Medicaid program, while Husky B covers children from higher-income households under the CHIP program. Families with children with an income between 197 and 318% of FPL are eligible for Husky B, and they may be charged a monthly premium of up to $50, depending on income level, and certain copayments.

Applications are available at https://www.accesshealthct.com/AHCT/LandingPageCTHIX, over the phone by calling Access Health CT at 1-855-805-4325, or in person at a Department of Social Services office. To learn more, visit the HUSKY

website at http://www. ct.gov/hh/site/default.asp or call 1-877-CT-HUSKY (1-877-284-8759), Monday-Friday from 8:30 AM to 6:00 PM. The line for hearing challenged persons is 1-800-842-4524. Assistance for Spanish-speaking individuals is available by telephone.

Delaware

Delaware's CHIP program is called the Delaware Healthy Children Program (DHCP) and is administered by the Delaware Department of Health and Social Services, Division of Social Sciences. DHCP covers youth residing in Delaware ages 19 and under who are U.S. citizens or legally residing non-citizens and who meet the income eligibility requirements. DHCP requires premium payments of $15 or $25 per family, depending on income level. Delaware's Medicaid program is available to anyone over the age of 18; therefore DHCP is the only available coverage for a youth 18 and under.

The person filling out the application must be an adult over the age of 18 or an emancipated minor under the age of 18.

One form is available to apply to both DHCP and Medicaid, available at http://www. dhss.delaware.gov/dhss/dmma/files/chipapplenglish.pdf, or by calling 1-800-996-9969. A person may apply to DHCP or Medicaid online or by filling out a paper application and mailing it to a central processing center. A youth may also apply for DHCP medical coverage using ASSIST, the State of Delaware's Application for Social Service Programs. Information is available at https://assist.dhss.delaware.gov/.

Florida

Florida's CHIP program is called the Florida KidCare Program and is administered by both the Agency for Health Care Administration and the Florida Healthy Kids Corporation, a legislatively created non-profit corporation. The program consists of (1) KidCare Medicaid, a Medicaid expansion program which covers youth from birth to 18 years of age with family incomes up to 200% of the FPL, (2) Healthy Kids, a health insurance program covering youth from 5 to 18 years of age with family incomes up to 200% of the FPL, (3) Medikids, a program covering youth ages 1 to 4 with family incomes up to 200% of the FPL, and (4) the Children's Medical Services Network which covers youth from birth to 18 years of age with special health care needs. For each program, the youth must (a) be under 19 years of age, (b) not eligible for Medicaid, (c) be uninsured, (d) be a U.S. citizen or qualified non-citizen, (e) meet the income eligibility requirements, and (f) not be the dependent of a state employee who is eligible for health insurance. There is no charge for KidCare Medicaid; however for other KidCare programs, a monthly premium may be assessed depending on the size and income of the household. Typically the monthly cost is $15-$20 per family. Some services will require a co-payment or additional fees. A youth who is a member of a federally recognized American Indian or Alaskan Native tribe may qualify for no-cost Florida KidCare coverage.

According to local homelessness advocates, there is currently no statewide policy on whether an unaccompanied youth may apply for KidCare. However, in speaking with a representative of Florida KidCare, the policy of the program is that emancipated

minors and youth over the age of 18 may apply on their own behalf. Otherwise, a parent or guardian must apply on their behalf.

Application may be made online, at a local Department of Children and Families service center, or by completing and mailing a paper application. Applications are available at https://www.healthykids.org/apply/index.php?lang=ENG or by calling 1-888-540-5437. The Florida KidCare website is located at http://www.floridakidcare.org/. A youth over age 18 may apply for Florida's Medicare program by phone at 1-866-76ACCESS, online at http://www.myflorida.com/accessflorida/ or by completing a paper application.

Georgia

Georgia's CHIP program is called PeachCare for Kids and is administered by the Georgia Department of Community Health (DCH). PeachCare for Kids covers youth through 18 years of age who are uninsured, do not qualify for Medicaid, and live in households with incomes at or below 235% of the FPL. In addition, Georgia recently opted in to the ACA's provisions giving qualified state employees access to affordable insurance for their youth through CHIP. To qualify a youth must be a U.S. citizen, a qualified legal resident, or a refugee of asylum who resides in Georgia. There is no cost for youth under 6 years of age. The monthly cost for coverage is $10-$35 for one youth with a maximum of $70 for two or more youth living in the same household. Premiums will be determined upon completion of the application. There are no copayments or deductibles

According to informal policy explained over the phone by a PeachCare for Kids representative, a youth must have an adult present to apply on their behalf for PeachCare for Kids. However, according to the DCH website, a teenager living on their own may apply for Medicaid without a parent or guardian present.

Application is made jointly for PeachCare for Kids and Medicaid. A person may apply online at http://www.peachcare.org/Guidelines.aspx, or by completing a paper application. A paper application may be obtained by calling 1-877-GA-PEACH (1-877-427-3224). There is a 6-month uninsured provision whereby the youth must be uninsured for 6 months prior to filing the application, with the exception of involuntarily loss of coverage (i.e., job loss, or employer dropping insurance for dependent youth). Under PeachCare there is also a "lock out" provision where youth are locked out of coverage for 30 days due to late or non-premium payments. If a premium payment is late or unpaid, coverage will be cancelled after two months. The PeachCare for Kids website is located at http://www.peachcare.org/.

Hawaii

Hawaii's CHIP program is an expansion of the QUEST and QExA programs, which is administered by the Department of Human Services. The QUEST and QExA programs cover youth through 19 years of age who (a) live in Hawaii, (b) meet the income eligibility requirements, and (c) are U.S. citizens, U.S. nationals, lawful permanent residents, refugees, or citizens of the Marshall Islands, Federated States of Micronesia, or Palau. A youth is eligible for QExA only if he/she is certified by the state as blind

or disabled; otherwise the youth participate in QUEST. The QUEST program is free to those whose family income is up to 300% of the FPL. Coverage for families with incomes up to 250% is provided free and there is a monthly premium for families with an income from 251% to 300% of the FPL.

Unaccompanied youth may apply on their own behalf for QUEST. Unfortunately, QUEST has an enrollment cap of 125,000 individuals and at this time QUEST is not accepting additional applications as the enrollment cap has been met. The cap will be lifted when enrollment is below 125,000 individuals on the last day of the year. http://humanservices.hawaii.gov/mqd/quest/

Idaho

Idaho's CHIP plan is called the Idaho Children's Health Insurance Plan and it is administered by the State Medicaid Agency. It covers youth under 19 years of age with family incomes of up to 185% of the FPL who are U.S. citizens or legal residents. Depending on the household income, a monthly premium for coverage may be assessed. In addition, Idaho offers the Access Card program, which assists members with paying their premiums, administered in partnership with insurance carriers. An eligible youth qualifies for up to $100 a month in premium assistance. The program also covers youth with family incomes up to 185% of the FPL.

Unaccompanied youth may apply for coverage independently.

A youth may apply for the program by completing a standard Medicaid paper application. Applications are available for download at http://healthandwelfare.idaho.gov/LinkClick.aspx?fileticket=lqIeO_7F11A%3d&tabid=123&mid=4137. The website for the Plan is located at http://healthandwelfare.idaho.gov/Medical/MedicaidCHIP/tabid/123/Default.aspx or one can contact the office at 1-800-926-2588 or at 205-332-7205 for the hearing impaired.

Illinois

Illinois' CHIP program is called KidCare and is administered by the Illinois Department of Public Aid. KidCare covers any youth 18 years of age or younger who is a resident of Illinois and meets the income eligibility requirements. The monthly premium for coverage, as well as the amount of co-payments, increases in proportion to family income. Families with the lowest incomes participate for free or at significantly reduced monthly premiums. KidCare is administered in coordination with Illinois' Medicaid program; therefore youth who have KidCare or Medicaid are automatically enrolled in All Kids.

Youth living on their own may apply for All Kids on their own behalf and are considered a family size of one.

A youth may apply for KidCare online at https://abe.illinois.gov/abe/access/ or by paper application. A paper application may be obtained by calling 1-866-ALL-KIDS (1-866-255-5437). The KidCare website is located at https://www.illinois.gov/hfs/MedicalPrograms/AllKids/Pages/application.aspx.

Indiana

Indiana's CHIP program is part of a health insurance program for youth, pregnant women, and low income families entitled Hoosier Healthwise, which is administered by the Office of Medicaid Planning and Policy, Indiana Family and Social Services Administration. Hoosier Healthwise has five different plan package options with different levels of coverage, premiums, and copays.

An unaccompanied youth can apply for CHIP and sign the application without parental consent.

Application may be made at a local enrollment center. Enrollment centers include local hospitals, community health centers, and other locations. A list of enrollment centers is available by calling the Hoosier Healthwise Helpline at 1-800-889-9949. The Hoosier Healthwise website is located at http://member.indianamedicaid.com/programs--benefits/medicaid-programs/hoosier-healthwise.aspx.

Iowa

Iowa's CHIP program is called Healthy and Well Kids in Iowa (Hawk-I) and is administered by the Department of Human Services. Hawk-I generally covers a child under 19 years of age who (a) is a resident of Iowa (b) has no other health insurance (c) is a U.S. citizen or qualified alien (d) is in a family that meets income eligibility requirements, (e) not a dependent of a State of Iowa employee (f) not currently covered under Medicaid.. While the cost is either free or low cost, the monthly premium is relative to the family's income. No family pays more than $40 regardless of the number of youth and there is no cost for Native American youth.

An unaccompanied youth may apply independently for coverage.

Applications may be obtained online at http://www.hawk-i.org/en_US/docs/Comm156%20for%20web%20view.pdf or by requesting a paper application by calling 1-800-257-8563, Monday-Friday from 8:00 AM-7:00 PM. Applications for Hawk-I and Medicaid are processed jointly. The Hawk-I website is located at http://www.hawk-i.org/index.html.

Kansas

Kansas' CHIP program is called HealthWave and is administered by the Kansas Health Policy Authority. The program covers youth under 19 years of age who are residents of Kansas and U.S. citizens or qualifying aliens. The income standards vary depending on the age of the youth. There are two levels of coverage: HealthWave 19 and HealthWave 21. If a youth doesn't qualify for HealthWave 19, which has lower income levels, they are then screened for HealthWave 21. The HealthWave 21 program is based on 241% of the Federal Poverty Level. For the HealthWave 21 program, youth must not already be covered by comprehensive and reasonably accessible health insurance. In addition, youth whose parents have access to the State group health insurance plan are also not eligible. A premium between $20 and $75 is required for families with income above 150% of the federal poverty level. Application to HealthWave and Medicaid is made jointly and applicants will be placed in the program for which they are eligible.

An unaccompanied minor may apply independently for coverage.

A paper application must be completed. An application may be obtained online or visiting a Social and Rehabilitative Services (SRS) access point. SRS locations are available at http://srskansas.org/locations.htm. The HealthWave website is located at http://www.kansashealthwave.org/.

Kentucky

Kentucky's CHIP program is called the Kentucky Children's Health Insurance Program (KCHIP) and is administered by the Kentucky Department of Medicaid Services. KCHIP is a free or low-cost health insurance plan for youth under 19 years of age who do not have health insurance and whose family income is below 200% percent of the FPL. Some services require a co-payment. Application for Medicaid and KCHIP is made jointly and the youth is placed in the appropriate program.

According to a representative of KCHIP, youth must have a parent or guardian applying for them and may not apply on their own.

Applicants must submit a paper application. Application may be obtained at a local Department for Community Based Services Office or downloaded at http://chfs.ky.gov/NR/rdonlyres/4DCB7825-6877-46B5-9CA3-5BF40196D680/0/KCHIPApplication.pdf. The location of local offices may be obtained online or by calling 1-877-KCHIP-18 (1-877-524-4718). The KCHIP website is located at http://www.chfs.ky.gov/dms/KCHIP.htm.

Louisiana

Louisiana's CHIP program is called LaCHIP and is administered by the State Department of Health and Hospitals. The program covers youth under 19 years of age who do not currently have health insurance and have a family income of less than 200% of FPL. There are no enrollment fees, premiums, co-payments, or deductibles for LaCHIP coverage.

Unaccompanied youth may apply for themselves for LaCHIP.

LaCHIP applications can be obtained by calling the LaCHIP Hotline at 1-877-2LaCHIP (1-877-252-2447), Monday-Friday from 7:00 AM-5:30 PM or at any Medicaid application center throughout the state. Applications are also available at WIC offices, school-based health clinics, community health centers, community action agencies, other locations throughout the state, or online at http://bhsfweb.dhh.louisiana.gov/LaChip/no-cost/apply.asp. Uninsured youth in a household with an income below 250% of the FPL are entitled to apply for the LaCHIP Affordable Plan. Eligible youth are 19 years of age and under. There is a $50 monthly premium per family and copayments for medical visits, however there is no deductible except for a $200 mental health deductible. Applications can be obtained online at www.lachip.org or by calling the LaCHIP hotline at 1-877-2LaCHIP (1-877-252-2447) or at any of the DHH Medicaid/LaCHIP Eligibility offices or Certified Medicaid/LaCHIP application centers throughout the state. LaCHIP Affordable Plan uses the same application as the regular LaCHIP. The LaCHIP website is located at www.lachip.org.

Maine

Maine's CHIP program is called MaineCare and is administered by the Department of Health and Human Services. The program covers youth 18 years of age and under with family incomes of less than 200% of FPL. Families with income of between 150% and 200% of FPL pay monthly premiums between $8-$64 on an income-based sliding scale and may be required to pay a copayment for services. Youth ages 19 and 20 with income up to 150% of the FPL are also covered under a separate plan that has no cost to the youth.

Youth under 19 years of age and living on their own are permitted to apply for MaineCare.

An application may be requested by calling or visiting a Department of Health and Human Services local office or online at http://www.maine.gov/dhhs/OIAS/public-assistance/pdf/On-Line-CubCare-Application.pdf. If additional assistance is required call 1-877-KIDS NOW (1-877-543-7669) or

1-800-965-7476 for the hearing impaired. A list of local offices is available at http://www.maine.gov/dhhs/DHSaddresses.htm and additional information is available on the MainCare website, located at http://www.state.me.us/dhhs/OIAS/services/cubcare/CubCare.htm.

Maryland

Maryland's CHIP program is referred to as the Maryland Children's Health Program (MCHP) and is administered by the Department of Health and Mental Hygiene. The program covers both (a) uninsured youth up to 19 years of age who are not eligible for Medicaid and whose family income is less than 211% of FPL and (b) uninsured pregnant women with family incomes of less than 250% of FPL. Maryland uses the same system to determine eligibility for MCHP and Medicaid.

The MCHP application must be signed by an authorized representative aged 21 or over for a youth not living with a parent. Although different regional offices have different eligibility requirements under Maryland's system, a representative of the Rockville, Maryland regional office explained that the application for both MCHP and Medicaid must be filled out by a parent. If the youth does not live with a parent, a legal representative over 21 years of age must fill out and sign the application instead.

An MCHP application may be obtained online at http://www.dhmh.state.md.us/mma/mchp/pdf/MCHP_Application_Form_08.pdf or at any local health department. A list of local health department offices is available at https://mmcp.health.maryland.gov/chp/docs/English-MA-Application-8-09.pdf. A completed application must be returned in person or mailed to the local health department. For additional information, call the hotline at 800-456-8900 or 800-735-2258 for the hearing impaired. The MCHP website is located at https://mmcp.dhmh.maryland.gov/chp/pages/home.aspx.

Massachusetts

Massachusetts' CHIP program is called the MassHealth and is administered by the Division of Medical Assistance. MassHealth operates the Children's Medical Security Plan (CMSP). CMSP is for youth under 19 years of age who are Massachusetts residents at any income level who do not qualify for standard MassHealth and are uninsured. Under CMSP, families with income over 150% of the FPL are required to pay premiums on a sliding scale based on income. The application process is unified for all MassHealth programs.

Unaccompanied minors may apply for MassHealth coverage independently.

Applications may be obtained online or by calling 1-800-909-2677. The MassHealth website is located at http://www.mass.gov/eohhs/gov/departments/masshealth/.

Michigan

Michigan's CHIP program is called MIChild and is a Medicaid expansion program. Generally the program covers uninsured youth under 19 years of age with family incomes of up to 200% of the FPL and who are U.S. citizens or qualified residents. There is a premium of $10 per family per month for coverage.

Youth ages 18 and under who are living independently may apply for coverage alone.

Application may be made online or through a paper application by calling 1-888-988-6300. The MIChild website is located at http://www.michigan.gov/mdch/0,1607,7-132-2943_4845_4931---,00.html.

Minnesota

Minnesota's CHIP program is operated as an extension of the state's Medicaid program. Minnesota uses a tiered eligibility structure for various programs depending on income level. MinnesotaCare provides the lowest level of services and is available to families (and foster parents and other caretakers) with youth under 21 years of age within certain income eligibility limits. Depending on a family's income, a family may have to pay a monthly premium and copays on some services. However, copays are limited to 5% of a family's income for families at or below 100% of the FPL. There are no co-pays for children under 21. Medical Assistance provides a more comprehensive level of care to youth up to 18 years of age for families within certain eligibility limits. Application for all programs is made on a single application.

Youth under age 18 may apply for their own coverage using the same application as an adult would use if they were applying on their behalf.

An application may be obtained from each county human services office, online, or by calling 1-800-657-3739 or 1-800-627-3529 for the hearing impaired. The Minnesota CHIP website is located at https://www.benefits.gov/benefits/benefit-details/1287.

Mississippi

Mississippi's CHIP program is called the Children's Health Insurance Program (CHIP) and is administered by the Mississippi Division of Medicaid. The program covers youth from birth to 19 years of age with family incomes of up to 200% of the FPL. There are no premiums or deductibles, although there may be a copayment for some services for higher-income families on CHIP. The state's CHIP and Medicaid programs are administered jointly; therefore application is unified for both programs. Medicaid eligibility is continuous for 1 year for youth under 19 years of age. There are no premiums or deductibles, although there may be a small co-payment for some services for higher-income families on CHIP.

According to a representative of Mississippi's Division of Medicaid, applicants under the age of 18 must have a parent or adult applying on their behalf. Covered youth over 18 living on their own may apply for their own Medicaid coverage.

Application must be presented during an in-person interview at a Medicaid regional office, but may be downloaded ahead of time at http://www.msdh.state.ms.us/msdhsite/_static/resources/93.pdf. A list of regional offices may be found online or by calling 1-877-KIDS-NOW (1-877-543-7669). The CHIP website is located at http://www.msdh.state.ms.us/msdhsite/_static/41,0,96.html.

Or the application may be filled out online at www.medicaid.ms.gov or www.HealthCare.gov, and may be found at https://medicaid.ms.gov/wp content/uploads/2014/01/DOM_MAGIApp.pdf. A list of regional offices may be found online or by calling 1-877 https://medicaid.ms.gov/programs/childrens-health-insurance-program-chip.

Missouri

Missouri's CHIP program is called MO HealthNet for Kids and is administered by the Missouri State Medicaid Agency. The program covers youth from birth to 18 years of age who (a) apply for a social security number, (b) live in Missouri and intend to remain there, (c) have a family gross income between 150% and 300% of FPL, (d) have been uninsured for 6 months, (e) have parents who cooperate with Child Support Enforcement, and (f) are U.S. citizens or qualified non-citizens. Premium amounts change every July based on family size and income, but no family pays more than 5% of their income for coverage.

According a representative from the Missouri State Medicaid Agency, youth living with their parents must have their parents apply for them; however, youth living on their own may apply for coverage on their own behalf.

Application for coverage may be completed online at https://mydssapp.mo.gov/CitizenPortal/application.do or in paper form. The MO HealthNet for Kids website is located at http://dss.mo.gov/fsd/health-care/mohealthnet-for-kids.htm.

Montana

Montana's CHIP program is called Healthy Montana Kids (HMK) and is administered by BlueCross BlueShield of Montana. The program covers youth up to 19 years of age with family income up to 250% of the FPL. Families with higher incomes must make copayments for some services. The maximum aggregate copayment is $215 per family per year.

Parents or guardians are expected to file for benefits on behalf of minors.

Application may be made online at https://mtchip.assistguide.net/ or completing a paper application and submitting it to a central processing center or by calling 1-877-543-7669. The Montana CHIP website is located at http://chip.mt.gov/.

Nebraska

The Nebraska CHIP program is called Kids Connection and is administered by the Nebraska Health and Human Services System. It covers youth 18 years of age and under who have family incomes of less than 185% of the FPL. Since Kids Connection is an expansion of the Nebraska Medicaid Program, the same services are offered. If a youth is already participating in the Medicaid Program and is 18 years of age or under, they are automatically in Kids Connection. There are no premiums or copayments for Kids Connection.

Minors can apply as their own household, though some information or documentation may be difficult to obtain.

Applications can be made by completing and submitting a paper application to a central processing center or local Department of Health and Human Services (DHHS) office. Applications are available online, by calling 1-855-632-7633, at DHHS local offices, or at certain medical providers or other health services organizations. The Kids Connection website is located at http://www.benefitsapplication.com/program_info/NE/Nebraska%20Kids%20Connection.

Nevada

Nevada's CHIP program is called Nevada Check Up and is administered by the Nevada Department of Human Resources. The program covers youth birth to 18 years of age who have family incomes of less than 200% of the FPL and are not covered by Medicaid. A quarterly premium is required on a sliding scale according to income level.

A minor can only apply if they are under the legal control of a legal guardian or parent. The legal guardian will need to apply on behalf of the youth and he/she needs to be living in the home.

To apply, a paper application must be completed and returned to a central processing center. An application may be obtained online or by calling 1-877-543-7669 or 1-775-684-3777. The Nevada Check Up website is located at https://www.nevadahealthlink.com/individuals-families/medicaidnevada-check-up/.

New Hampshire

New Hampshire's CHIP program is run under the New Hampshire Medicaid and is administered by the New Hampshire Department of Health and Human Services. The program covers youth under 19 years of age who are (a) New Hampshire residents and (b) U.S. citizens or eligible qualified noncitizens. Children's Medicaid provides free health and dental coverage for children up to age 20 with net income no higher than 196% of the federal poverty levels ("FPL"). Expanded Children's Medicaid provides free health and dental coverage for children up to age 19 with a net income higher than 196% of the FPL but no higher than 318% of the FPL. Additionally, any severely disabled child up to age 20 with income no higher than 196% of FPL does not have to be living with a parent or relative to receive special coverage.

Applications may be obtained online at https://www.dhhs.nh.gov/dfa/apply.htm or by calling 1-800-852-3345, extension 9700. Assistance with the application is available by phone at 1-844-275-3447 or at an application assistance site.

New Jersey

The CHIP program for New Jersey is called NJ Family Care and is administered by the Division of Medical Assistance and Health Services within the New Jersey Department of Human Services. It covers youth 18 years of age and under who (a) have family incomes at or below 350% of the FPL, (b) have resided in the U.S. as legal permanent residents for at least 5 years, and (c) have been without insurance for three months prior. Exceptions to the three month rule include losing insurance because place of work went out of business or due to layoffs. While the majority of participants will not pay, some families will have a monthly premium based on family income.

Youth 18 and younger may apply for the program, as well as certain low-income parents/guardians.

A paper application may be obtained online or by calling 1-800-701-0710. Assistance in completing the application is available by phone or at a local application assistance center. The NJ Family Care website is located at http://www.njfamilycare.org/.

New Mexico

New Mexico's CHIP provides no cost or low cost health care coverage for youth from birth to six years of age with household incomes up to 300% of FPL, and coverage for youth from ages 7 to 18 at 240% of FPL. A family whose household income is less than 185% of the FPL receives the services provided at no cost.; those with household incomes between 185% and 235% of the FPL may require copayment.

Additionally, immigrants without permission to be in the U.S. do not need to provide immigration status information, social security numbers, or other similar proof of citizenship; they must, however, provide proof of income.

There is no explicit policy set out on the Centennial Care website about whether homeless or unaccompanied youth could apply, but a call to a regional Income Support Division confirmed that if a youth is not living with their parent they can apply for medical assistance on their own. Applications for CHIP and Centennial Care,

New Mexico's updated Medicaid system which also incorporates the now-defunct New MexiKids and New MexiTeens CHIP, can be submitted at www.yes.state.nm.us, or by downloading and mailing an application at http://www.hsd.state.nm.us/uploads/files/HSD%20100%20Single%20Streamlined%20Application%20for%20Assistance%20final%2003_17_2016.pdf.

New York

The New York CHIP program is called Child Health Plus (CHPlus) and is administered by the New York Department of Health. The program covers youth up to 19 years of age with family incomes less than 400% of the FPL. Families making 160% or less of the FPL do not have a premium. Premiums range up to $60 per youth per month, with a maximum $180 per family per month, depending on income level. There are no copayments regardless of income. Families with income above 400% of the FPL are also able to purchase buy-in coverage by paying the full premium charged by the health plan provider. The child must be a resident of New York State. New York uses an integrated application process for CHPlus and Medicaid and only one application is needed for both programs.

Minors may apply for themselves.

The application may be obtained online, by calling 1-800-698-4KIDS (1-800-698-4543) or 1-877-898-5849 for the hearing impaired, by visiting a local department of social services office, or enrolling directly with a CHPlus insurance provider. The ChPlus website is located at https://www.health. ny. gov/health_care/child_health_plus/.

North Carolina

North Carolina's CHIP program is called NC Health Choice for Children and is administered by the North Carolina Department of Health and Human Services Division of Medical Assistance, but is administered through social services. The program covers youth ages 6 through 18 who have family incomes less than 200% of the FPL. If family income is above 159% of the federal poverty level, there is an enrollment fee of $50 one child or $100 for two or more children, and there are certain copayments for all participants. Applications for NC Health Choice and Medicaid are processed jointly.

Youth living alone can receive coverage, but a parent or guardian is expected to file on their behalf.

Applications are available in many different locations, including county social services departments, local health departments, and online. A completed application may be submitted to the county social services department by mail or in-person delivery. Faxed applications and applications received over the internet are not acceptable. The website for NC Health Choice is located at https://dma.ncdhhs.gov/medicaid/get-started/eligibility-for-medicaid-or-health-choice or call CARE-LINE at 1-800-662-7030 for information.

North Dakota

North Dakota's CHIP Program is called Healthy Steps and is administered by the North Dakota Department of Human Services. The program covers youth 18 years of age

and under with family incomes under 160% of the FPL. Single teens 18 years of age with eligible incomes may also apply for coverage. Co-payments of $5 per emergency room visit, $50 per hospitalization, and $2 per prescription are required. Native American youth do not have to pay copayments. Applications for Healthy Steps and Medicaid are processed jointly.

Single 18 year olds with eligible incomes may apply on their own for ND CHIP coverage

To apply, a paper application must be completed and returned to a central processing center. Applications are available online, by calling 1-877-KIDSNOW (1-877-543-7669), or at any county social service office. The website for Healthy Steps is located at https://www.nd.gov/eforms/Doc/sfn01909.pdf/.

Ohio

The CHIP program for Ohio is called Healthy Start and is administered by the Ohio Department of Job and Family Services. The program covers uninsured youth from birth to 19 years of age with family incomes under 206% of the FPL, insured youth from birth to 19 years of age with family incomes under 156% of the FPL, and pregnant women with family incomes less than 200% of the FPL. The application for Health Start and Medicaid is processed jointly.

Unaccompanied minors may apply independently for coverage.

Applications are available online (https://benefits.ohio.gov), at a county department of job and family services office, or by calling 1-800-324-8680. The website for Health Start is located at https://www.benefits.gov/benefits/benefit-details/1610.

Oklahoma

Oklahoma's CHIP program is called SoonerCare and is administered by the Oklahoma Health Care Authority. The program covers youth 18 years of age and under with family income below 185% of the FPL.

An adult must sign the application form; however, minors can petition the state to collect child support from absent parents to cover health care costs.

Applications may be made online at https://www.apply.okhca.org/Site/HMHomePage.aspx or at the local Department of Human Services office, may be filled out and mailed in, or may be completed at a local county OKDHS office (listed at http://www.okdhs.org/countyoffices/Pages/default.aspx).

Oregon

Oregon's CHIP program is called Healthy Kids and is administered by the Oregon Division of Medical Assistance within the Department of Human Resources. The program covers youth 19 years of age and under with family incomes under 200% of the FPL and asset levels under $10,000. There are no premiums, copayments, or deductibles for participants. Youth must be without health care coverage for two months before applying to Healthy Kids, with exceptions for serious medical need and job loss.

Applications are considered on a case by case basis, so minors may be able to apply for and receive benefits on their own.

Applications are available online or by calling 1-877-314-5678. Applications for Oregon CHIP and Medicaid are processed jointly. The website for Healthy Kids is located at: This website appears to no longer exist.

Pennsylvania

Pennsylvania's CHIP program is called Pennsylvania CHIP and is administered by the Pennsylvania Insurance Department. Youth must be a U.S. Citizen, U.S. National, or Qualified Alien. The program covers youth 19 years of age and under with family incomes under 300% of the FPL. The program is free to families with income under 200% of the FPL. There are monthly premiums and copayments based on a sliding scale according to income level for families with income between 200% and 300% of the FPL. Families making between 200-300% of the FPL must prove that youth have been uninsured for six months, with exception for job loss.

According to a Department of Health representative, a minor would have to be emancipated to receive CHIP coverage.

Applications may be obtained online or by calling 1-800-986-KIDS (1-800-986-5437). The website for Pennsylvania CHIP is located at http://www.chipcoverspakids.com.

Rhode Island

Rhode Island's CHIP program is called RIte Care and is administered by the Rhode Island Department of Human Services. The program covers youth up to 19 years of age with family incomes of less than 262% of the FPL,youth under 18 years of age with family incomes of less than 134% of the FPL, and pregnant women with income less than 254% of the FPL. There is no cost for families or children who enrol in a RIte Care health plan.

Minors are not able to apply on their own; a parent or guardian living with the youth must apply for them.

Applications and information are available through the DHS Info Line at (401) 462-5300. Applications can also be found at https://healthyrhode.ri.gov/HIXWebI3/SetServiceInSession. . A list of offices is available at the RIte Care website which is located at http://www.dhs.ri.gov/DHSOffices/index.php.

South Carolina

The South Carolina CHIP program has two options for uninsured youth who are U.S. Citizens or Nationals. First, Partners for Healthy Children program provides Medicaid coverage for youth who live in families with incomes at or below 200% of the FPL. The youth must be under 19 years of age and have resources at or below $30,000 per Budget Group. The second option is called the Healthy Connections Kids program, which provides health insurance coverage to uninsured youth in households with incomes above 150% but less than or equal to 200% of the FPL. The youth must be (a) under age 1, with income above 185% but less than or equal to 200% of the

FPL, or (b) age 1 to 18, with incomes above 150% but less than or equal to 200% of the FPL, and (c) have resources at or below $30,000 per Budget Group. There are no premiums, deductibles, or copayments for the program.

Minors cannot apply for coverage on their own.

Applications for both may be found at https://www.scdhhs.gov/sites/default/files/FM%203400.pdf, printed out, completed, and mailed or delivered in-person to the local office of the Department of Health and Human Services (DHHS). A list of DHHS offices is available online or with the application package. Call 1-888- 549-0820 for additional assistance. Applications are also available at the DHHS or locations such as the County Health Departments, federally qualified rural health centers, most hospitals, and the county Department of Social Services. Partners for Healthy Children and Medicaid applications are processed jointly. The Partners for Healthy Children website is located at https://www.scdhhs.gov/eligibility-groups/partners-healthy-children-phc.

South Dakota

South Dakota's CHIP program is called South Dakota CHIP and is administered by the South Dakota Department of Social Services. The program covers youth under 19 years of age who have family incomes of less than 200% of the FPL.

Minors can apply for coverage on their own.

Applications may be obtained online at http://dss.sd.gov/formsandpubs/docs/GEN-301Application.pdf, by calling a local Department of Social Services office and speaking with a benefits specialist. A completed paper application must be delivered to the applicant's local Department of Social Services Office. A list of such offices is available online at the South Dakota CHIP website, which is located at https://dss.sd.gov/medicaid/generalinfo/medicalprograms.aspx#chip.

Tennessee

Tennessee's CHIP program is called CoverKids and is administered by the Tennessee Division of Health Care Finance &. The program covers pregnant women and youth 18 years of age and under with family incomes below 250% of the FPL who have been uninsured for 3 months prior to application. If a family meets the income guidelines, there are no premiums for coverage. Participants pay copayments for certain services. The amount of the copayment varies by income. Youth in families with household incomes greater than 250% FPL may buy into the CoverKids plan.

A "responsible adult" must file an application on a minor's behalf.

Applications for CoverKids and Medicaid are processed jointly and the youth is placed in the appropriate program. Applications are available online at http://coverkids.com/, by calling 1-888-325-8386, or by visiting a local Community Service Agency or Human Resources Agency office. A list of such offices and other helpful information may be found on the CoverKids website at http://www.tn.gov/coverkids/ or http://bluecare.bcbst.com/types-of-coverage/coverkids/.

Texas

Texas' program is called Texas CHIP and is administered by the Texas Health and Human Services Commission. The program covers youth under 19 years of age with family incomes of less than 200% of the FPL. There is an enrollment fee of $50 per family as well as copayments. Youth must be citizens or legal permanent residents. Youth who previously had health care coverage have a 90 day waiting period before enrolling in CHIP, with exceptions for job loss and divorce.

Anybody under the age of 19 can apply for CHIP coverage.

Applicants can fill out the application online (https://www.texkid.org/CISS/https://www.yourtexasbenefits.com/Learn/Home#login), by hand and mail it to a central processing center, or by phone by calling 2-1-1(toll-free). Assistance completing the application is available from various volunteer agencies. A list of such agencies is available online or by calling 1-877-543-7669. The Texas CHIP website is located at http://www.chipmedicaid.org/.

Utah

Utah's CHIP program is called Utah CHIP and is administered by the Utah Department of Health. The program covers youth under 19 years of age with family incomes below 200% of the FPL. Most CHIP families are required to pay a premium up to $75 every quarter. Copayments are required on a sliding scale based on income, but a family will not be required to pay more than 5% of its income in copays and premiums per benefit year. American Indian and Alaska native children do not pay co-pays or premiums.

It is unclear if minors can apply for coverage; the Department of Health representatives were divided on the issue but advised applying anyway.

Applications for Utah CHIP and Medicaid are integrated into one application. Application can be made online (https://jobs.utah.gov/ mycase/), downloaded from http://health.utah.gov/chip/PDF/61med_english.pdf to be mailed, or by calling the CHIP Hotline at 1-877-543-7669.

Vermont

The Vermont CHIP program is called Dr. Dynasaur and is administered by the Vermont Department for Children and Families, Economic Services Division. The program covers youth 19 years of age and under with family incomes under 312% of the FPL and pregnant women with family incomes under 208% of the FPL. There are no copayments; however, monthly premiums are based on household income and family size.

Minors can apply for coverage as their own household.

Application for all Vermont health insurance programs is done on a single application and the applicant is placed in the appropriate program. An application may be obtained online, at the local Department for Children and Families, Economic Services

Division office, or by calling 1-800-250-8427 Monday-Friday from 7:45a.m.-4:30 p.m. The website for Dr. Dynasaur is located at http://www.greenmountaincare.org/health-plans/dr-dynasaur.

Virginia

Virginia's CHIP program is called Family Access to Medical Insurance Security Plan (FAMIS) and is administered by the Virginia Department of Medical Assistance Services. The program covers youth under 19 years of age with family incomes of less than 200% of the FPL and who have been uninsured for four months prior to filing the application. There are no premiums for the program; however, there are copayments on a sliding scale from $2 to $5 depending on whether family income is at or above 150% of the FPL.

Minors must be living with a family to be eligible for medical coverage.

Applications can be completed online at http://www.coverva.org/mat/magi_1.pdf, over the phone by calling 1-866-87FAMIS (1-866-873-2647) or 1-888-221-1590 for the hearing impaired, or by completing and mailing a paper application. The FAMIS website is located at http://www.coverva.org/programs_famis.cfm.

Washington

Washington's CHIP program is called Washington CHIP and is administered by the Washington State Department of Health and Social Services. The program covers youth 18 years of age and younger with family incomes of less than 200% of the FPL. Families above 200% of the FPL may be eligible for the same coverage for $20 a month per youth for families below 250% of FPL and $30 a month per youth for families below 300% of FPL. The premiums max out at two per family, so no family would pay more than $60 a month in premiums.

Minors can apply for coverage on their own if they are unaccompanied or living alone.

The application may be completed online at http://hrsa.dshs.wa.gov/applehealth/apply_now.shtml. A paper copy of the application may be obtained online or by calling 1-877-543-7669. The Washington CHIP website is located at http://hrsa.dshs.wa.gov/applehealth/index.shtml

West Virginia

West Virginia's CHIP program is called WVCHIP and is administered by the West Virginia Children's Health Insurance Agency. The program covers youth 18 years of age and under with family incomes of less than 300% of the FPL. There are no premiums for coverage; however copayments are required on a sliding scale based on income levels below 150%, below 200%, and below 300% of the FPL.

If emancipated, teens can sign their own application for coverage.

Application for WVCHIP and Medicaid is integrated into a single process. The application may be completed online or by calling 1-877-WVA-CHIP. The completed

application must be mailed to the applicant's local Department of Health and Human Resources office. Assistance with the application is available by phone at 1-877-WVA-CHIP (1-877-982-2447) or at the applicant's local Department of Health and Human Resources office.

The WVCHIP website is located at http://www.chip.wv.gov.

Wisconsin

Wisconsin's CHIP program is called BadgerCare Plus and is administered by the Wisconsin Department of Health and Family Services. The program covers all youth in Wisconsin 19 years of age or under regardless of income level. BadgerCare Plus is divided into two plans: the Standard Plan and the Benchmark Plan. The Standard Plan covers youth with family incomes below 200% of the FPL and the Benchmark Plan covers youth with family incomes above 200% of the FPL. Copayments are larger under the Benchmark Plan and participants must pay premiums on a sliding scale based on income level.

Minors can apply on their own for medical coverage.

The application may be completed online at https://access.wisconsin.gov/ or by visiting a local partner agency. A list of partner agencies is available online or by calling 1-800-362-3002. The BadgerCare Plus website is located at http://www.badgercareplus.org/children.htm

Wyoming

The Wyoming CHIP program is called Wyoming Kid Care and is administered by the Wyoming Department of Health. The program covers youth until 19 years of age with family incomes under 200% of the FPL. Copayments are required for all participants.

According to representatives of the Department of Health, "parents, grandparents, siblings, other family members, and foster parents may apply as long as the youth lives with [them] at least 50% of the time," but it does not appear that youth can apply on their own.

To apply, the applicant must complete a paper application and mail it to a central processing center. The application may be obtained online (https://healthlink.wyo.gov/), by phone by calling 1-877-543-7669, or at any one of the local application centers located throughout the state. The website for Wyoming Kid Care is http://health.wyo.gov/healthcarefin/chip/index.html.

American Samoa

American Samoa's CHIP and Medicaid programs set income eligibility at or below 200% of the FPL. In 2009, American Samoa's enrollment rate was 88% of its population.

Information on enrollment in the Medicaid program is scarce, as there is no formal website to submit applications or to see program eligibility requirements. We were therefore unable to determine if unaccompanied youth are able to apply independently for coverage.

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District of Columbia

The District of Columbia's CHIP program is called DC Healthy Families and is administered by the District of Columbia Department of Health. The program covers youth 19 years of age and under living in the District of Columbia who do not have health insurance and meet the income eligibility requirements. The 2009 income requirement for youth enrollment is 300% of the FPL. The 2009 income requirement for entire family enrollment is 200% of the FPL.

Under the program guidelines, unaccompanied youth may apply for coverage independently if they meet the program requirements.

A person may apply for coverage by completing a paper application and mailing it to a central processing center. Paper applications are available by calling (888) 557-1176, visiting the Department of Motor Vehicles, the Department of Employment Services, the library, or at any CVS, Safeway, Rite Aid, or Giant store. An application assistance hotline is available to provide assistance in completing the application at 202-639-4030, or for hearing challenged persons at 202-639-4041. The DC Healthy Families website is located at http://dhcf.dc.gov/dhcf/cwp/view,A,1412,Q,609129,dhcfNav,|34820|.asp.

Guam

Guam's public medical coverage, known as the Medically Indigent Program, and Medicaid are both administered through the Department of Public Health and Social Services. The Medically Indigent Program covers individuals not eligible for the state Medicaid program. Note that under their Medicaid requirements, states must provide coverage for certain categories of individuals. As a territory, Guam is exempt from this requirement, and does not have to extend eligibility to poverty-related children and pregnant women. Youth under 18 years of age in foster care are eligible for the Medically Indigent Program according to the Public Health and Social Services website. Guam is permitted to use a local poverty level to establish income eligibility for Medicaid, and currently provides coverage to individuals, including children, with a modified adjusted gross income up to 133% of the Guam poverty level. See https://www.macpac.gov/wp-content/uploads/2016/09/Medicaid-and-CHIP-in-Guam.pdf.

A minor may apply for the Medically Indigent Program so long as they submit an affidavit indicating that the minor is "living a life as an adult apart from the minor's parents," and is "self-sufficient." 10 Guam Code § 2905.13 (2017).

The application for all public benefits is available at http://dphss.guam.gov/document/application-public-benefits.

Northern Mariana Islands

As of 2009, Northern Mariana Islands provided Medicaid and CHIP (as an expansion of Medicaid) coverage to those at or below 150% of the Supplemental Security Income federal benefit amount. The Northern Mariana Islands also provides a program known as the Medically Indigent Assistance Program which has few enrollees due to very high copays.

There is very little information available on how to apply for these programs in the Northern Mariana Islands and they operate on a waiver from the federal government and thus are exempt from the broad federal guidelines that the other insular territories are subject to. We were therefore unable to determine if unaccompanied youth could apply independently for coverage in Northern Mariana Islands.

Puerto Rico

In Puerto Rico, effective January 1, 1998, CHIP was approved as a Medicaid expansion program for youth ages 18 and under whose family incomes are less than 200 percent of the Commonwealth's poverty level, or 84 percent FPL. Puerto is the only territory currently authorized as of 2016 to use its CHIP allotment to cover children from families whose incomes are too high to qualify for Medicaid. The Puerto Rico Health Department (Health Department) administers CHIP by contracting with health insurance organizations to provide services to qualified beneficiaries at negotiated capitation rates (premiums). States are required to cover defined categories of individuals under their Medicaid program, including youth, pregnant women, adults in families with youth, the elderly, and individuals with disabilities. Puerto Rico received 91.6% of Federal CHIP funds allocated for insular areas for 2009.

We were unable to determine if unaccompanied youth could apply independently for coverage in Puerto Rico.

Virgin Islands

Eligibility for CHIP and Medicaid is limited to those with incomes up to 55% of the FPL ($13,452 for a family of four in 2016). Approximately 17% of the U.S. Virgin Islands population was covered in 2015. States are required to cover defined categories of individuals under their Medicaid program, including youth, pregnant women, adults in families with youth, the elderly, and individuals with disabilities. The U.S. Virgin Islands received 1.7% of Federal CHIP funds allocated for insular areas.

We were unable to determine if unaccompanied youth could apply independently for coverage in the Virgin Islands.

APPENDIX 15

Health care: Consent & Confidentiality Statutes

Alabama

A minor who (a) is 14 years of age or older, (b) has graduated from high school, (c) is married, (d) has been married and is divorced, or (e) is pregnant may consent to any legally authorized medical, dental, health, or mental health services for him/herself. The consent of no other person shall be necessary. Ala. Code § 22-8-4 (2017). A minor who is married, has been married and is divorced, or has had a child may give effective consent to any legally authorized medical, dental, health, or mental health services for his/her child. Ala. Code § 22-8-5 (2017). A minor 12 years of age or older who may have come into contact with a sexually transmitted disease may consent to medical care related to diagnosis or treatment of such disease. The consent shall be valid and binding as if the minor has achieved his/her majority. The consent shall not be voidable nor subject to later disaffirmance because of minority. The medical provider may, but shall not be obligated to, inform the parent, parents, or guardian of any such minor as to the treatment given or needed. Ala. Code § 22-11A-19 (2017). A minor may give consent for any legally authorized medical, health, or mental health services to determine the presence of, or to treat, pregnancy, venereal disease, drug dependency, alcohol toxicity, or any reportable disease. Ala. Code. § 22-8-6 (2017).

A parent or legal guardian's written consent is required in order to perform an abortion upon an unemancipated minor. A minor may petition the juvenile court (or court of equal standing) for a waiver of the consent requirement. A parent, legal guardian, custodian, or any other person shall not coerce a minor to have an abortion performed. Ala. Code § 26-21-3 (2017).

Alaska

Except as prohibited under Alaska Stat. § 18.16.010(a)(3), discussed below, a minor who is living apart from the minor's parents or legal guardian and is managing his/her own financial affairs may give consent for medical and dental services. A minor may give consent if the parent or legal guardian cannot be contacted or is unwilling to either grant or withhold consent. A minor who is the parent of a child may give consent to medical and dental services for the minor or the child. A minor may give consent for diagnosis, prevention or treatment of pregnancy, and for diagnosis and treatment of venereal disease. Alaska Stat. § 18 (2017).

Regarding mental health services, a minor under 18 years of age may be admitted for 30 days of evaluation, diagnosis, and treatment at a designated treatment facility if the minor's parent or guardian signs the admission papers and if, in the opinion of the professional person in charge, (a) the minor is gravely disabled or is suffering from mental illness and as a result is likely to cause serious harm to the minor or others, (b) there is no less restrictive alternative available for the minor's treatment, and (c) there

is reason to believe that the minor's mental condition could be improved by the course of treatment or would deteriorate further if untreated. Alaska Stat. § 47.30.690. When a minor under 18 years of age is detained at, admitted to, or committed to a treatment facility, the facility shall inform the parent or guardian of the location of the minor as soon as possible after the arrival of the minor at the facility. Alaska Stat. § 47.30.693 (2017).

An abortion may not be performed on an unmarried, unemancipated woman under 17 years of age unless consent has been given as required under AS 18.16.020 or a court has authorized the minor to consent under AS 18.16.030 and the minor consents. Alaska Stat. § 18.16.010(a)(3) (2017). Under Alaska Stat. § 18.16.020, consent has been given if (a) one of the minor's parents, guardian, or custodian consented in writing, (b) a court issued an order under Alaska Stat. § 18.16.030 authorizing the minor to consent and the minor gives such consent, or (c) a court by inaction under Alaska Stat. § 18.16.030 constructively authorizes the minor to consent and the minor gives such consent.

Arizona

Except as provided in Title 36, Chapter 20, Article 1 (Abortion), any emancipated minor, any minor who has contracted a lawful marriage, or any homeless minor may give consent to the furnishing of hospital, medical, and surgical care. Ariz. Rev. Stat. § 44-132 (2017). A minor who may have contracted a venereal disease may give consent to the furnishing of hospital or medical care related to the diagnosis or treatment of such disease. Ariz. Rev. Stat. § 44-132.01 (2017). Any minor who is at least 12 years of age who is found, upon diagnosis of a licensed physician or a registered nurse practitioner, to be under the influence of a dangerous drug or narcotic, which includes withdrawal symptoms, may be considered an emergency case and the minor is considered as having consented to hospital or medical care needed for treatment for that condition. Ariz. Rev. Stat. § 44-133.01 (2017). When it is not possible to contact the parents or legal guardian within the short time span in which the examination should be conducted, a minor 12 years of age or older alleged to be the victim of a violation of section 13-1406 (sexual assault) may give consent to hospital, medical and surgical examination, diagnosis, and care in connection with such violation. Ariz. Rev. Stat. § 13-1413 (2017). Surgical procedures may not be performed upon a minor without written consent from a parent or legal guardian of the minor. However, this consent is not required in emergency situations when a physician determines that a surgical procedure is necessary or when a parent or legal guardian cannot be located or contacted after a reasonably diligent effort. Ariz. Rev. Stat. § 36-2271 (2017).

A person shall not knowingly perform an abortion on a pregnant unemancipated minor without written consent from one of the minor's parents, guardian, or conservator, unless a judge of the superior court authorizes the physician to perform the abortion. Ariz. Rev. Stat. § 36-2152 (2017). Parental consent or judicial authorization is not required if (a) the minor certifies that the pregnancy resulted from sexual conduct by the minor's parent, stepparent, uncle, grandparent, sibling, adoptive parent, legal

guardian, foster parent, or by a person who lives in the same household with the minor and the minor's mother; or (b) the attending physician certifies in the pregnant minor's medical record that, on the basis of the physician's good faith clinical judgment, the pregnant minor has a condition that so complicates her medical condition as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function. Ariz. Rev. Stat. § 36-2152(G) (2017).

A minor may be admitted to a mental health agency (as defined in section 8-201) by the written application of the minor's parent, guardian, custodian, or a person designated by the court if the parent, guardian, or custodian is without monetary resources to file an application or could not be located after reasonable efforts and the minor is under the supervision of an adult probation department. Ariz. Rev. Stat. § 36-518 (2017). The statute sets forth five steps that must occur before admission: a psychiatric investigation, an interview, an explanation of contemplated treatment, an exploration of alternatives, and a determination of the type of treatment necessary. *Id.*

Arkansas

Among the persons authorized to consent to surgical or medical treatment/procedures are (a) any parent, whether an adult or a minor, for his or her child, (b) any married person (including minors), (c) any female, regardless of age or marital status, when given in connection with pregnancy or childbirth, except regarding abortion, (d) any emancipated minor, and (e) any unemancipated minor of sufficient intelligence to understand and appreciate the consequences of the proposed surgical or medical treatment or procedures. Ark. Code Ann. § 20-9-602 (2017). A minor who has or believes himself or herself to have a sexually transmitted disease may consent to medical or surgical care or services. Ark. Code Ann. § 20-16-508 (2017). The minor's spouse, parent, or guardian may be informed as to the treatment given or needed. *Id.*

Except as otherwise provided in §§ 20-16-809 and 20-16-807, no person may perform an abortion upon an unemancipated minor without written consent of either parent, legal guardian, or custodian. Ark. Code Ann.§ 20-16-805 (2017). The Code also sets forth the procedure for judicial relief from the consent requirement. Ark. Code Ann. § 20-16-809 (2017).

California

A minor may consent to medical or dental care if all of the following conditions are satisfied: (a) the minor is 15 years of age or older, (b) the minor is living separate and apart from his/her parents or guardian, and (c) the minor is managing his/her own financial affairs. Cal. Fam. Code § 6922 (2017). The physician, surgeon, or dentist may advise the parent or guardian of the treatment given or needed if the physician, surgeon, or dentist has reason to know, on the basis of the information given by the minor, the whereabouts of the parent or guardian. *Id.* A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient basis, or to residential shelter services, if both of the following requirements are satisfied: the

minor is mature enough to participate intelligently in the services, and the minor (a) would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (b) is the alleged victim of incest or child abuse. Cal. Fam. Code § 6924(b) (2017). A professional person offering residential shelter services shall make best efforts to notify the parent or guardian, and the treatment or counseling shall include involvement of the parent or guardian unless inappropriate. *Id*. at (c). Convulsive therapy, psychosurgery, and psychotropic drugs require consent of the parent or guardian. *Id*. at (f).

A minor may consent to pregnancy-related medical care, not including sterilization or abortion, without the consent of a parent or guardian other than as provided in Section 123450 of the Health and Safety Code. Cal. Fam. Code § 6925 (2017). A minor age 12 or older who may have come into contact with a reportable infectious, contagious, or communicable disease, or with a related sexually transmitted disease, may consent to medical care related to the diagnosis or treatment of the disease. Cal. Fam. Code § 6926 (2017). A minor who is 12 years of age or older and who is alleged to have been raped may consent to medical care related to the diagnosis or treatment of the condition and the collection of medical evidence with regard to the alleged rape. Cal. Fam. Code § 6927 (2017). A minor who is alleged to have been sexually assaulted may consent to medical care related to the diagnosis and treatment of the condition, and the collection of medical evidence with regard to the alleged sexual assault. the minor's parent or guardian shall be contacted unless it is reasonably believed that the parent or guardian committed the sexual assault. Cal. Fam. Code § 6928 (2017). A minor age 12 or older may consent to medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, although replacement narcotic abuse treatment is not authorized without the consent of the parent or guardian. Cal. Fam. Code § 6929 (b) & (e) (2017). The treatment plan shall include the involvement of the parent or guardian if appropriate. *Id*. at (f).

Except in a medical emergency requiring immediate medical action, no abortion shall be performed upon an unemancipated minor unless she first has given her written consent to the abortion and also has obtained the written consent of one of her parents or legal guardian. Cal. Health and Safety Code § 123450(a). Section 123450(b) sets forth a procedure for petitioning the court in the event a parent or guardian refuses to consent or the minor elects not to seek such consent. The California Supreme Court held this provision unconstitutional in *American Academy of Pediatrics v. Lundgren*. 940 P.2d 797 (Cal. 1997).

Colorado

Except as otherwise provided in sections 18-1.3-407 (4.5), 18-6-101, 25-4-402, and 12-34-104, a minor 18 years of age or older, a minor 15 years of age or older who is living separate and apart from his or her parent or legal guardian and is managing the minor's own financial affairs, or any minor who has contracted a lawful marriage may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself. Colo. Rev. Stat. §

13-22-103(1) (2017). A minor who is a parent may give consent for his or her child or ward. *Id*. at (3). A physician may examine, prescribe for, and treat a minor patient for addiction to or use of drugs without the consent of or notification to the parent, parents, or legal guardian. Colo. Rev. Stat. § 13-22-102 (2017). A pregnant minor may authorize prenatal, delivery, and post-delivery medical care for herself related to the intended live birth of a child. Colo. Rev. Stat. § 13-22-103.5 (2017). A physician, upon consultation by a minor as a patient who indicates that he or she was the victim of a sexual offense pursuant to part 4 of article 3 of title 18, C.R.S., with the consent of such minor patient, may perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense. Prior to examination or treatment, the physician shall make a reasonable effort to notify the parent or guardian. Colo. Rev. Stat. § 13-22-106 (2017).

A physician, upon consultation by a minor as a patient and with the consent of such minor patient, may make a diagnostic examination for venereal disease and may prescribe for and treat such minor patient for venereal disease without the consent of or notification to the parent or guardian. Colo. Rev. Stat. § 25-4-402 (2017). A drug abuser, including a minor, may apply for voluntary treatment directly to an approved treatment facility. Colo. Rev. Stat. § 27-82-105. A minor who is 15 years of age or older may consent to receive mental health services. Colo. Rev. Stat. § 27-65-103. The professional person rendering mental health services may advise the parent or legal guardian of the minor of the services given or needed. *Id.*

No abortion shall be performed upon an unemancipated minor until at least 48 hours after delivery of written notice to the parent at the dwelling house or usual place of abode of the parent. When the parent includes two persons to be notified and they do not reside together, notice shall be delivered to both parents unless the minor requests that only one parent be notified. Under paragraph (2) of the statute, notice may be provided to a relative other than the parent if the minor is residing with said relative. Colo. Rev. Stat. § 12-37.5-104 (2017). In 2000, Colorado's Parental Notification Act was held unconstitutional by a federal court in *Planned Parenthood of the Rocky Mountains Service Corp. v. Owens*, 107 F. Supp. 2d 1271 (D. Colo. 2000). In 2003, the state government passed a law setting forth a procedure for judicial bypass. *See* 2003 Colo. Legis. Serv. Ch. 355 § 1 (H.B. 03-1376); Colo. Rev. Stat. §12-37.5-107 (2017).

Connecticut

A minor who has been married or has borne a child may give effective consent to medical, dental, health, and hospital services for his or her child. Conn. Gen. Stat. § 19a-285 (2017). A minor may consent to examination and treatment related to venereal disease, and the consent of the parents or guardian of the minor is not a prerequisite for such examination or treatment. Conn. Gen. Stat. § 19a-216 (2017). The fact of consultation, examination, and treatment of a minor under the provisions of this section shall be confidential and shall not be divulged by the facility or physician, including the sending of a bill for the services to any person other than

the minor, except for purposes of reports under section 19a-215, and except that, if the minor is not more than 12 years of age, the facility or physician shall report the name, age, and address of that minor to the Commissioner of Children and Families or his designee who shall proceed thereon as in reports under section 17a-101g. *Id.* A minor may consent to treatment or rehabilitation for alcohol or drug dependence. Conn. Gen. Stat. § 17a-688(d) (2017). The fact that the minor sought such treatment or rehabilitation or that the minor is receiving such treatment or rehabilitation shall not be reported or disclosed to the parents or legal guardian of the minor without the minor's consent. *Id.* Outpatient mental health treatment may be rendered to minors without parental consent or notification, provided certain conditions are met. Conn. Gen. Stat. § 19a-14c (2017). The provider of such treatment shall document the reasons for any determination made to treat a minor without the consent or notification of a parent or guardian and shall include such documentation in the minor's clinical record, along with a written statement signed by the minor stating that he/she (a) is voluntarily seeking such treatment, (b) has discussed with the provider the possibility of involving his/her parent or guardian in the decision to pursue such treatment, (c) has determined it is not in his best interest to involve his/her parent or guardian in such decision, and (d) has been given adequate opportunity to ask the provider questions about the course of his treatment. *Id.* A child 14 years of age or over may be admitted for diagnosis or treatment of a mental disorder without parental consent if the child consents in writing, although the statute provides for notification of a parent or nearest relative within 24 hours. Conn. Gen. Stat. § 17a-79 (2017). If the admitted child's parent or guardian, or the admitted child, requests in writing release of the child, the hospital may (i) release the child in accordance with §§ 17a-76 and 17a-77, or (ii) may detain the child for up to 5 days to file an application and continue hospitalization beyond the receipt by the court of such application for (x) 15 days or (y) 25 days if the matter has been transferred to superior court. Id. Abortion-related information and counseling for minors prior to the performance of an abortion is required. Conn. Gen. Stat. § 19a-601 (2017).

Delaware

Consent to a minor's medical treatment, hospitalization, and other reasonably necessary care in connection therewith may be given by (a) a parent/guardian, (b) a married minor (or the minor's spouse if the minor is unable), (c) a minor of 18 years or older, (d) a minor parent for his or her child, (e) a minor or any person professing to be a temporary custodian for the examination or treatment of (i) any laceration, fracture, or other traumatic injury suffered by such minor, or (ii) any symptom, disease or pathology which may, in the judgment of the attending personnel preparing such treatment, if untreated, reasonably be expected to threaten the health or life of such minor, provided that the consent shall be effective only after reasonable efforts shall have been made to obtain the consent of the parent or guardian of said minor, or (f) a relative caregiver acting pursuant to an Affidavit of Establishment of Power to Relative Caregivers to Consent to Medical Treatment of Minors. Del. Code Ann. Title 13 § 707. A minor 12 years of age or over who professes to be either pregnant or afflicted with contagious, infectious, or communicable diseases, or to be exposed to

the chance of becoming pregnant, may give written consent, except to abortion, for diagnostic, preventive, lawful therapeutic procedures, medical or surgical care and treatment, including X rays. Del. Code Ann. Title 13 § 710(b) (2017). The parent, guardian or spouse of the minor may be notified. *Id.* at (c); *see also* Title 16 § 710 (consent to examination and treatment of minor for sexually-transmitted disease shall be controlled by §§ 707 and 708 of Title 13). A person in need of treatment or anyone engaging in substance abuse may request voluntary treatment from a licensed treatment facility. If a minor is 14 years of age or over, then either the minor, a parent, legal custodian, relative caregiver, or legal guardian may give written consent to a treatment facility for voluntary treatment for nonresidential treatment. In the case of residential treatment, consent to treatment shall be given only by a parent, custodian, relative caregiver, or legal guardian. Del. Code Ann. Title 16 § 2210 (2017).

An abortion shall not be performed upon an unemancipated minor unless at least 24 hours actual notice has been given to one or both parents (either custodial or non-custodial), a grandparent, a licensed mental health professional, or to the legal guardian of the pregnant minor. Del. Code Ann. Title. 24 § 1783 (2017). Procedures for petitioning the Family Court for a waiver of the notification requirements are set forth in section Del. Code Ann. Title 24 §§ 1783(b) and 1784.

Florida

Maternal health and contraceptive information and services of a nonsurgical nature may be rendered to a minor who is married, is a parent, is pregnant, has the consent of a parent or legal guardian, or may in the physician's opinion suffer probable health hazards if such services are not provided. Fla. Stat. Ann. § 381.0051(4)(a) (2017). An unwed pregnant minor may consent to medical or surgical care or services relating to her pregnancy, and an unwed minor mother may consent to the performance of medical or surgical care or services for her child. Fla. Stat. Ann. § 743.065 (2017); *see also* § 743.01 (2017) (disability of nonage of married minors removed); § 743.067 (2017). An unaccompanied homeless youth may consent to medical, dental, psychological, substance abuse, and surgical diagnosis and treatment for themselves or their child, if the unaccompanied homeless youth is unmarried, is the parent of the child, and has actual custody of the child. § 743.067 (2017). Physicians, health care professionals and hospitals may examine and provide treatment for sexually transmissible diseases to any minor, and the consent of the parents or guardians is not a prerequisite. Consultation, examination, and treatment of a minor for a sexually transmitted diseases is confidential and shall not be divulged in any direct or indirect manner, such as sending a bill for services rendered to a parent or guardian. Fla. Stat. Ann. § 384.30 (2017). The disability of minority for persons under 18 years of age is removed solely for the purpose of obtaining voluntary substance abuse impairment services from a licensed service provider and consent to such services by a minor has the same force and effect as if executed by an individual who has reached the age of majority. Fla. Stat. Ann. § 397.601 (2017); *see also* § 397.501(7)(e)(1) (2017) ("Since a minor acting alone has the legal capacity to voluntarily apply for and obtain substance abuse treatment, any written consent for disclosure may be given only by the minor."). A minor 13 years of age or older may consent to outpatient mental

health diagnostic and evaluative services, or crisis intervention, although the statute provides for parental involvement/consent in certain circumstances. Fla. Stat. Ann. § 394.4784(1)–(2) (2017).

Actual notice must be given to a parent or legal guardian of a minor at least 48 hours before the inducement or performance of a termination of pregnancy. Fla. Stat. Ann. § 390.01114 (2017). Exceptions are set forth in section (3)(b) of the statute, and a procedure for judicial waiver is set forth in section (4). *Id.*

Georgia

Among the persons authorized to consent to any surgical or medical treatment or procedures are (a) any parent, whether an adult or a minor, for his or her minor child, (b) any married person, whether an adult or minor, for himself or herself or his or her spouse, and (c) any female, regardless of age or marital status, for herself when given in connection with pregnancy, or the prevention thereof, or childbirth. Ga. Code Ann. § 31-9-2 (2017). A minor who is or professes to be afflicted with a venereal disease may consent to related medical or surgical care or services. Ga. Code Ann. § 31-17-7(a) (2017). The physician may inform the minor's spouse, parent, custodian, or guardian. *Id.* at (b). A minor who is or professes to be suffering from drug abuse may consent to related medical or surgical care or services. Ga. Code Ann. § 37-7-8(b) (2017). The physician may, but shall not be obligated to, inform the minor's spouse, parent, custodian or guardian. *Id.* at (c).

Regarding mental illness, the chief medical officer of any facility may receive for observation and diagnosis any patient (a) 12 years of age or older making application therefore, (b) under 18 years of age for such application is made by his/her parent or guardian, and (c) any patient declared legally incompetent for whom such application is made by his/her guardian. The parents or guardian of a minor must give written consent for treatment. Ga. Code Ann. § 37-3-20(a) (2017).

No physician or other person shall perform an abortion upon an unemancipated minor under 18 years of age unless (a) the minor is accompanied by a parent or guardian who shows proper identification and confirms that he or she is the lawful parent or guardian and has been notified that the abortion is to be performed, (b) 24 hours actual notice is provided to a parent or guardian in accordance with the statute, or (c) 24 hours written notice by certified mail is provided to a parent or guardian in accordance with the statute. The minor must sign a consent form stating that she consents freely and without coercion. Ga. Code Ann. § 15-11-680 (2017). Procedures for petitioning the juvenile court for a waiver of the notification requirements are set forth in § 15-11-680 et seq.

Hawaii

A minor may consent to primary medical care and services if the physician reasonably believes that (a) the minor understands the significant benefits and risks of the proposed primary medical care and services and can communicate an informed consent, (b) the primary medical care and services are for the minor's benefit, and (c) the minor is a "minor without support", as defined in section 577D-1. Haw. Rev. Stat.

§ 577D-2 (2017); *see also* § 577D-1 (2017) (defining "minor without support" as a person who is at least 14 years of age but less than 18 years of age who is not under the care, supervision, or control of a parent, custodian, or legal guardian). A female minor who is or professes to be pregnant, a minor who is or professes to be afflicted with a venereal disease, or a minor seeking family planning services may consent to medical care and services. Haw. Rev. Stat. § 577A-2 (2017); *see also* § 577A-1 (2017) (defining "minor" as a person 14 to 17 years of age and defining "medical care and services" as not including surgery or abortion). Pursuant to § 577A-3, information regarding the care and services provided to the minor may be disclosed to the minor's spouse, parent, custodian, or guardian after consulting with the minor. A minor who is or professes to suffer from alcohol or drug abuse may consent to counseling services for alcohol or drug abuse. The spouse, parent, custodian, or guardian of any minor who requests, is referred for, or received counseling services relating to alcohol or drug abuse may be informed. Haw. Rev. Stat. § 577-26 (2017).

Idaho

Any person of ordinary intelligence and awareness sufficient for him or her generally to comprehend the need for, the nature of, and the significant risks ordinarily inherent in any contemplated hospital, medical, dental, or surgical care, treatment, or procedure is competent to consent thereto on his or her own behalf. Idaho Code Ann. § 39-4503 (2017). A minor 14 years of age or older who may have come into contact with any infectious, contagious, or communicable disease reportable by law may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease. Idaho Code Ann. § 39-3801 (2017). A person may request treatment and rehabilitation for addiction or dependency to any drug, and if the person is 16 years of age or older the fact of seeking or receiving treatment shall not be reported to the parents or legal guardian without the minor's consent. Idaho Code Ann. § 37-3102 (2017). An alcoholic or an addict may apply for voluntary treatment directly to any approved public treatment facility. If the proposed patient is a minor or an incompetent person, he/she, a parent, legal guardian, or other legal representative shall make the application. Idaho Code Ann. § 39-307 (2017).

A person shall not perform an abortion upon an unemancipated minor unless the attending physician has secured the written consent of one of the minor's parents or the minor's guardian or conservator. Idaho Code Ann. § 18-609A (2017). Judicial bypass is addressed in sections (2)–(6) of the statute, and exceptions are addressed in section (7). *See id.*

Illinois

A minor who is (a) married (b) a parent, (c) pregnant, or (d) any person 18 years or older, may consent to the performance of a medical or surgical procedure. 410 Ill. Comp. Stat. 210/1 (2017). Any parent, including a parent who is a minor, may consent to the performance upon his or her child of a medical or surgical procedure. 410 Ill. Comp. Stat. 210/2 (2017). A minor 12 years of age or older who may have come into contact with any sexually transmitted disease, or may be determined to be an addict, an alcoholic, or an intoxicated person, as defined in the Alcoholism

and Other Drug Abuse and Dependency Act, or who may have a family member who abuses drugs or alcohol, may give consent to the furnishing of medical care or counseling related to the diagnosis or treatment of the disease. 410 Ill. Comp. Stat. 210/4 (2017). Guardians may be notified as to treatment for sexually transmitted diseases (though the physician is under no obligation to notify), but may not be notified as to substance abuse treatment without the minor's consent, unless that action is necessary to protect the safety of the minor. A family member, or another individual. 410 Ill. Comp. Stat. 210/5 (2017). Any minor 12 years of age or older may request and receive counseling services or psychotherapy on an outpatient basis, and the parent or guardian shall not be informed without the minor's consent, unless the facility director believes such disclosure is necessary, in which case the minor will be informed of such notification. 405 Ill. Comp. Stat. 5/3-501(a) (2017).

Any minor 16 years of age or older may be admitted to a mental health facility as a voluntary recipient under Article IV of this Chapter if the minor himself executes the application, and the parent or guardian shall be immediately informed of the admission. In this case, the minor shall be treated as an adult. 405 Ill. Comp. Stat. 5/3-502 (2017). Where a minor is the victim of a predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse, consent of the minor's parent or legal guardian need not be obtained to authorize medical care or counseling related to the diagnosis or treatment of any disease or injury arising from such offense. 410 Ill. Comp. Stat. 210/3(b) (2017).

A person may not perform an abortion on a minor without the minor's consent, except in a medical emergency. 750 Ill. Comp. Stat. 70/30 (2017). Illinois' Parental Notice of Abortion Act of 1995 (750 Ill. Comp. Stat. 70/1) was enjoined in *Zbaraz v. Ryan*, No. 84 CV771 (N.D. Ill. 1996) (unpublished). However, the permanent injunction precluding enforcement of the Illinois Parental Notice of Abortion Act of 1995 was lifted after promulgation of Ill. Sup. Ct. R. 303A, which provided the necessary appeals procedures to implement the Act's judicial bypass provisions allowing minors to obtain abortions without parental consent because § 25(g) of the Act required the srule's passage in order to make the Act effective. *See* Zbaraz v. Madigan, 572 F.3d 370 (7th Cir. 2009).

Indiana

A minor may consent to health care if the minor is (a) emancipated, (b) at least 14 years of age, not dependent on a parent for support, living apart from the minor's parents or from an individual in loco parentis, and managing the minor's own affairs, (c) is or has been married, (d) in the military service of the U.S, or (e) is authorized to consent by another statute. Ind. Code § 16-36-1-3 (2017). An individual who has, suspects that the individual has, or has been exposed to a venereal disease is competent to give consent for medical or hospital care or treatment of the individual. *Id.* A minor who voluntarily seeks treatment for alcoholism, alcohol abuse, STIor drug abuse from the division or a facility approved by the division may receive treatment without notification or consent of parents or guardian. Ind. Code § 12-23-12-1

(2017); *see also* § 12-23-9-1 (2017) (allowing a minor to apply for alcohol treatment). Notification or consent of parents or guardians is at the discretion of the division or a facility approved by the division. Ind. Code § 12-23-12-2 (2017).

No physician shall perform an abortion on an unemancipated pregnant woman less than 18 years of age without first having obtained the written consent of one of the parents or the legal guardian; provided that no such written consent is required when there is an emergency need for a medical procedure to be performed such that the continuation of the pregnancy provides an immediate threat and grave risk to the life or health of the pregnant woman and the attending physician so certifies in writing. Ind. Code § 16-34-2-4 (2017). Petitions to the juvenile court for waiver are addressed in sections (b)-(h) of the statute.

Iowa

A minor may consent to treatment and rehabilitation for substance abuse, and the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent. Iowa Code § 125.33(1) (2017). A minor may consent to medical care and service of a sexually transmitted disease or infection. Iowa Code § 139A.35 (2017). A person may apply for voluntary treatment, contraceptive services, or screening or treatment for HIV infection and other sexually transmitted diseases, and a minor shall be informed prior to testing that, upon confirmation according to prevailing medical technology of a positive HIV-related test result, the minor's legal guardian is required to be informed by the testing facility. Testing facilities where minors are tested must have a program to assist minors and legal guardians with the notification process. A testing facility that is precluded by federal statute, regulation, or centers for disease control and prevention guidelines from informing the legal guardian is exempt from the notification requirement. The minor must give written consent to these procedures and to receive the services, screening, or treatment. Iowa Code § 141A.7(3) (2010).

An abortion shall not be performed on a pregnant minor until 48 hours' prior notification is provided to a parent. Iowa Code § 135L.3 (2017). If the pregnant minor objects to the notification of a parent prior to the performance of an abortion on the pregnant minor, the pregnant minor may petition the court to authorize waiver of the notification requirement (procedures further outlined in statute). *Id.* Section 135L.3(3)(m) sets forth exceptions to parental notification requirements. *Id.*

Kansas

A minor 16 years of age or over, where no parent or guardian is immediately available, may consent to hospital, medical or surgical treatment or procedures. Kan. Stat. Ann. § 38-123b (2017). Any parent, including a parent who is a minor, whether married or unmarried, may consent to the performance upon his or her child of a medical, surgical, or post mortem procedure. Kan. Stat. Ann. § 38-122 (2017). An unmarried pregnant minor, where no parent or guardian is available, may consent to hospital, medical, and surgical care related to her pregnancy. Kan. Stat. Ann. § 38-123 (2017).

A person under 18 years of age may consent to diagnostic examination and treatment for venereal disease, and the physician may inform the spouse, parent, custodian, guardian, or fiancé of such person as to the treatment given or needed. Kan. Stat. Ann. § 65-2892 (2017). A minor may consent to examination and treatment for drug abuse, misuse, or addiction. Kan. Stat. Ann. § 65-2892a (2017). Admission of a mentally ill person to a treatment facility may be made upon written application of a person less than 18 years of age, but 14 years of age or older, without consent of a parent or legal guardian, but the parent or legal guardian shall be notified. Kan. Stat. Ann. § 59-2949 (2017). A minor may consent to examination related to sexual assault, and written notice shall be given to the parent or guardian that such an examination has taken place. Kan. Stat. Ann. § 65-448(a) (2017).

Before a person performs an abortion upon an unemancipated minor, that person must obtain notarized written consent of the minor and one of the minor's parents or the minor's legal guardian unless, after receiving counseling as provided by subsection (a) of K.S.A. 65-6704, the minor objects to the written consent requirement. If the minor so objects, the minor may petition the district court for a waiver. Kan. Stat. Ann. § 65-6705(b) (2017). Exceptions to the consent requirement are set forth in section 6705(j).

Kentucky

A minor may consent to examination and treatment related to venereal disease, alcohol and other drug abuse or addiction, contraception, pregnancy, or childbirth, all without the consent of or notification to the parent, parents, or guardian. Ky. Rev. Stat. Ann. § 214.185(1) (2017). Treatment under this section does not include inducing of an abortion or performance of a sterilization operation. *Id.* A minor who has contracted a lawful marriage or borne a child may give consent to the furnishing of hospital, medical, dental, or surgical care to his or her child or himself or herself. Ky. Rev. Stat. Ann. § 214.185(3) (2017). Any physician may provide outpatient mental health counseling to any child 16 years of age or older upon request of such child without the consent of a parent, parents, or guardian of such child. Ky. Rev. Stat. Ann. § 214.185(2) (2017). Under section 214.185(6), a minor's parent or guardian may be informed of treatment given or needed where, in the judgment of the professional, it would benefit the minor's health. A minor who suffers from an alcohol and other drug abuse problem or emotional disturbance from the effects of a family member or legal guardian's alcohol and other drug abuse problem may consent to related medical care or counseling. Ky. Rev. Stat. Ann. § 222.441 (2017). A minor may consent to examination related to sexual assault. Ky. Rev. Stat. Ann. § 216B.400(7) (2017).

No person shall perform an abortion upon a minor without (a) the informed written consent of the minor and one parent/legal guardian, (b) the informed written consent of an emancipated minor, or (c) the informed written consent of the minor and a court order granting consent to the abortion. Ky. Rev. Stat. Ann. § 311.732(2) (2017). Procedures for petitioning the court are outlined in section (3) of the statute. *Id.*

Louisiana

Consent to medical or surgical care or services, when executed by a minor who is or believes him/herself to be afflicted with an illness or disease, shall be valid and binding. La. Rev. Stat. Ann. § 40:1079.1 (2017). A minor may consent to medical care or the administration of medication for the purpose of alleviating or reducing pain, discomfort, or distress of and during labor and childbirth. La. Rev. Stat. Ann. § 40:1079.1 (2017). Under § 40:1079.1(C), a physician or medical staff may inform the minor's spouse, parent, or guardian of the treatment given or needed. Any parent, whether adult or minor, may consent to surgical or medical treatment for his child. La. Rev. Stat. Ann. § 40:1159.4 (2017). Consent to the provision of medical or surgical care or services, when executed by a minor who is or believes him/herself to be addicted to a narcotic or other drug, shall be valid and binding, and a physician or medical staff may, but are not obligated to, inform the minor's spouse, parent, or guardian as to the treatment given or needed. La. Rev. Stat. Ann. § 40:1079.2 (2017). Consent to the provision of medical or surgical care or services, when executed by a minor who is or believes him/herself to be afflicted with a venereal disease, shall be valid and binding, and the minor's spouse, parent, or guardian may be informed as to the treatment given or needed. La. Rev. Stat. Ann. § 40:1121.8 (2017). A school or facility may provide preventive counseling or treatment to a child without parental consent if the child requests such counseling treatment, withholds permission to contact a parent, a qualified professional determines that seeking parental consent would be harmful and not helpful, and the child provides written consent and a statement of the reason for seeking treatment. La. Rev. Stat. Ann. § 40:1079.13 (2017).

No physician shall perform or induce an abortion upon any unemancipated pregnant woman under 18 years of age unless the physician has received one of the following documents: (a) a notarized statement signed by the mother, father, legal guardian, or tutor of the minor declaring that the affiant has been informed that the minor intends to seek an abortion and that the affiant consents to the abortion, or (b) a court order as provided in Subsection B of this Section. La. Rev. Stat. Ann. § 40:1061.14(A) (2017).

Maine

A minor may consent to medical, mental, dental and other health counseling and services if the minor (a) has lived separately from parents or legal guardians for at least 60 days and is independent of parental support, (b) is or was legally married, (c) is or was a member of the Armed Forces of the U.S., or (d) has been emancipated by a court. Me. Rev. Stat. Ann. tit. 22, § 1503 (2017). In addition to the ability to consent to treatment for health services as provided in Title 22, sections 1823 (drug or alcohol abuse or venereal disease) and 1908 (family planning) and Title 32, sections 2595 (drug or alcohol abuse or venereal disease), 3292 (sexual assault, drug or alcohol abuse, and venereal disease), 3817 (drug abuse), 6221 (drug or alcohol abuse) and 7004 (drug abuse), a minor may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems. Me. Rev. Stat. Ann. tit. 22, § 1502 (2017). Persons licensed to provide counseling, social work, and psychological services who provide such services to minors for problems associated with the abuse of drugs or

alcohol are under no obligation to obtain the consent of, or to inform, the parent or guardian, but nothing in these sections prohibits informing the parent or guardian. *See* Me. Rev. Stat. Ann. tit. 32, §§ 6221 (2017) (allowing counselors to inform guardians); 7004 (allowing social workers to inform guardians); 3817 (allowing psychologists to inform guardians).

Family planning services may be furnished to any minor who is a parent or married, has the consent of his or her legal guardian, or who may suffer in the professional judgment of a physician probable health hazards if such services are not provided. Me. Rev. Stat. Ann. tit. 22, § 1908 (2017). An individual licensed under this chapter who renders medical care to a minor for treatment of venereal disease or abuse of drugs or alcohol or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of, or to inform, the minor's parent or guardian. Me. Rev. Stat. Ann. tit. 32, §§ 2595, 3292 (2017). A minor may consent to health services associated with a sexual assault forensic examination to collect evidence after an alleged sexual assault. Me. Rev. Stat. Ann. tit. 22, § 1507 (2017).

No person may perform an abortion on a minor unless (a) informed written consent of the minor and one parent, guardian, or adult family member is received, (b) the informed written consent of the minor has been received as prescribed in subsection 3 and the minor is mentally and physically competent to give consent, (c) the minor has received the information and counseling required under subsection 4, has provided written verification of same, and provided informed written consent, or (d) the probate court or district court issues an appropriate order. Me. Rev. Stat. Ann. tit. 22, § 1597-A(2) (2017). Procedures for petitioning the court are set forth in section (6). *Id.* at (6).

Maryland

A minor has the same capacity as an adult to consent to medical treatment if the minor is married, the parent of a child, is living apart from the minor's parents or guardian and is self-supporting, or in an emergency situation if the minor's life or health would be adversely affected by delaying treatment. Md. Code Ann., Health-General § 20-102(a)-(b) (2017). A minor has the same capacity as an adult to consent to treatment for or advice about drug abuse, alcoholism, venereal disease, pregnancy, sexual assault, or contraception other than sterilization. *Id.* at (c). A minor has the same capacity as an adult to consent to psychological treatment as specified under subsection (c)(1) and (2) of this section if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual. *Id.* at (d). The minor's parent (or parent's spouse), guardian or custodian may be informed of the treatment needed or provided, except information about an abortion. *Id.* at (f).

A minor who is 16 years of age or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder. Md. Code Ann., Health-General § 20-104(a) (2017). The minor's parent (or parent's spouse), guardian, or custodian may be informed of the treatment needed or provided. *Id.* at (b). A minor has the same capacity as an adult to consent to physical examination and

treatment of injuries from an alleged rape or sexual offense; or to obtain evidence of same. Md. Code Ann., Health-General § 20-102(c) (2017).

A physician may not perform an abortion on an unmarried minor unless the physician first gives notice to a parent or guardian of the minor. The physician may perform the abortion without such notice if (a) the minor does not live with a parent or guardian and a reasonable effort to give notice to a parent or guardian is unsuccessful, (b) in the professional judgment of the physician, notice to the parent or guardian may lead to abuse, (c) the minor is mature and capable of giving informed consent, or (d) notification would not be in the best interest of the minor. Md. Code Ann., Health-General § 20-103 (2017).

Massachusetts

A minor may consent to medical or dental care if he/she (i) is married, widowed, divorced, (ii) is the parent of a child, in which case he/she may also give consent to medical or dental care of the child, (iii) is a member of any of the armed forces, (iv) is pregnant or believes herself to be pregnant, (v) is living separate and apart from his/her parent or legal guardian and is managing his/her own financial affairs, or (vi) reasonably believes him/herself to be suffering from or to have come in contact with any disease defined as dangerous to the public health, provided the care relates to the disease. Consent shall not be granted under subparagraphs (ii) through (vi) for abortion or sterilization. Mass. Gen. Laws ch. 112, § 12F (2017). The physician or dentist shall notify the parents, legal guardian, or foster parents if the minor's condition is so serious that his/her life or limb is endangered. *Id.* A minor 12 years of age or older who is found to be drug dependent by two or more physicians may consent to hospital and medical care related to diagnosis or treatment of same. Mass. Gen. Laws ch. 112, § 12E (2017). Application for admission to a mental health facility may be made by a person who has attained 16 years of age. Mass. Gen. Laws ch. 123, § 10(a) (2017).

If a pregnant woman is less than 18 years of age and has not married, a physician shall not perform an abortion upon her unless he/she first obtains both the consent of the pregnant woman and that of her parents. Mass. Gen. Laws ch. 112, § 12S (2017). If one of the pregnant woman's parents has died or is unavailable to the physician within a reasonable time and in a reasonable manner, consent of the remaining parent shall be sufficient. *Id.* If both parents have died or are otherwise unavailable to the physician within a reasonable time and in a reasonable manner, consent of the pregnant woman's guardian or guardians shall be sufficient. *Id.* If the pregnant woman's parents are divorced, consent of the parent having custody shall be sufficient. *Id.* If a pregnant woman less than 18 years of age has not married and if one or both of her parents or guardians refuse to consent to the performance of an abortion, or if she elects not to seek the consent of one or both of her parents or guardians, a court may authorize the abortion as set forth in the statute. *Id.*

Michigan

A minor who is or professes to be infected with a sexually transmitted infection or HIV may consent to medical or surgical care, treatment, or services, and the spouse, parent, or guardian may be informed, at the discretion of the treating physician for medical reasons, as to the treatment given or needed. Mich. Comp. Laws Ann. § 333.5127 (2017). A minor may consent to prenatal and pregnancy-related health care, or health care for a child of the minor, and the minor's spouse, parent, guardian, or the putative father of the minor's child may be notified, reasons at the discretion of the treating physician for medical reasons, and the minor shall be informed of that possibility prior to treatment. Mich. Comp. Laws Ann. § 333.9132 (2017). A minor 14 years of age or older may request and receive outpatient mental health services, excluding pregnancy termination referral and psychotropic drugs, without the consent or knowledge of the minor's parent or guardian. Mich. Comp. Laws Ann. § 330.1707 (2017). The parent or guardian shall not be informed unless there is a compelling need for disclosure based on a substantial probability of harm to the minor or another individual. *Id.* A minor 14 years of age or older may be hospitalized pursuant to the mental health code if the minor requests hospitalization and is found to be suitable for hospitalization. Mich. Comp. Laws Ann. § 330.1498d(4) (2017). If a minor is admitted to a hospital, the minor's parent or guardian shall be notified immediately. Mich. Comp. Laws Ann. § 330.1498i (2017).

A person shall not perform an abortion on a minor without first obtaining the written consent of the minor and one of the parents or the legal guardian of the minor. The minor may petition the probate court pursuant to section 722.904 for a waiver. Mich. Comp. Laws Ann. § 722.903 (2017).

Minnesota

A minor who is living separate and apart from parents or legal guardian and who is managing personal financial affairs may give effective consent to personal medical, dental, mental, and other health services. Minn. Stat. Ann. § 144.341 (2017). Any minor who has been married or has borne a child may give effective consent to personal medical, mental, dental, and other health services, or to services for the minor's child. Minn. Stat. Ann. § 144.342 (2017). A minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol, and other drug abuse. Minn. Stat. Ann. § 144.343(1) (2017). Emergency treatment may be provided to a minor without parental consent. Minn. Stat. Ann. § 144.344 (2017). A minor's parent or legal guardian may be informed of any treatment given or needed where failure to do so would seriously jeopardize the minor's health. Minn. Stat. Ann. § 144.346 (2017). Under the Minnesota Commitment and Treatment Act, a minor 16 years of age or older may consent to hospitalization, routine diagnostic evaluation, and emergency or short-term acute care, and may request to be admitted to a treatment facility as a voluntary patient for observation, evaluation, diagnosis, care, and treatment without making formal written application. Minn. Stat. Ann. §§ 253B.03Sub.6(d), 253B.04 (2017).

No abortion shall be performed upon an unemancipated minor until at least 48 hours after written notice has been delivered to the parent ("parent" means both parents if both are living, or one parent if only one is living or the second one cannot be located through reasonably diligent effort). Minn. Stat. Ann. § 144.343(2) (2017). Subdivisions 4 and 6 set forth exceptions and a judicial bypass procedure. *Id.*

Mississippi

Any female, regardless of age or marital status, is empowered to give consent to surgical or medical treatment or procedures for herself in connection with pregnancy or childbirth, except for abortion. Miss. Code Ann. § 41-41-3(3) (2017). Any physician or nurse practitioner who renders medical care to a minor for treatment of a venereal disease is under no obligation to obtain the consent of a parent or guardian, as applicable, or to inform such parent or guardian of such treatment. Miss. Code Ann. § 41-41-13 (2017). Any physician or psychologist who consults with or prescribes medication for a minor at least 15 years of age for mental or emotional problems caused by or related to alcohol or drugs is under no obligation to obtain the consent of the spouse, parent, or guardian of said minor, but the physician or psychologist may inform the spouse, parent, or guardian. Miss. Code Ann. § 41-41-14 (2017). A mentally ill person who is 14 years of age or older but less than 18 years of age may be admitted to a treatment facility in the same manner as an adult may be involuntarily committed. Miss. Code Ann. § 41-21-103(5) (2017).

No person shall perform an abortion upon an unemancipated minor without written consent of both parents or the legal guardian of the minor. Miss. Code Ann. § 41-41-53(1) (2017). Sections (2) and (3) set forth exceptions and provide for judicial waiver.

Missouri

Among the persons authorized to consent to surgical, medical or other treatment or procedures are: any minor who has been lawfully married; any minor parent or legal custodian of a child for himself, his child and any child in his legal custody; and any minor for himself in case of pregnancy (excluding abortion), venereal disease, and drug or substance abuse. Mo. Rev. Stat. § 431.061(1) (2017). When a minor receives care under subdivision (4) (pregnancy, venereal disease or drug/substance abuse), the parents may be notified. Mo. Rev. Stat. § 431.062 (2017). Any minor who has been lawfully married and any minor parent or legal custodian of a child shall be considered an adult for the purpose of entering into a contract for surgical, medical, or other treatment or procedures for himself, his spouse, his child and any child in his legal custody. Mo. Rev. Stat. § 431.065 (2010). Mental health facilities may accept for evaluation, on an outpatient basis if practicable, any minor for whom an application for voluntary admission is made by his parent or custodian. Mo. Rev. Stat. § 632.110 (2017). A minor may contract for medical care and/or receipt of services as a victim of domestic violence or sexual abuse if: the minor is 16 or 17 years of age; and the minor is homeless, or a victim of domestic violence unless under the supervision of the juvenile court; and the minor is self-supporting; and the parent or guardian has expressly or impliedly consented to the minor living independently. Mo. Rev. Stat. § 431.056 (2017).

No person shall knowingly perform an abortion upon an unemancipated pregnant woman under 18 years of age without the informed written consent of the minor and one parent or guardian, unless an appropriate court order has been entered. Mo. Rev. Stat. § 188.028(1) (2017). Procedure for judicial bypass is set forth in section (2) of the statute. *Id.*

Montana

Consent to provision of health services may be given by a minor (a) who professes or is found to have been married, had a child, or graduated from high school, (b) who professes or is found to be separated from the minor's parent/parents or legal guardian and is self-supporting, (c) who professes or is found to be pregnant or afflicted with any reportable communicable disease, including a sexually transmitted disease, or drug and substance abuse, including alcohol (consent applies to the prevention, diagnosis, and treatment of the specified condition), or (d) who needs emergency care without which the minor's health will be jeopardized (parent or guardian to be informed). A minor who has had a child may give effective consent to health service for the child. Mont. Code Ann. § 41-1-402(2, 3) (2017). A minor may consent to psychiatric or psychological counseling under urgent circumstances as set forth in Mont. Code Ann. § 41-1-406 (2017). A minor who is at least 16 years of age may, without the consent of a parent or guardian, consent to receive mental health services from those facilities or persons listed in subsection (1). Mont. Code Ann. § 53-21-112(2) (2017). A minor may make an application for voluntary admission to an approved public treatment facility for chemical dependence. Mont. Code Ann. § 53-24-301 (2017).

See Lambert v. Wicklund, 520 U.S. 292 (1992) (reversing the lower court's judgment that required parental notification of a minor's intended abortion was unconstitutional).

Nebraska

A physician may examine or treat a person for sexually transmitted diseases whenever a person is suspected of having a sexually transmitted disease or contact with anyone having a sexually transmitted disease, and all such examinations and treatment may be performed without the consent of or notification to the parent, parents, guardian, or any other person having custody of such person. Neb. Rev. Stat. Ann. § 71-504 (Michie 2016).

Subject to a court order or a medical emergency, no abortion shall be performed upon an unemancipated woman under 18 years of age without the notarized written consent of both the pregnant woman and one of her parents or a legal guardian. Neb. Rev. Stat. Ann. § 71-6902 (Michie 2017). Sections 6903 and 6906 set forth judicial waiver procedure and exceptions to consent requirement. The court may waive the consent requirement if it finds by clear and convincing evidence that (a) the pregnant woman is both sufficiently mature and well-informed to decide whether to have an abortion or (b) there is evidence of abuse or neglect of the pregnant woman by a parent or guardian or that an abortion without the consent of a parent or a

guardian is in the best interest of the pregnant woman. Neb. Rev. Stat. Ann. § 71-6903 (Michie 2016). Consent shall not be required if the attending physician certifies that a medical emergency exists and there is insufficient time to obtain the required consent. Neb. Rev. Stat. Ann. § 71-6906 (Michie 2016).

Nevada

A minor may consent to examination or treatment for himself/herself or his/her child if the minor is (a) living apart from parents/guardian for at least 4 months, (b) married or has been married, (c) a mother, or has borne a child, or (d) in danger of suffering a serious health hazard if health care services are not provided. Nev. Rev. Stat. Ann. § 129.030(1) (Michie 20112017). A minor who is (or is suspected of being) under the influence of a controlled substance may give express consent, or if unable to do so shall be deemed to consent, to hospital, medical, surgical, or other care for the treatment of abuse of drugs or related illnesses by any public or private hospital, medical facility, facility for the dependent, other than a halfway house for alcohol and drug abusers. Nev. Rev. Stat. Ann. § 129.050(1) (Michie 20112017). The physician shall make every reasonable effort to notify the parent/guardian. *Id.* at (3). The consent of a parent/guardian is not necessary to authorize examination or treatment of a minor who is suspected of being infected or is found to be infected with any sexually transmitted disease. Nev. Rev. Stat. Ann. § 129.060 (2017). A child with an emotional disturbance may be received for treatment in a treatment facility if the child is a resident of the state and is either committed by court order to the facility, or the parent/guardian makes application for treatment for the child. Nev. Rev. Stat. Ann. § 432B.609.

Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized by a court order, a physician shall not perform an abortion upon an unmarried and unemancipated woman under 18 years of age except if a custodial parent or guardian is personally notified before the abortion. Nev. Rev. Stat. § 442.255(1) (2017). Sections (2)-(4) address judicial waiver of the notice requirement. *See Glick v. McKay*, 937 F.2d 434 (9th Cir. 1991) (holding that the parental notification statute was unconstitutional because it did not require consideration of the minor's best interests). *But see Lambert v. Wicklund*, 520 U.S. 292 (1992) (stating that the 9th Circuit's stance on parental notification is at odds with Supreme Court case law).

New Hampshire

A minor 14 years of age or older may consent to diagnosis and treatment for a sexually transmitted disease, and may be diagnosed/treated without knowledge or consent of a parent or guardian. N.H. Rev. Stat. § 141-C:18(II) (2017). A minor 12 years of age or older may submit himself to treatment for drug dependency or any problem related to the use of drugs without the consent of a parent or guardian. N.H. Rev. Stat. § 318-B:12-a (2017). ("Nothing contained herein shall be construed to mean that any minor of sound mind is legally incapable of consenting to medical treatment provided that such minor is of sufficient maturity to understand the nature of the treatment and the consequences thereof.").

New Jersey

Consent to medical or surgical care and procedures by a married person who is a minor, or by a pregnant woman who is a minor, on his or her behalf or on behalf of any of his or her children, is valid. N.J. Stat. Ann. § 9:17A-1. (West 2017). An unmarried, pregnant minor may consent to hospital, medical, and surgical care relating to the pregnancy or child, although prior notification of a parent may be required pursuant to P.L. 1999, c. 145 (the Parental Notification for Abortion Act). *Id.* Consent to medical or surgical care or services, when executed by a minor who is or believes that he may be afflicted with a venereal disease, or who is at least 13 years of age and is or believes that he/she may be infected with HIV or have AIDS, or who appears to have been sexually assaulted, is valid. N.J. Stat. Ann. § 9:17A-4 (West 2017). The statute calls for immediate parental notification in the case of sexual assault, unless it is not in the best interests of the patient. *Id.* When a minor believes that he/she is suffering from drug or alcohol use/dependency, the minor's consent to treatment is valid. *Id.* N.J. Stat. Ann. § 30:4-7.2 (West 2017) sets forth circumstances in which the chief executive officer of a State or county institution for the mentally ill or developmentally disabled may give consent for medical, psychiatric, surgical, or dental treatment to juveniles under 18. N.J. Stat. Ann. § 30:4A-9 (West 2017) specifies that voluntary admissions of minors into a diagnostic center requires application by a parent or guardian.

An abortion shall not be performed upon an unemancipated minor until at least 48 hours after written notice of the pending operation has been delivered to the parent in the manner specified in the statute. N.J. Stat. Ann. § 9:17A-1.4 (West 2017). *Held unconstitutional by Planned Parenthood of Central New Jersey v. Farmer*, 762 A.2d 620 (2000).

New Mexico

A minor may consent to examination and treatment for any sexually-transmitted disease. N.M. Stat. Ann. § 24-1-9 (2017). A minor may consent to examination and diagnosis for pregnancy, as well as prenatal, delivery, and postnatal care. N.M. Stat. Ann. §§ 24-1-13, 24-1-13.1 (2017). Informed consent of a child's legal custodian is required before treatment or habilitation (including psychotherapy or psychotropic medications) is administered to a child under 14, but a child under 14 years of age may consent to an initial assessment with a clinician and for medically necessary early intervention service limited to verbal therapy. N.M. Stat. Ann. § 32A-6A-14 (2017). A child over 14 years of age is presumed to have capacity to consent to treatment including psychotherapy, guidance counseling, case management, behavioral therapy, family therapy, counseling, substance abuse treatment, or other forms of verbal treatment. N.M. Stat. Ann. § 32A-6A-15(A) (2017). Psychotropic medications may be administered with the informed consent of a child 14 years of age or older, but the custodian shall be notified. *Id.* at (B). Residential treatment of children for mental disorders or habilitation for developmental disabilities is addressed in N.M. Stat. Ann. §§ 32A-6A-20, 32A-6A-21 (2017).

With respect to a pregnant woman under 18 years of age, abortion requires the consent of the woman and her then living parent or guardian. N.M. Stat. Ann. §§ 30-5-1, 30-5-3 (2017). *See* N.M. Attorney General Opinion No. 90-19 (concluding that § 30-5-1 and -3 are not enforceable except in certain circumstances); *see also* 2008 N.M. House Bill No. 244 (proposing to repeal sections 30-5-1 to -3).

New York

A person who is the parent of a child or has married may give effective consent for medical, dental, health, and hospital services for himself/ herself. A person who has been married or borne a child may give effective consent for medical, dental, health, and hospital services for his/her child. A pregnant person may give effective consent for prenatal care. N.Y. Pub. Health Law § 2504 (McKinney 2017). A person under 21 years of age who is infected with or has been exposed to a sexually-transmitted disease may consent to diagnosis or treatment without the consent or knowledge of the parents or guardian. N.Y. Pub. Health Law § 2305 (McKinney 2017). The default rule requires that steps be taken to involve guardians in the course of treatment for chemical dependence on an inpatient, residential, or outpatient basis, and consent from such guardian is required. However, a minor under 18 years of age may be treated for without parental or guardian consent or involvement when the involvement of the a guardian would have a detrimental effect, or the guardian cannot be located. N.Y. Mental Hyg. Law § 22.11 (McKinney 2017). The default rule requires that steps be taken to involve guardians in the course of treatment by a mental health practitioner. However, a mental health practitioner may provide certain outpatient mental health services to a minor under 18 years of age under certain circumstances. N.Y. Mental Hyg. Law § 33.21(c) (McKinney 2017).

North Carolina

A minor may give consent for medical health services for the prevention, diagnosis, and treatment of (a) venereal disease and other diseases reportable under G.S. 130A-135 (communicable diseases), (b) pregnancy, (c) abuse of controlled substances or alcohol, and (d) emotional disturbance. N.C. Gen. Stat. § 90-21.5(a) (2017). N.C. Gen. Stat. § 122C-221 (2017) provides that, except as provided in § 90-21.5, the legally responsible person shall act for the minor in applying for admission to a facility for mental illness/substance abuse.

No physician shall perform an abortion upon an unemancipated minor without first obtaining the written consent of both the minor and either: a parent with custody; a legal guardian/custodian; a parent with whom the minor lives; or a grandparent with whom the minor has been living for at least six months preceding consent. Alternatively, the minor may petition the district court for a waiver. N.C. Gen. Stat. § 90-21.7 (2017).

North Dakota

A person 14 years of age or older may contract for and receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without consent of a parent or guardian. N.D. Cent. Code § 14-10-17 (2017).

No person may knowingly perform an abortion upon a pregnant woman under 18 years of age unless (a) the attending physician has secured the written consent of the minor woman and both parents, if living, the surviving parent if one parent is deceased, the custodial parent if the parents are separated or divorced, or the legal guardian(s) if the minor is subject to guardianship, (b) the minor woman is married and the attending physician has secured her informed written consent, or (c) the abortion has been authorized by the juvenile court in accordance with the provisions of this section. N.D. Cent. Code § 14-02.1-03.1(1) (2017).

Ohio

A minor may give consent for diagnosis or treatment of any venereal disease. Ohio Rev. Code § 3709.241 (2017). A minor may give consent for diagnosis or treatment of any condition which it is reasonable to believe is caused by a drug of abuse, beer, or intoxicating liquor. Ohio Rev. Code § 3719.012(A) (2017). Upon the request of a minor 14 years of age or older, a mental health professional may provide outpatient mental health services, excluding the use of medication, without the consent of the minor's parent or guardian. Ohio Rev. Code § 5122.04 (2017). Except as otherwise provided in this section, the minor's parent or guardian shall not be informed of the services without the minor's consent unless the mental health professional treating the minor determines that there is a compelling need for disclosure based on a substantial probability of harm to the minor or to other persons, and if the minor is notified of the mental health professional's intent to inform the minor's parent, or guardian. *Id.* A minor may consent to examination related to sexual assault, and the parent or guardian shall be notified. Ohio Rev. Code § 2907.29 (2017).

No person shall perform an abortion on a woman who is pregnant, unmarried, under 18 years of age, and unemancipated unless one of the following applies: (a) the person has given 24 hours actual notice to one parent, guardian, or custodian (certain alternative persons may receive notice in certain circumstances), (b) one of the parents, guardian, or custodian has consented in writing, or (c) a juvenile court authorizes the woman to consent. Ohio Rev. Code § 2919.12(B) (2017). Alternatively, 48 hours' constructive notice may be given in certain circumstances. *Id.* "Unemancipated" is defined in § 2919.12(F). *Held unconstitutional by In re Doe*, 565 N.E.2d 891 (1990). No person shall knowingly perform an abortion upon an unemancipated pregnant minor unless (a) the attending physician has secured the informed written consent of the minor and one parent, guardian, or custodian, (b) the minor has been authorized to consent by a court order and has given informed written consent, or (c) the court has given its consent and the minor is having the abortion willingly. Ohio Rev. Code § 2919.121 (2017). *Held unconstitutional by Cincinnati Women's Services, Inc. v. Taft*, 468 F.3d 361 (6th Cir. 2006).

Oklahoma

The following minors may consent to services by health professionals: (a) any minor who is married, has a dependent child, or is emancipated, (b) any minor who is separated from and not supported by his parents or guardian, (c) any minor who is or has been pregnant, afflicted with any reportable communicable disease, drug and

substance abuse, or abusive use of alcohol provided that such consent only applies to prevention, diagnosis, and treatment of those conditions, (d) any minor parent as to his/her child, (e) any minor who by reason of physical or mental capacity cannot give consent and has no known relatives or legal guardian, if two physicians agree on the health service to be given, (f) any minor in need of emergency services for conditions which will endanger the minor's health or life if delay would result, but not for prescribing any medicine or device for the prevention or pregnancy, and (g) any minor who is the victim of sexual assault, but only for a forensic medical examination. Okla. Stat. Ann. tit. 63, § 2602(A) (2017). The health professional may notify the spouse, parent, or legal guardian in these cases, but must notify the spouse, parent, or legal guardian on emergency services. *Id.* at (B). Any person, regardless of age, may consent to examination and treatment for any venereal disease. Okla. Stat. Ann. tit. 63, § 1-532.1 (2017). A parent of a minor or a minor 16 years of age or older may consent to the voluntary admission of the minor for inpatient mental health or substance abuse treatment. Okla. Stat. Ann. tit. 43A, § 5-503(A) (2017).

A physician may not perform an abortion without (a) obtaining proof of age demonstrating that the female is not a minor, or if a minor, proof of emancipation, (b) obtaining judicial authorization under section 1-740.3 (judicial waiver), (c) a medical emergency, or (d) waiting 48 hours after the request for written informed consent has been delivered and the physician has received proof of identification and written informed consent of one parent. Okla. Stat. Ann. tit. 63, § 1-740.2 (2017). Notice must be provided to at least one of the parents of the minor after a medical emergency abortion. Id at (C), (D). The requirements of the written informed consent are set in 1-740.13 (2017).

Oregon

A minor 15 years of age or older may give consent to hospital care, medical, or surgical diagnosis or treatment by a physician, or dental or surgical diagnosis or treatment by a dentist, except as may be provided by Or. Rev. Stat. 109.660 (2017); and may give consent to diagnosis and treatment by a nurse practitioner. Or. Rev. Stat. § 109.640 (2) (2017). The parent or guardian may be notified pursuant to Or. Rev. Stat. § 109.650 (2017). A minor who may have come into contact with any reportable venereal disease may give consent to the furnishing of hospital, medical, or surgical care related to the diagnosis or treatment of such disease. Or. Rev. Stat. § 109.610 (2017). A minor 14 years of age or older may obtain, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder or a chemical dependency, excluding methadone maintenance. Or. Rev. Stat. § 109.675(1) (2017). However, the person providing treatment shall have the parents of the minor involved before the end of treatment unless the parents refuse or unless there are clear clinical indications to the contrary, the minor has been sexually abused, or is emancipated. *Id.* at (2).

Pennsylvania

Any minor who is 18 years of age or older, has graduated from high school, has married, or has been pregnant may give effective consent to medical, dental, and health services. 35 Pa. Stat. Ann. § 10101 (West 2017). Any minor who has been married or has borne a child may give effective consent to medical, dental, and health services for his or her child. 35 Pa. Stat. Ann. § 10102 (West 2017). Any minor may give effective consent for medical and health services to determine the presence of or to treat pregnancy, venereal disease, and other reportable diseases. 35 Pa. Stat. Ann. § 10103 (West 2017). A minor who suffers from the use of a controlled or harmful substance may give consent to furnishing of medical care or counseling related to diagnosis or treatment, and the parents or guardian may be notified. 71 Pa. Stat. Ann. § 1690.112 (West 2017). A minor 14 years of age or older may consent to outpatient mental health examination and treatment. 35 Pa. Stat. Ann. § 10101.1(a)(1) (West 2017). A minor has the right under the Mental Health Procedures Act to consent to voluntary inpatient mental health treatment on his or her own behalf at 14 years of age or older. 35 Pa. Stat. Ann. § 10101.1(b)(2) (West 2017). Any person 14 years of age or older who believes that he is in need of mental health treatment and substantially understands the nature of voluntary treatment may submit himself to examination, provided the decision is voluntary. 50 Pa. Stat. Ann. § 7201 (West 2017). Notice shall be given to the parents or guardian who may file an objection to the treatment. 50 Pa. Stat. Ann. § 7204 (West 2017).

Except in the case of a medical emergency, or except as provided in this section, if a pregnant woman is less than 18 years of age and not emancipated, a physician shall not perform an abortion upon her unless he first obtains the informed consent both of the pregnant woman and of one of her parents. 18 Pa. Stat. Ann. § 3206(a) (2017) (*held unconstitutional by American College of Obstetricians & Gynecologists v. Thornburgh*, 737 F.2d 283 (3d Cir. 1984)). In the case of a pregnancy that is the result of incest where the minor's father is a party to the incestuous act, the pregnant woman need only obtain the consent of her mother. *Id.* Judicial bypass is addressed in sections (c)-(f).

Rhode Island

Any person 16 years of age or older or married may consent to routine emergency medical or surgical care. R.I. Gen. Laws § 23-4.6-1 (2017). A minor parent may consent to treatment of his or her child. *Id.* Persons under 18 years of age may give legal consent for testing, examination, and/or treatment for any reportable communicable disease. R.I. Gen. Laws § 23-8-1.1 (2017). Persons under 18 years of age may give legal consent for examination and treatment for any sexually transmitted disease. R.I. Gen. Laws. § 23-11-11 (2017). In the event a child refuses permission to contact parents to seek parental consent and if, in the judgment of a qualified professional, that contact would not be helpful or would be deleterious to a child who is voluntarily seeking treatment for substance abuse or chemical dependency, then non-invasive, non-custodial treatment services may be provided by a qualified professional without parental consent. R.I. Gen. Laws § 14-5-4 (2017). An alcoholic may apply for voluntary

treatment directly to an approved public treatment facility, and if the proposed patient is a minor or incompetent person, he or she, a parent, legal guardian, or representative may make the application. R.I. Gen. Laws § 23-1.10-9(a) (2017).

Except in the case of a minor who has been found by a court of competent jurisdiction to be emancipated, if a pregnant woman is less than 18 years of age and has not married, an abortion shall not be performed upon her unless both the consent of the pregnant woman and that of at least one of her parents (or guardian, of both parents have died or are unavailable) is obtained, except as provided in this section. R.I. Gen. Laws § 23-4.7-6 (2017). A judge of the family court may authorize the abortion upon petition or motion. *Id.*

South Carolina

Any minor who has been married or has borne a child may consent to health services for the child. S.C. Code Ann. § 63-5-360 (2017). Any minor who has reached 16 years of age may consent to any health services from a person authorized by law to render the particular health service for himself and the consent of no other person shall be necessary unless such involves an operation which shall be performed only if such is essential to the health or life of such child in the opinion of the performing physician and a consultant physician if one is available. S.C. Code Ann. § 63-5-340 (2017). Health services of any kind may be rendered to minors of any age without the consent of a parent or legal guardian when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary unless such involves an operation which shall be performed only if such is essential to the health or life of such child in the opinion of the performing physician and a consultant physician if one is available. S.C. Code Ann. § 63-5-350 (2017).

Regarding mental health services, if a child is found to be a proper subject for voluntary admission, the director of a treatment program or facility shall admit for treatment an individual who is 16 years of age or older and who applies for admission, or under 16 if his/her parent or guardian applies for admission on his behalf. S.C. Code Ann. § 44-24-20 (2017). Parental consent is required for admission to a methadone maintenance program for unemancipated persons under 18 years of age. S.C. Code Ann. § 44-53-760 (2017).

No person may perform an abortion upon a minor unless (a) consent is obtained from the pregnant minor and one parent, legal guardian, grandparent, or person standing in loco parentis for not less than 60 days, (b) the minor is emancipated and provides signed written consent, or (c) the minor provides signed written consent and the physician has received an appropriate court order. S.C. Code Ann. § 44-41-31(A) (2017). Exceptions are set forth in S.C. Code Ann. § 44-41-30(C), and judicial bypass is addressed in S.C. Code Ann. § 44-41-32(2017).

South Dakota

A physician may, with the consent of a patient who is a minor, make a diagnostic examination for venereal disease and prescribe for and treat such person for venereal disease including prophylactic treatment for exposure to venereal disease whenever

such person is suspected of having a venereal disease or contact with anyone having a venereal disease. S.D. Codified Laws § 34-23-16 (2017). Treatment of a minor for venereal disease by a county health department, State Health Department, or doctors attached to such departments shall be offered to a minor, if available, upon the minor's request and without the necessity of consent of parents or notification to the parents. S.D. Codified Laws § 34-23-17 (2017). If a person suffering from alcohol or drug abuse is a minor or an incompetent person, he/she, a parent, a guardian, or other legal representative may make application to an accredited facility for voluntary treatment. S.D. Codified Laws § 34-20A-50 (2017). Admission of minors to inpatient psychiatric facilities is addressed in S.D. Codified Laws §§ 27A-15-4, 27A-15–5 (2017).

No abortion may be performed upon an unemancipated minor until 48 hours after written notice has been delivered to the parent in the manner specified in this section. S.D. Codified Laws § 34-23A-7 (2017). *Held unconstitutional by Planned Parenthood v. Miller*, 63 F.3d 1452 (8th Cir. 1995). Notice is not required if the attending physician certifies that a medical emergency exists and there is insufficient time to provide the required notice (after-the-fact notification procedures may apply); or the person entitled to notice provides a signed, notarized confirmation of having been notified; or the pregnant female elects not to allow parental notification and a judge of a circuit court authorizes the abortion. *Id.*

Tennessee

Physicians may treat juvenile drug abusers without prior parental consent, and may use discretion in determining whether to notify the parents. Tenn. Code Ann. § 63-6-220 (2017). Persons licensed to practice medicine may examine, diagnose, and treat minors for the purpose of providing prenatal care without the knowledge or consent of the parents or guardian. Tenn. Code Ann. § 63-6-223 (2017). In the absence or unavailability of a spouse, any minor is authorized and empowered to consent for such minor's child to any surgical or medical treatment or procedures. Tenn. Code Ann. § 63-6-229 (2017). Any state, district, county or municipal health officer or any physician may examine, diagnose, and treat minors infected with sexually-transmitted diseases without the knowledge or consent of the parents. Tenn. Code Ann. § 68-10-104(c) (2017). A child 16 years of age or older with serious emotional disturbance or mental illness has the same rights as an adult with respect to outpatient and inpatient mental health treatment, medication decisions, confidential information, and participation in conflict resolution procedures under this title except as otherwise provided, and an outpatient facility or professional may provide treatment and rehabilitation to the child without consent from the parent or guardian. Tenn. Code Ann. § 33-8-202 (2017).

An abortion may not be performed on an unemancipated minor without signed, written consent of one parent or the legal guardian. Tenn. Code Ann. § 37-10-303(a)(1) (2017). *Held invalid by Planned Parenthood Ass'n v. McWherter*, 817 S.W.2d 13 (Tenn. 1991) (holding that, because of an irreconcilable conflict between the provisions of the 1988 parental consent statute, Tenn. Code Ann. § 37-10-303, and those of the 1989 parental notification statute, Tenn. Code Ann. § 39-15-202(f), Tenn. Code Ann. § 39-15-202(f) effectively repealed Tenn. Code Ann. § 37-10-303 by implication). The

minor may petition the juvenile court for a waiver of the consent requirement (*see* § 37-10-304). *Id.* at (b). If a criminal charge of incest is pending against a parent of the minor, the written consent of such parent is not required. *Id.* at (c).

Texas

A child may consent to medical, dental, psychological, and surgical treatment if the youth (a) is on active duty with the armed services of the U.S., (b) is 16 years of age or older and resides separate and apart from parents/guardian and manages the child's own financial affairs, (c) consents to the diagnosis and treatment of a reportable infectious, contagious, or communicable disease, (d) is unmarried and pregnant and consents to hospital, medical, or surgical treatment related to the pregnancy other than abortion, (e) consents to examination and treatment for drug or chemical addiction, dependency, or other condition directly related to drug or chemical use, or (f) is unmarried, is the parent of a child, has actual custody of the child, and consents to medical, dental, psychological, or surgical treatment for the child. Tex. Fam. Code Ann. § 32.003(a) (Vernon 2017). The parents or guardian may be notified. *Id.* at (d). A child may consent to counseling for suicide prevention, chemical/drug addiction or dependency, or sexual, physical, or emotional abuse, and the parents or guardian may be notified. Tex. Fam. Code Ann. § 32.004 (Vernon 2017). A physician, dentist, or psychologist having reasonable grounds to believe that a child's physical or mental condition has been adversely affected by abuse or neglect may examine the child without the consent of the child or the child's parents, but may not examine a child 16 years or older who refuses to consent. Tex. Fam. Code Ann. § 32.005 (Vernon 2017). A facility may admit a minor for treatment and rehabilitation (assuming other conditions met) if the admission is requested by a parent/guardian or a minor 16 years of age or older. Tex. Health & Safety Code Ann. § 462.022(a) (Vernon 2017).

A physician may not perform an abortion on an unemancipated minor unless (a) 48 hours notice is given to a parent or guardian, (b) an appropriate court authorizes the minor to consent (*see* §§ 33.003-004), or (c) the physician concludes that a medical emergency exists, certifies in writing indications supporting that conclusion, and makes a reasonable effort to provide notice of the abortion within 24 hours to the parent or guardian. Tex. Fam. Code. Ann. § 33.002(a) (2017), Tex. Fam. Code Ann §33.0022 (2017).

Utah

The following persons may consent to health care: any parent, whether an adult or a minor, for the parent's minor child; any person temporarily standing *in loco parentis* for the minor under that person's care; an emancipated minor; a minor who has contracted a lawful marriage; an unaccompanied homeless minor, as the term is defined in the McKinney-Vento Homeless Assistance Act at least 15 years of age; and any female regardless of age or marital status, when given in connection with her pregnancy or childbirth. Utah Code Ann. § 78B-3-406(6) (2017). A minor who is or professes to be afflicted with a sexually transmitted disease may consent to medical care or services. Utah Code Ann. § 26-6-18(1) (2017). The provisions of this section shall apply also to minors who profess to be in need of hospital or clinical care and

services or medical care or services provided by a physician for suspected sexually transmitted disease, regardless of whether such professed suspicions are subsequently substantiated on a medical basis. *Id.* at (3).

At least 24 hours before performing an abortion on a minor, the physician shall notify a parent or guardian, subject to subsection (4). Utah Code Ann. § 76-7-304(3) (2017). *Held unconstitutional by Jane L. v. Bangerter*, 809 F. Supp. 865 (D. Utah 1992). A physician may not perform an abortion on a minor unless (a) the physician obtains the informed written consent of a parent or guardian consistent with § 76-7-305 (Informed consent requirements for abortion; 24-hour wait mandatory; emergency exceptions), (b) the minor is granted the right to consent by court order, or (c) a medical condition necessitates abortion to avert death or serious risk of substantial and irreversible impairment of a major bodily function. Utah Code Ann. § 76-7-304.5(2) (2017).

Vermont

If a minor 12 years of age or older is suspected either (a) to be dependent upon regulated drugs, (b) to have venereal disease, or (c) to be an alcoholic, and the finding of such dependency or disease or alcoholism is verified by a licensed physician, the minor may give (1) his consent to medical treatment and hospitalization, and,(2) in the case of a drug dependent or alcoholic person, non-medical inpatient or outpatient treatment at a program approved by the agency of human services. Vt. Stat. Ann. tit. 18, § 4226(a) (2017). The parents or guardian shall be notified if the minor requires immediate hospitalization. *Id.* at (b).

Regarding mental health, any person 14 years of age or over may apply for voluntary admission to a designated hospital for examination and treatment. Vt. Stat. Ann. tit. 18, § 7503(a) (2017).

Virginia

A minor is deemed an adult for purposes of consenting to (a) medical or health services needed to determine the presence of or to treat venereal disease or any infectious or contagious disease that the State Board of Health requires to be reported, (b) medical or health services required in case of birth control, pregnancy, or family planning except for the purposes of sexual sterilization, (c) medical or health services needed in the case of outpatient care, treatment or rehabilitation for substance abuse as defined in § 37.2-100, or (d) medical or health services needed in the case of outpatient care, treatment, or rehabilitation for mental illness or emotional disturbance. Va. Code Ann. 54.1-2969(E) (2017). Except for the purposes of sexual sterilization, any minor who is or has been married shall be deemed an adult for the purpose of giving consent to surgical and medical treatment. *Id.* at (F). A pregnant minor shall be deemed an adult for the sole purpose of giving consent for herself and her child to surgical and medical treatment relating to the delivery of her child when such surgical or medical treatment is provided during the delivery of the child or the duration of the hospital admission for such delivery; thereafter, the minor mother of such child shall also be deemed an adult for the purpose of giving consent to surgical and medical treatment

for her child. *Id.* at (G). Access to records by a parent/guardian is addressed in § 54.1-2969(K). A minor 14 years of age or older may be admitted to a willing mental health facility for inpatient treatment upon joint application and consent of the minor and the minor's parent. Va. Code Ann. § 16.1-338(A) (2017).

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or a court order entered, but neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child (defined in § 63.2-100) and reports the suspected abuse or neglect; or if there is a medical emergency. Va. Code. Ann. § 16.1-241 (2017). "Consent" is defined such that 24 hours' actual notice, or 72 hours' notice by mail, has been given to a parent, guardian or person standing in loco parentis, or an authorized person is present and provides written authorization. *Id.* "Unemancipated minor" is defined to exclude, inter alia, minors emancipated by willingly living separate and apart from parents or guardian with the consent or acquiescence of the parents or guardian. *Id.*

Washington

A minor 14 years of age or older who may have come in contact with any sexually transmitted disease or suspected sexually transmitted disease may consent to hospital, medical, and surgical care related to the diagnosis or treatment of such disease. Wash. Rev. Code § 70.24.110 (2017). Any person 13 years of age or older may give consent for outpatient treatment by a chemical dependency treatment program certified by the department. Wash. Rev. Code § 70.96A.095 (2017). An alcoholic or other drug addict may apply for voluntary treatment directly to an approved treatment program, and if the proposed patient is a minor or incompetent person, he or she or a parent or guardian may make the application. Wash. Rev. Code § 70.96A.110(1) (2017). Notice to parents by outpatient providers is addressed in § 70.96A.230. Regarding mental health, any minor 13 years or older may request and receive outpatient treatment without the consent of the minor's parent. Wash. Rev. Code § 71.34.530 (2017). Parental consent is required for inpatient chemical dependency treatment of a minor, unless the child meets the definition of a child in need of services in *RCW 13.32A.030(4)(c) as determined by the department. Wash. Rev. Code § 70.96A.235 (2017). A minor 13 years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental treatment, without parental consent. Wash. Rev. Code § 71.34.500(1) (2017). Notice to parents is addressed in § 71.34.510.

Every woman has the fundamental right to choose or refuse to have an abortion, except as specifically limited by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902. Wash. Rev. Code § 9.02.100(2) (2017).

West Virginia

A minor may be examined, diagnosed, and treated at his or her request for any addiction to or dependency upon the use of a controlled substance without the knowledge or consent of the minor's parent or guardian. W. Va. Code § 60A-5-

504(e) (2017). A minor may be examined, counseled, diagnosed, and treated at his or her request for any addiction to or dependency upon the use of alcoholic liquor or nonintoxicating beer, without the knowledge or consent of the minor's parent or guardian. W. Va. Code § 60-6-23 (2017). A minor may be examined, diagnosed, or treated with his or her consent for any venereal disease without the knowledge or consent of the minor's parent or guardian. W. Va. Code § 16-4-10 (2017). Admission of persons under 18 years of age to mental health facilities is addressed in W. Va. Code § 27-4-1 (2017).

No physician may perform an abortion upon an unemancipated minor unless such physician has given 48 hours actual notice to one parent or legal guardian, or in the case of a medical emergency. 2017 West Virginia Laws H.B. 2002 (amending W. Va. Code § 16-2F-3 (2017). Notification may be waived if the person to be notified certifies in writing that he or she has been notified. *Id.* An unemancipated minor may seek court waiver of notice, but there is no requirement that a physician inform the minor of this right. W. Va. Code § 16-2F-4.

Wisconsin

A physician may treat a minor infected with a sexually transmitted disease or examine and diagnose a minor for the presence of such a disease without obtaining the consent of the minor's parents or guardian. Wis. Stat. § 252.11(1m) (West 2017). Preventive, diagnostic, assessment, evaluation, or treatment services for the abuse of alcohol or other drugs may be rendered to a minor 12 years of age or over without obtaining the consent of or notifying the minor's parent or guardian, and may be rendered to a minor under 12 years of age without obtaining the consent of or notifying the minor's parent or guardian but only if a parent with legal custody or guardian of the minor under 12 years of age cannot be found or there is no parent with legal custody. Wis. Stat. § 51.47(1) (West 2017). Consent is required for certain procedures set forth in section (2), and the parent or guardian shall be notified as soon as practicable. *Id.* Admission of minors to inpatient treatment facilities for alcoholism, drug abuse, and mental illness is addressed in Wis. Stat. § 51.13 (West 2017).

No person may perform an abortion on an unemancipated minor unless (a) voluntary and informed written consent of the minor and one parent, or of the minor's guardian, custodian, adult family member, or foster parent in certain circumstances, has been received, or (b) the court has granted a petition for a waiver of the parental consent requirement. Wis. Stat. § 48.375(4)(a) (West 2017). Exceptions set forth in section (b). *Amended by* 2007-2008 Wisc. Legis. Serv. Act 20 (2007 S.B. 40) (West).

Wyoming

A minor may consent to health care treatment when (a) the minor is or was legally married, (b) the minor is in the active military service of the U.S., (c) the parents or guardian cannot with reasonable diligence be located and the minor's need for health care treatment is sufficiently urgent to require immediate attention, (d) the minor is living apart from his parents or guardian and managing his own affairs, or (e) the minor is emancipated. Wyo. Stat. Ann. § 14-1-101(b) (2017). Persons under 18

years of age may give legal consent for examination and treatment for any sexually transmitted disease infection. Wyo. Stat. Ann. § 35-4-131(a) (2017). A minor may consent to examination related to sexual assault if the parents or guardian cannot be located promptly with diligent effort. Wyo. Stat. Ann. § 6-2-309(e) (no notification of parent/guardian if parent/guardian is the suspected perpetrator). Voluntary admission of mentally ill persons to hospitals is addressed in Wyo. Stat. Ann. § 25-10-106 (2017).

An abortion shall not be performed upon a minor unless at least one parent or guardian is notified in writing at least 48 hours before the abortion and the physician obtains the written consent of the minor and at least one parent or guardian, unless the minor is granted the right to self-consent by a court or the abortion is authorized by court order (procedure set forth in section (b)). Wyo. Stat. Ann. § 35-6-118(a) (West 2017).

American Samoa

There is no information available on unaccompanied or emancipated youth ability to consent to medical treatment.

District of Columbia

A person who is 18 years of age may consent to the provision of health services for himself or herself or for his or her child or spouse. D.C. Mun. Regs. tit. 22-B, § 600.1 (2017). However, a minor of any age may consent to health services which he or she requests for the prevention, diagnosis, or treatment of the following medical situations: (a) pregnancy or its lawful termination, (b) substance abuse, including drug and alcohol abuse, and (c) a mental or emotional condition and sexually transmitted disease. D.C. Mun. Regs. tit. 22-B, § 600.7 (2017). A minor parent may also consent to the provisions of health services to his or her child. D.C. Mun. Regs tit. 22-B, § 600.3 (2017). Additionally, health services may be provided to a minor of any age without parental consent when, in the judgment of the treating physician, surgeon, or dentist, the delay that would result from attempting to obtain parental consent would substantially increase the risk to the minor's life, health, mental health, or welfare, or would unduly prolong suffering. D.C. Mun. Regs. tit. 22-B, § 600.4 (2017). Except by specific legal requirements, health officials shall not give information regarding sexually transmitted disease, drug abuse, pregnancy, or emotional illness without a minor's consent to school officials, law enforcement, court authorities, government agents, spouses, future spouses, employers, or other persons, unless necessary to the health of the minor and public and only when minor's identity is kept confidential. D.C. Mun. Regs. tit. 22-B, § 602.8 (2017). *See also* D.C. Mun. Regs. tit. 22-B, § 602.10 (2017) (minor consent to releasing information about health procedures). Birth control information, services, and devices shall be provided by health facilities without regard to the age or marital status of the patient or the consent of the patient's parent or guardian. D.C. Mun. Regs. tit. 22-B, § 603.1 (2017). Prenatal and postnatal care and necessary medical care for the babies shall be provided by health facilities without regard to the age or marital status of the patient or consent of the parent or guardian of the minor mother. D.C. Mun. Regs. 603.2 (2017). No minor may be admitted to inpatient mental health services without the consent of a parent

or legal guardian, with the exception of youth hospitalized pursuant to emergency provisions or commitment orders. D.C. Code § 7-1231.14 (2017). A minor may obtain outpatient mental health services other than medication without parental or guardian consent if (a) the minor knowingly and voluntarily seeks the services and (b) provision of the services is clinically indicated for the minor's well-being. *Id.* Subject to the provisions in D.C. Code Section 7-1231.08, and absent an emergency, a hospital providing inpatient mental health services to a minor who is under 16 years of age may not administer psychotropic medication to the minor without the consent of a parent(s) or guardian or the authorization of the court. *Id.* A minor 16 years of age or older may consent to the administration of psychotropic medications without the consent of a parent or guardian or the authorization of the court but only under specific circumstances outlined in sections A-C. *Id.*

The District of Columbia does not require parental notification or parental consent for a minor to terminate her own pregnancy.

Guam

The general rule in Guam is that only adults may consent to their own medical treatment or surgery; children whose parents are unavailable may have other adults consent on their behalf. 10 Guam Code § 11105 (2017). However there are some exceptions. Married persons of any age may consent to their own medical treatment. *Id.* In cases of emergency, consent is not required. 10 G.C.A. § 11106. Female patients of any age who are or profess to be pregnant may consent to care as if an adult. 19 Guam Code § 1111 (2017). Minors may also consent as if an adult to treatment for a sexually transmitted disease, the HIV virus, or AIDS. *Id.* Substance abuse treatment may also be consented to by minors as if they were adults. *Id.* This consent cannot later be challenged on the grounds that the minor was not of age to consent. *Id.* Hospitals and doctors are not permitted to inform the spouse or parent of any minor as to the provision of care for any of these purposes without minor's specific consent. *Id.* The minor who has thus consented will be charged for the provision of this care, rather than any parent, spouse, or guardian. Hospitals or providers are required to provide counseling to minors in the course of treatment for STDs, pregnancy, or substance abuse. *Id.* Also, while there is no specific statutory waiver of consent as to treatment for mental health disorders, the minor patient is presumed to have consented as an adult if the psychiatric care arises out of the patient's purported substance abuse. *Id.*

The statute specifically exempts abortion-related services from the definition of medical treatment for pregnancy, however. *Id.* It must be presumed in the absence of any statutory language or case law to the contrary that abortions performed on minors are subject to the same general rule as other medical treatment or surgeries under 10 Guam Code § 11105 (2017) that only adults may consent.

Northern Mariana Islands

There is insufficient information available on the ability of minors to consent to medical treatment in the Northern Mariana Islands.

Puerto Rico

Medical professionals are permitted to take emergency custody over minors for purposes of emergency treatment where a parent or guardian cannot be reached and waiting would endanger the welfare of the child. 8 L.P.R.A. § 446b (2017). Furthermore, those emancipated by marriage may consent to their own medical care regardless of age. 31 L.P.R.A. § 931 (2017). Medical professionals are permitted to treat minors under 21 years of age for sexually transmitted disease without obtaining consent of the parents or guardian. 24 L.P.R.A. § 577 (2017). Nor are medical professionals liable after the fact for providing such services without consent of the parents. *Id.* Minors older than 14 may request counseling or psychotherapy and may receive up to 6 sessions of mental healthcare treatment without obtaining parental consent.

24 L.P.R.A. § 6158e (2017). In cases of treatment for substance abuse-related disorders, where 7 sessions may be given without parental consent. *Id.*

Virgin Islands

Counseling, treatment, examination, hospitalization, and care is available to minors regardless of parental consent in cases of pregnancy, communicable disease, drug abuse, emergencies where waiting to consult a parent would risk the life or well-being of the patient, or family planning services. 19 V.I.C. § 291. Parents are not liable for expenses incurred during treatment, except for treatment for emergencies or where the parents have agreed to pay. 19 V.I.C. § 292. The treating professional is permitted to notify the parents of the treatment or procedure which is not considered an invasion of privacy; however, the parents may not be notified where the minor patient turns out not to be pregnant, on drugs, or afflicted with a venereal disease. *Id.* This includes mental health emergencies. 19 V.I.C. § 721. With regards to any medical treatment, a legally emancipated minor may consent as if an adult. 16 V.I.C. § 233.

Note that abortions are included in the treatments that minors may consent to, but that unemancipated minors lack any right to privacy in their treatment. 19 V.I.C. § 291-292.

APPENDIX 16

Health Care Access For Unaccompanied Youth

	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	At what age may an unaccompanied minor consent to [voluntary] mental health treatment?	At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?	At what age may an un-accompanied minor consent to treatment for sexually transmitted infections?	At what age may an unemancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/ Order [PJC]; With Parental Notification [PN])	At what age may an unaccompanied minor consent to examination relating to a sexual assault?
Alabama	14		Yes	12; provider may notify	WPC or PJC	
Alaska	Yes if living apart from parents and managing own financial affairs or parent unwilling to grant or withhold consent	18		Yes	WPC or PJC	
Arizona	Yes if "homeless"		12 if emergency	Yes	WPC unless FM, PJC, or emergency	12; if parents cannot be located
Arkansas	Yes if of sufficient intelligence to understand and appreciate consequences of proposed treatment			Yes; provider may notify parent	WPC or PJC	
California	15 and living apart from parents and managing own financial affairs	12 for outpatient or residential services; provider shall make best efforts to notify parent and include parent in treatment unless inappropriate; parental consent necessary for psychotropic medications or convulsive therapy	12, except replacement therapy requires parental consent	12	WPC, PJC, or emergency	12; shall notify parent unless parent is believed to have committed assault
Colorado	18; 15 and living apart and separate from parent and managing own affairs	15; provider may notify parent	Yes	Yes	48 hours PN or PJC	Yes; reasonable efforts to notify parent
Connec-ticut		Yes for outpatient; no notification under certain conditions; 14 for inpatient	Yes; no notification to parent absent consent	Yes; no notification to parents	Yes; counseling prior	
Delaware	18; or emergency if reasonable efforts to obtain parental consent have failed		14 for outpatient; parental consent required for inpatient	12; provider may notify	24 hours PN or PJC	

	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
DIstrict of Columbia	18; or emergency	Yes for outpatient; 18 for inpatient and outpatient;16 for psychotropic medication	Yes; person presumed capable of consent unless otherwise certified	Yes; person presumed capable of consent unless otherwise certified	Yes	
Florida	Emeregency	3 for outpatient; parental consent/ involvement in circumstances	Yes	Yes	48 hours PN or PJC	
Georgia		12 for diagnosis; need parental consent for treatment	Yes; provider may notify parent	Yes; provider may notify parent	18, parental chaperone, or 24 hours actual PN, or 24 hours certified mail notice	
Hawaii	Minor without support (14-17) may consent to care (not surgery or abortion) if provider reasonably believes minor understands risk benefits and communicates an informed consent and care is for		Yes to counseling; provider may notify parent	Yes; provider may notify parent		
Idaho	Any person of ordinary intelligence and awareness to understand risk benefit is competent to consent to medical care, including surgery		Yes and if 16, no notice to parents without minor's consent; Parental application required for admission to public facilities	14	WPC or PJC	
Illinois	18	12 for outpatient; no notice to parents without minor's consent unless necessary; 16 for inpatient, parent shall be immediately informed	12; provider may not notify parent without minor's consent	12; provider may notify	Not without minor's consent	Yes
Indiana	14, if living apart from parents and managing own affairs		Yes; provider may notify parent	Yes	18, WPC or PJC	
Iowa			Yes; no notification	Yes; notification to parents if positive HIV result	48 hours PN or PJC	
Kansas	16	14 for admission; provider shall notify parent	Yes	Yes, provider may inform	Actual PN or PJC	Yes; notice shall be given
Kentucky	Yes	16; provider may inform parents	Yes	Yes	WPC or PJC	Yes
Louisiana	Yes, may inform parents	Yes, with conditions	Yes when minor believes himself to be addicted; provider may inform parent	Yes; provider may notify parent	WPC or PJC	

	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
Maine	Yes if has been separated from parents for at least 60 days and independent of financial support	Yes	Yes; provider may inform	Yes; provider may inform	Yes	Yes
Maryland	Yes	16; provider may inform parents	Yes	Yes	Yes	Yes
Massachus-etts	Yes if living apart from parents and managing own financial affairs	16 for inpatient	12	Yes	WPC or PJC	
Michigan		14 for outpatient; parent shall not be notified absent compelling need; 14 for inpatient, parent shall be notified immedi-ately	Yes, provider may inform	Yes, provider may inform	WPC or PJC	
Minnesota	Yes if living apart from parents and managing own financial affairs	Yes; 16 for inpatient	Yes	Yes	48 hours PN or PJC	
Mississippi			15; provider may inform	Yes	WPC or PJC	
Missouri			Yes; provider may inform	Yes; provider may inform	WPC or PJC	Yes; notice shall be given
Montana	Yes if living apart from parents and self-supporting	Yes to counsel-ing in urgent circumstances; 16 for services	Yes	Yes	48 hours PN or PJC	
Nebraska				Yes, no notification	WPC or PJC	
Nevada	Yes if has been living apart from parents for at least 4 months		Yes; provider shall try to notify parent	Yes	PN, PJC or health of minor	
New Hampshire			12	14		
New Jersey			Yes	Yes	48 hours PN	Yes; shall notify parent immedi-ately unless not in best interest of patient
New Mexico		Yes for verbal therapy (but not psychotherapy); parental consent required for psychotropic medication; 14 for treatment including psy-chotherapy; provider shall notify parent if psychotropic administered	14	Yes	WPC	
New York		Yes; consent from parent required unless it would have a detrimental effect	Yes; both inpatient and outpatient, without parental consent or involvement "under certain circumstances"	Yes		

	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
North Carolina		Yes for outpa-tient; parent must apply for admis-sion	Yes for out-patient; parent must apply for admission	Yes	WPC or PJC	
North Dakota			14	14	WPC or PJC	
Ohio		14 for outpatient but no medica-tions; parent shall not be notified without minor's consent absent compel-ling need and absent notice to the minor that parent will be notified	Yes	Yes	24 hour PN, WPC, or PJC; alternatively, 48 hours construc-tive PN	Yes and shall notify parents
Oklahoma	Yes if separated from and not supported by his parents	16 for inpatient, may notify parent	Yes if 16; provid-er may notify parent	Yes; provider may notify parent	48 hours PN or PJC	Yes but only for forensic exami-nation; may notify parent
Oregon	15; parent may be notified	14; no need to obtain parental consent or no-tice, but provider "shall have the parents" involved before end of treatment unless parents refuse or clear clinical indications to the contrary or the minor has been sexually abused	14, excluding methadone maintenance	Yes		
Pennsyl-vania	18	14 for inpatient or outpatient; pro-vider shall notify parents for inpa-tient	Yes; provider may notify parent	Yes	WPC with FM, or PJC	
Rhode Island	16 for emergencies		Yes for non-invasive outpa-tient treatment if minor refuses permission to contact parent and provider believes contact would not be helpful or would be deleterious	Yes	WPC or PJC	
South Carolina	16 for everything except certain operations; any age if service deemed neces-sary	16 for inpatient, or under 16 if parent applies	Yes except for methadone maintenance		WPC or PJC	
South Dakota			Yes	Yes; without parental notification	48 hours PN, emergency (post-procedure notification may apply), WPC, PJC	
Tennessee		16	Yes; provider may notify parent	Yes; without parental notification	48 hours PN; emergency or PJC	Yes; provider may notify parents
Texas	16 if separated from parents and financially inde-pendent	16 for inpatient	Yes; provider may notify parent	Yes; provider may notify parent	48 hours PN; emergency or PJC	Yes; provider may notify parents

	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
Utah	15			Yes	24 hour PN, WPC, PJC or emergency	
Vermont		14 for inpatient	12 for non-medical inpatient or outpatient treatment; provider shall notify parent if minor requires immediate hospitalization	12 for non-medical inpatient or outpatient treatment; provider shall notify parent if minor requires immediate hospitalization		
Virginia		Yes for outpatient, 14 for inpatient with joint application with parent	Yes for outpatient	Yes	24 hours actual PN or 72 hours PN by mail; unless provider has reason to suspect minor may be an abused or ne-glected child and reports such; emergency; PJC	
Washington		13 for both; notice may apply	13 for outpatient	14	Yes, with limits	
West Virginia			Yes; without notice	Yes; without notice	48 hours actual PN, emergency, or PJC	
Wisconsin			12 for outpatient; if under 12, only if parent cannot be found	Yes	WPC or PJC	
Wyoming	Yes if minor living apart from parents and managing own affairs			Yes	48 hours PN and WPC, or PJC	Yes if parents cannot be located promptly, no notification to suspected perpetrator
American Samoa						
Guam	18, any age if married, or emergency	Any age, provided that the mental health treatment arises out of purported substance abuse. Otherwise 18	Any age	Any age	Only if married	May be permit-ted as emergency treatment where consent of parent not required
Northern Mariana Islands						
Puerto Rico	18, or any age if married	Older than 14, for limited sessions, or cases of emergency	Any age if emancipated	Any age	Any age if emancipated	Permitted if emergency situation
Virgin Islands	Any age if emancipated	If emancipated, or cases of emergency	Any age; provid-er may notify only if actual substance abuse	Any age; provid-er may notify only if actual disease found	Any age; provider may notify only if actual pregnancy	Permitted if emergency situation

APPENDIX 17

Definitions, Terminology and Labels Describing Unaccompanied Youth

Alabama

Child: Any person under 18 years of age [Courts Title]. Ala. Code §12-15-102 (2017).

Minor: Any person under 19 years of age and not a child. [Courts Title]. Ala. Code §12-15-102 (2017). See also [Infants and Incompetents Title]. Ala. Code §26-1-1 (2017).

Alaska

Child: Any person under 18 years of age [Welfare, Social Services and Institutions Title]. Alaska Stat. §47.10.990 (2017).

Minor: Any person under 18 years of age [Welfare, Social Services and Institutions Title]. Alaska Stat. §47.12.990 (2017).

Arizona

Child: Any person under 18 years of age [Title 8. Child Safety]. Ariz. Rev. Stat. § 8-201 (2017).

Juvenile: Any person under 18 years of age [Title 8. Child Safety]. Ariz. Rev. Stat. § 8-201 (2017).

Minor: Any person under 18 years of age [Title 1. General Provisions]. Ariz. Rev. Stat. § 1-215 (2017).

Youth: Any person under 18 years of age [Title 8. Child Safety]. Ariz. Rev. Stat. § 8-201 (2017).

Arkansas

Child: Any person under 18 years of age [Family Law Title]. Ark. Code Ann. §9-30-103 (2017).

Juvenile: Any person from birth to 18 years of age. [Juvenile Code]. Ark. Code Ann. § 9-27-303 (2017).

Minor: Any person under 18 years of age [Criminal Offenses Title]. Ark. Code Ann. § 5-2-601 (2017).

California

Minor: Any person under 18 years of age [Family Code, Minors Division]. Cal. Fam. Code § 6500 (2017).

Colorado

Child: Any person under 18 years of age [Title 19. Children's Code]. Colo. Rev. Stat. § 19-1-103 (2017).

Juvenile: Any person under 18 years of age [Title 19. Children's Code]. Colo. Rev. Stat. § 19-1-103 (2017).

Youth or Child: Any person who is at least 11 years of age but is less than 21 years of age [Title 26. Human Services Code, Homeless Youth Article 5.7]. Colo. Rev. Stat. § 26-5.7-102 (2017).

Connecticut

Child: Any person under 18 years of age who has not been legally emancipated except that (i) for the purposes of delinquency matters and proceedings, "child" means any person who (a) is at least 7 years old at the time of the alleged delinquent act and is (I) under 18 and has not been legally emancipated, or (II) 18 or older and committed the delinquent act prior to their 18*th* birthday, or (b) is 18 or older and (I) violates a court order with respect to a delinquency proceeding, or (II) willfully fails to appear to a summons or any noticed court order in a delinquency proceeding, and (ii) for purposes of family needs matters and proceedings, "child means a person at least 7 years old and younger than 18 years old [Social and Human Services and Resources Title, Department of Children and Families Chapter]. Conn. Gen. Stat. § 17a-1 (2017) and § 46b-120 (effective August 15, 2017).

Youth: Any person 16 or 17 years of age who has not been legally emancipated [Social and Human Services and Resources Title, Department of Children and Families Chapter]. Conn. Gen. Stat. § 17a-1 (2017) and § 46b-120 (effective August 15, 2017).

Delaware

Child: Any person under 18 years of age [General Provisions Title, Interpretation of Statutes Chapter]. Del. Code Ann. tit. 1, § 302 (2017).

Infant: Any person under 18 years of age [General Provisions Title, Interpretation of Statutes Chapter]. Del. Code Ann. tit. 1, § 302 (2017).

Juvenile: Any person under 18 years of age [Youth Services Commission Chapter]. Del. Code Ann. tit. 31,§ 5101 (2011).

Minor: Any person under 18 years of age [General Provisions Title, Interpretations of Statutes Chapter]. Del. Code Ann. tit. 1, § 302 (2017).

Florida

Child: Any unmarried person under 18 years of age [Criminal Procedure and Corrections Title, Children and Families in Need of Services Chapter]. Fla. Stat. Ann. § 984.03 (2017).

Juvenile: Any unmarried person under 18 years of age [Criminal Procedure and Corrections Title, Children and Families in Need of Services Chapter]. Fla. Stat. Ann. § 984.03 (2017).

Minor: Any person under 18 years of age whose disabilities have not been removed by marriage or other things [Domestic Relations Title, Guardianship Chapter]. Fla. Stat. Ann. § 744.102 (2017).

Youth: Any unmarried person under 18 years of age [Criminal Procedure and Corrections Title, Children and Families in Need of Services Chapter]. Fla. Stat. Ann. § 984.03 (2017).

Georgia

Child: Any person under 17 years of age, under 21 years of age and under the supervision of the court, or under 18 years of age and alleged to be a "deprived child" or a "status offender" [Courts Title, Juvenile Proceedings Chapter]. Ga. Code Ann. § 15-11-2 (2017).

Minor: Any person under 18 years of age [Minors Title]. Ga. Code Ann. § 39-1-1 (2017).

Hawaii

Child: Any person under 18 years of age [Family Title]. Haw. Rev. Stat. Ann. § 571-2 (2017).

Minor: Any person under 18 years of age [Family Title]. Haw. Rev. Stat. Ann. § 571-2 (2017).

Idaho

Child: Any person under 18 years of age who is not enrolled in an institution of higher education [Health and Safety Title]. Idaho Code Ann. §39-1202 (2017).

Juvenile: Any person under 18 years of age [Probate Code Title, Juvenile Corrections Act Chapter]. Idaho Code Ann. §20-502 (2017).

Minor: Any person under 18 years of age [Domestic Relations Title]. Idaho Code Ann. §32-101 (2017).

Illinois

Child: Any person under 18 years of age who has not been emancipated by marriage or entry into the armed forces [Children Chapter]. 325 Ill. Comp. Stat. Ann. 5/3 (2017); any person under the age of 18 and certain persons under the age of 21 who have been committed to the Department of Children and Family Services prior to the age of 18 [Children and Family Services Act]. 20 Ill. Comp. Stat. Ann.505/5 (2017).

Minor: Any person under 18 years of age [Children Chapter]. 325 Ill. Comp. Stat. Ann. 45/2 (2017).

Indiana

Child: Any person (a) who is under 18 years of age, (b) who is 18, 19 or 20 years of age and who either (i) is charged with a delinquent act committed before the person's 18*th* birthday, or (ii) has been adjudicated a child in need of services before the person's 18*th* birthday, or (c) who (i) is alleged to have committed an act that

would have been murder if committed by an adult, (ii) was less than 18 years old at the time of the alleged act, and (iii) is less than 21 years old. [Family Law & Juvenile Law Title]. Ind. Code Ann. § 31-9-2-13 (2017).

Infant: Any person under 18 years of age [General Provisions Title, Construction of Statutes Chapter]. Ind. Code Ann. § 1-1-4-5 (2017).

Minor: Any person under 18 years of age [General Provisions Title, Construction of Statutes Chapter]. Ind. Code Ann. § 1-1-4-5 (2017).

Iowa

Child: Any person under 18 years of age [Juvenile Justice Chapter]. Iowa Code § 232.2 (2017).

Juvenile: Any person under 18 years of age [Juvenile Justice Chapter]. Iowa Code § 232.2 (2017).

Kansas

Juvenile: Any person who (a) is 10 or more years of age but less than 18 years of age, (b) is alleged to be a juvenile offender, or (c) has been adjudicated as a juvenile offender and continues to be subject to the jurisdiction of the court [Minors Chapter]. Kan. Stat. Ann. § 38-2302 (2017).

Minor: Any person under 18 years of age, except persons 16 years of age or older who are married. [Minors Chapter]. Kan. Stat. Ann. § 38-101 (2017).

Kentucky

Child: Any person under 18 years of age [Unified Juvenile Code Title]. Ky. Rev. Stat. Ann. § 600.020 (2017).

Minor: Any person under 18 years of age [Kentucky Penal Code Title]. Ky. Rev. Stat. Ann. §500.080 (2017).

Louisiana

Child: Any person under 18 years of age [Children's Code]. La. Child. Code Ann.art. 116 (2017).

Minor: Any person under 18 years of age [Children's Code]. La. Child. Code Ann. art. 116 (2017).

Maine

Child: Any person under 18 years of age [General Provisions Title, Rules of Construction Chapter]. Me. Rev. Stat. Ann. tit. 1, § 72 (2017).

Infant: Any person under 18 years of age [General Provisions Title, Rules of Construction Chapter]. Me. Rev. Stat. Ann. tit. 1, § 72 (2017).

Juvenile: Any person under 18 years of age [Maine Juvenile Code Title]. Me. Rev. Stat. Ann. tit. 15, § 3003 (2017).

Minor: Any person under 18 years of age [General Provisions Title, Rules of Construction Chapter]. Me. Rev. Stat. Ann. tit. 1, § 72 (2017).

Maryland

Child: Any person under 18 years of age [Courts of General Jurisdiction Title, Juvenile Causes Subtitle]. Md. Code Ann., Cts. & Jud. Proc. § 3-801 (2017).

Minor: Any person under 18 years of age [Criminal Law, General Provisions Title, General Definitions Subtitle]. Md. Code Ann. Est. & Trusts§ 1-101 (2017).

Massachusetts

Child: Any person under 18 years of age [Public Welfare Title, Protection and Care of Children, and Proceedings Against Them Chapter]. Mass. Ann. Laws ch. 119, § 21 (2017).

Minor: Any person under 18 years of age [Jurisdiction and Emblems of the Commonwealth, The General Court, Statutes and Public Documents Title; Statutes Chapter]. Mass. Ann. Laws ch. 4, § 7 (2017).

Michigan

Child: A person under 18 years of age [Children Chapter]. Mich. Comp. Laws Serv. § 722.622 (2017).

Minor: A person under 18 years of age [Children Chapter]. Mich. Comp. Laws Serv. § 722.1 (2017).

Minnesota

Child: Any person under 18 years of age and individuals under 21 in foster care. [Public Welfare and Related Activities Title]. Minn. Stat. § 256E.21, 260C.007 (2017).

Minor: Any person under 18 years of age [Public Welfare and Related Activities Title]. Minn. Stat. § 256E.21 (2017) and [Statutes, Construction Title] Minn. Stat. § 645.45 (2017).

Mississippi

Child: Any person under 18 years of age, who is unmarried and not on active duty in the armed forces [Public Welfare Title, Youth Court Chapter]. Miss. Code Ann. § 43-21-105 (2017).

Infant: Any person under 21 years of age [Laws and Statutes Title, Construction of Statutes Chapter]. Miss. Code Ann. § 1-3-21 (2017).

Minor: Any person under 21 years of age [Laws and Statutes Title, Construction of Statutes Chapter]. Miss. Code Ann. § 1-3-27 (2017).

Youth: Any person under 18 years of age, who is unmarried and not on active duty in the armed forces [Youth Court Chapter]. Miss. Code Ann. § 43-21-105 (2017).

Missouri

Child: Any person under 18 years of age or any person in the custody of the Children's

Division who is under 21 years of age [Domestic Relations Title, Adoption and Foster Care Chapter]. Mo. Rev. Stat. § 453.015 (2017); any person under 17 years of age or any person 17 years of age but under 18 years of age alleged to have committed a status offense [Public Health and Welfare Title, Juvenile Courts Chapter]. Mo. Rev. Stat. § 211.021 (2017).

Minor: Any person under 18 years of age or any person in the custody of the Children's Division who is under 21 years of age [Domestic Relations Title, Adoption and Foster Care Chapter]. Mo. Rev. Stat. § 453.015 (2017).

Montana

Child: Any person under 18 years of age [Minors Title, Child Abuse and Neglect Chapter]. Mont. Code Ann. §41-3-102 (2017).

Minor: Any person under 18 years of age [Minors Title, Rights and Obligations of Minors Chapter]. Mont. Code Ann. § 41-1-101 (2017).

Youth: Any person under 18 years of age without regard to sex or emancipation [Minors Title, Youth Court Act]. Mont. Code Ann. § 41-5-103 (2017).

Nebraska

Juvenile: Any person under 18 years of age [Infants and Juveniles Chapter, Juvenile Code]. Neb. Rev. Stat. Ann. § 43-245 (2017).

Minor: Any unmarried person under 19 years of age [Infants and Juveniles Chapter, Age of Majority]. Neb. Rev. Stat. Ann. § 43-2101 (2017).

Nevada

Child: Any person under 18 years of age or a person under 21 years of age and subject to the jurisdiction of the juvenile court [Title 5. Procedure in Juvenile Cases, General Provisions Chapter 62A]. Nev. Rev. Stat. Ann. § 62A.030 (2017).

Minor: Any person under 18 years of age [Wills and Estates of Deceased Persons Title, General Provisions Chapter]. Nev. Rev. Stat. Ann. § 132.230 (2017).

New Hampshire

Child: Any person under 18 years of age [Public Safety and Welfare Title, Child Protection Act Chapter]. N.H. Rev. Stat. Ann. § 169-C:3 (2017).

Minor: Any person under 18 years of age [Public Safety and Welfare Title, Delinquent Children Chapter]. N.H. Rev. Stat. Ann. § 169-B:2 (2017).

New Jersey

Child: Any person under 18 years of age [Children – Juvenile and Domestic Relations Courts Title]. N.J. Rev. Stat. § 9:2-13 (2017).

Minor: Any person under 18 years of age [Administration of Estates – Decedents and Others Title]. N.J. Rev. Stat. § 3B;1-2 (2017).

New Mexico

Child: Any person under 18 years of age [Chapter 32A. Children's Code]. N.M. Stat. Ann. § 32A-1-4 (2017).

Minor: Any person under 18 years of age [Chapter 45. Uniform Probate Code]. N.M. Stat. Ann. §45-1-201 (2017).

New York

Child: Any person under 18 years of age or a full-time student of a secondary school under 19 years of age [Social Services Law] N.Y. Soc. Serv. Law § 345 (2017); any person "actually or apparently" under 18 years of age [Social Services Law] N.Y. Soc. Serv. Law § 371 (2017); any person under 18 years of age [Domestic Relations Law] N.Y. Dom. Rel. Law § 75(a) (2017).

Infant: Any person under 18 years of age [Family Court Act Title]. N.Y. Fam. Ct. Act § 119 (2017).

Minor: Any person under 18 years of age [Family Court Act Title]. N.Y. Fam. Ct. Act § 119 (2017).

North Carolina

Juvenile: Any person under 18 years of age who is not married, emancipated, or a member of the United States armed forces [Juvenile Code Chapter]. N.C. Gen. Stat. § 7B-101 (2017).

Minor: Any person under 18 years of age [Minors Chapter]. N.C. Gen. Stat. §48A-2 (2017).

North Dakota

Child: Any person under 18 years of age [Domestic Relations and Persons Title, Minors Chapter]. N.D. Cent. Code, § 14-10-01 (2017).

Minor: Any person under 18 years of age [Domestic Relations and Persons Title, Minors Chapter]. N.D. Cent. Code, § 14-10-01 (2017).

Ohio

Child: Any person under 18 years of age, unless adjudicated an unruly child, in which case such person shall be deemed a child until age 21 [Courts—Probate—Juvenile Title, Juvenile Court Chapter]. Ohio Rev. Code. Ann. § 2151.011 (2017).

Minor: Any person under 18 years of age [Domestic Relations – Children Title, Children Chapter]. Ohio Rev. Code Ann. § 3109.01 (2017).

Oklahoma

Child: Any unmarried person under 18 years of age [Children and Juvenile Code Title; Oklahoma Children's Juvenile Code]. Okla. Stat. Ann. tit. 10A, § 1-1-105 (2017); any person under 18 years of age [Children and Juvenile Code Title; Oklahoma Children's Code]. Okla. Stat. Ann. tit. 10A, § 1-1-105 (2017).

Infant: Any child who is 12 months of age or younger [Children and Juvenile Code Title; Oklahoma Children's Code]. Okla. Stat. Ann. tit. 10A, § 1-1-105 (2017).

Juvenile: Any person under 18 years of age [Children and Juvenile Code Title; Oklahoma Juvenile Code]. Okla. Stat. Ann. tit. 10A § 2-1-103 (2017).

Minor: Any unmarried person under 18 years of age [Children and Juvenile Code Title; Oklahoma Children's Juvenile Code]. Okla. Stat. Ann. tit. 10A, § 1-1-105 (2017).

Oregon

Child: Any person under 21 years of age [Human Services; Juvenile Code; Corrections Title; Child Welfare Services Chapter]. Or. Rev. Stat. § 418.001 (2017); any unmarried person under 18 years of age or is under 21 years of age and residing in or receiving care or services at a child-caring agency as that term is defined in ORS 418.205 [Human Services; Juvenile Code; Corrections Title; Child Welfare Services Chapter]. Or. Rev. Stat. § 419B.005 (2017).

Juvenile: Any person under 21 years of age [Human Services; Juvenile Code; Corrections Title; Child Welfare Services Chapter]. Or. Rev. Stat. § 418.001 (2017).

Minor: Any person under 18 years of age [Human Services; Juvenile Code; Corrections Title; Juvenile Code: Dependency Chapter]. Or. Rev. Stat. § 419B.550 (2017).

Youth: Any person under 18 years of age who is alleged to have committed an act that, if committed by an adult, is a violation of law [Human Services; Juvenile Code; Corrections Title; Juvenile Code Chapter]. Or. Rev. Stat. § 419A.004 (2017).

Pennsylvania

Child: Any unemancipated person under 18 years of age [Domestic Relations Title, Child Custody Chapter]. 23 Pa. Cons. Stat. § 5322 (2017).

Minor: Any person under 18 years of age [Domestic Relations Title, Abuse of Family Chapter]. 23. Pa. Cons. Stat. § 6102 (2017).

Rhode Island

Child: Any person under 18 years of age [Delinquent and Dependent Children Title]. R.I. Gen. Laws §14-1-3 (2017).

Minor: Any person under 18 years of age [Domestic Relations Title]. R.I. Gen. Laws § 15-12-1 (2017).

South Carolina

Child: Any person under 18 years of age [South Carolina Children's Code Title]. S.C. Code Ann. § 63-1-40 (2017).

Minor: Any unemancipated, unmarried person under 21 years of age [Children's Code]. S.C. Code Ann. § 63-5-510 (2017); any unemancipated, unmarried person under 18 years of age [South Carolina Probate Code Title]. S.C. Code Ann. § 62-1-201 (2017).

South Dakota

Child: Any person under 18 years of age or any person under 21 years of age that is in the continuing jurisdiction of the court [Minors Title]. S.D. Codified Laws § 26-7A-1 (2017).

Minor: Any person under 18 years of age [Minors Title]. S.D. Codified Laws § 26-1-1 (2017).

Tennessee

Child: Any person under 18 years of age or under 19 years of age and under the continuing jurisdiction of the court [Juveniles Title]. Tenn. Code Ann. § 37-5-103 (2017); any person under 21 years of age [Juveniles Title, Miscellaneous Provisions Chapter (Missing Children Recovery Act)]. Tenn. Code Ann. § 37-10-201 (2017).

Juvenile: Any person under 18 years of age [Juveniles Title]. Tenn. Code Ann. § 37-5-103 (2017).

Minor: Any person under 18 years of age [Code and Statutes Title, Construction of Statutes Chapter] Tenn. Code Ann. § 1-3-105 (2017).

Texas

Child: Any person 10 years of age or older and under 17 years of age, or between 17 and 18 years of age who has or is alleged to have committed, before turning 17, either delinquent conduct or conduct indicating a need for supervision [Juvenile Justice Code Title]. Tex. Fam. Code § 51.02 (2017); any unmarried person under 18 years of age [The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship Title]. Tex. Fam. Code § 101.003 (2017).

Minor: Any unmarried person under 18 years of age [The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship Title]. Tex. Fam. Code § 101.003 (2017).

Youth: Any person under 18 years of age [General Government Title; State Buildings, Grounds, and Property Chapter]. Tex. Gov't Code § 2165.254 (2017).

Utah

Child: Any person under 18 years of age [Title 62A. Utah Human Services Code, Child and Family Services Chapter 4a]. Utah Code Ann. § 62A-4a-101 (2017).

Minor: Any person under 18 years of age, or any person 18 years of age and under 21 years of age for whom a juvenile court has ordered the Division of Child and Family Services to provide service [Title 62A. Utah Human Services Code, Child and Family Services Chapter 4a]. Utah Code Ann. § 62A-4a-101 (2017).

Vermont

Child: Any person under 13 years of age [Human Services Title, Child Care Chapter]. Vt. Stat. Ann. tit. 33, § 3511 (2017); any person under 18 years of age, or is under 21 years of age and a student and is regularly attending a school or equivalent training [Domestic Relations Title] Vt. Stat. Ann. tit. 15, § 201 (2017); any person under 18

years of age and is a child in need of care or supervision; any person who is alleged to have committed an act of delinquency at or following the age of 10, but before the age of 18 [Human Services Title, General Provisions Chapter] Vt. Stat. Ann. tit. 33, § 5102 (2017).

Virginia

Child: Any person under 18 years of age [Juvenile Justice Title]. Va. Code Ann. § 66-12 (2017); [General Provisions Title, Common Laws and Rules of Construction Chapter] Va. Code Ann. § 1-207 (2017); [Juvenile and Domestic District Courts Chapter] Va. Code Ann. §16.1-228 (2017).

Infant: Any person under 18 years of age [General Provisions Title, Common Laws and Rules of Construction Chapter]. Va. Code Ann. § 1-207 (2017).

Juvenile: Any person under 18 years of age [Juvenile and Domestic Relations District Courts Chapter]. Va. Code Ann. §16.1-228 (2017); [General Provisions Title, Common Laws and Rules of Construction Chapter]. Va. Code Ann. § 1-207 (2017)

Minor: Any person under 18 years of age [Juvenile and Domestic Relations District Courts Chapter]. Va. Code Ann. § 16.1-228 (2017); [General Provisions Title, Common Laws and Rules of Construction Chapter]. Va. Code Ann. § 1-207 (2017).

Washington

Child: Any person under 18 years of age [Juvenile Courts and Juvenile Offenders Title]. Wash. Rev. Code. Ann. § 13.04.011 (2017).

Juvenile: Any person under 18 years of age [Juvenile Courts and Juvenile Offenders Title]. Wash. Rev. Code Ann. § 13.04.011 (2017).

Youth: Any person under 18 years of age [Juvenile Courts and Juvenile Offenders Title]. Wash. Rev. Code Ann. § 13.04.011 (2017).

West Virginia

Child: Any person under 18 years of age [Child Welfare Chapter]. W. Va. Code Ann. § 49-1-202 (2017).

Juvenile: Any person under 18 years of age [Child Welfare Chapter]. W. Va. Code Ann. § 49-1-202 (2017).

Wisconsin

Child: Any person under 18 years of age [Children's Code Chapter]. Wis. Stat. Ann. § 48.02 (2017).

Juvenile: Any person under 18 years of age [Juvenile Justice Code Chapter]. Wis. Stat. Ann. § 938.02 (2017).

Wyoming

Age of Majority: Any person reaches the age of majority upon becoming 18 years of age [Children Title]. Wyo. Stat. Ann. § 14-1-101 (2017).

Child: Any person under the age of majority (18) [Children Title]. Wyo. Stat. Ann. § 14-6-402 (2017).

Minor: Any person under the age of majority (18) [Children Title]. Wyo. Stat. Ann. § 14-6-402 (2017).

American Samoa

Child: Any person under 18 years of age, or a mentally retarded or developmentally disabled person regardless of age. Am. Samoa Code Ann. § 45.0103 (2017).

District of Columbia

Child: Any person under 18 years of age [Family Division Proceedings Chapter]. D.C. Code Ann. § 16-2301 (2017).

Minor: Any person under 21 years of age [Family Division Proceedings Chapter]. D.C. Code Ann. § 16-2301 (2017).

Youth: Any person who is at least 13 years of age and under 18 years of age [Youth Affairs Chapter]. D.C. Code Ann. § 2-1501(1) (2017); A person who is under 24 years of age. D.C. Code Ann. § 4-751.01(43).

Guam

Child: Any person under 18 years of age [Family Court Act]. Guam Code Ann. tit. 19, § 5102 (2017).

Minor: Any person under 18 years of age [Persons in General Title]. Guam Code Ann. tit. 19, § 1101, §5102 (2017).

Northern Mariana Islands

Child: Any person under 18 years of age. 1 N. Mar. I. Code § 2373 (2017).

Juvenile: Any person under 18 years of age. 1 N. Mar. I. Code § 2373 (2017).

Minor: Any person under 18 years of age. 1 N. Mar. I. Code § 2373 (2017).

Youth: Any person under 18 years of age. 1 N. Mar. I. Code § 2373 (2017).

Puerto Rico

Child: Any person under 21 years of age [Public Welfare and Charitable Institutions Title]. P.R. Laws Ann. tit. 8, § 68 (2017).

Minor: Any person under 18 years of age [Public Welfare and Charitable Institutions Title, Comprehensive Child Wellbeing and Protection Act Chapter]. P.R. Laws Ann. tit. 8, § 444 (2017).

Youth: Any person between 13 and 29 years of age [The Commonwealth Title, Youth Bill of Rights Chapter]. P.R. Laws Ann. tit. 1, §445 (2017).

Virgin Islands

Child: Any person under 18 years of age [Welfare Title]. V.I. Code Ann. tit. 34, §104 (2017). [Judicial Procedure Title, Family Division of Superior Courts Chapter] V.I. Code Ann. tit. 5, § 2502 (2017).

Juvenile: Any person under 18 years of age [Judicial Procedure Title, Family Division of Superior Courts Chapter]. V.I. Code Ann. tit. 5, § 2502 (2017).

Minor: Any person under 18 years of age [Judicial Procedure Title, Family Division of Superior Courts Chapter]. V.I. Code Ann. tit. 5, § 2502 (2017).

APPENDIX 18

Classifications of Homeless and Runaway Youth

Alabama

Homeless: A person who has no fixed residence. Ala. Code § 15-20A-4 (2017)

Runaway: No specific definition, but could be classified as a missing child. Under state law, a missing child is a child who voluntarily leaves the care and control of the child's guardian without intent to return and without the guardian's consent. Ala. Code § 26-19-1 (2017).

Alaska

Homeless: No specific definition.

Runaway Minor: Any person under 18 years of age who is habitually absent from home or refuses to accept available care. Alaska Stat. § 47.10.390 (2017). A runaway could also be classified as a child in need of aid. A child in need of aid is, among other things, a child who is habitually absent from home. Alaska Stat. § 47.10.011 (2017).

Arizona

Homeless Minor: Any person under 18 years of age who lives apart from the minor's guardian and who lacks a fixed, regular nighttime residence or whose primary residence is a supervised shelter designed to provide temporary accommodations, halfway house, or a place not designated for or ordinarily used for sleeping. Ariz. Rev. Stat. § 44-132 (2017).

Runaway: No specific definition, but could be classified as an incorrigible child. An incorrigible child is, among other things, a runaway. Ariz. Rev. Stat. § 8-201 (2017).

Arkansas

Homeless: No specific definition, but a juvenile in the custody of the Arkansas Department of Human Services is considered to be "awaiting foster care placement" as "homeless children and youths" if the juvenile: (1) is placed in a shelter, facility, or other short-term placement with a plan of moving the juvenile within ninety (90) days; (2) is transferred to an emergency placement to protect the juvenile's health or welfare; (3) is placed in a provisional foster home; (4) has experienced three (3) or more placements within a twelve-month period; or (5) is placed in a regular foster home or other placement that is not directly related to the permanency goal identified in the case plan required. Ark. Code. Ann. § 9-27-332 (2017).

Runaway: No specific definition, but could be classified as a child of a family in need of services. Under state law, a family in need of services means, among other things, any family whose juvenile has absented him/herself from the home without sufficient cause, permission, or justification. Ark. Code. Ann. § 9-27-303 (2017).

California

Homeless Person: An individual or family, who prior to participation in a transitional housing program, either lacked a fixed, regular and adequate nighttime residence or had a primary residence in a supervised public or privately operated shelter designed to provide temporary living accommodations, an institution providing temporary residence for individuals intended to be institutionalized, or a public or private place not designated for regular sleeping accommodations for human beings. Cal. Civ. Code § 1954.12 (2017).

Homeless Children A school-aged child who lacks a fixed, regular, and adequate nighttime residence or who has a primary residence in a supervised shelter, an institution providing temporary residence for individuals intended to be institutionalized, a temporary/makeshift arrangement in the accommodations of another person, or a place not designated for regular sleeping accommodations for human beings. Cal. Health and Safety Code § 103577 (2017).

Homeless Youth: Any person 24 years of age or under that is homeless, at-risk of being homeless, is no longer eligible for foster care on the basis of age, or has run away from home; any person under 18 years of age who is emancipated and is homeless or at-risk of becoming homeless. Cal. Gov't Code § 12957 (2017).

Runaway: No specific definition.

Runaway and Homeless Youth Shelter: a group home licensed by the department to operate a program pursuant to Section 1502.35 to provide voluntary, short-term shelter and personal services to runaway youth or homeless youth, as defined in paragraph (2) of subdivision (a) of Section 1502.35. Cal. Health & Safety Code § 1502 (2017).

Colorado

Homeless Youth: A youth who is at least 11 but is less than 21 and who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter designed to provide temporary living accommodations, or a public or private place not designated for regular sleeping accommodations for humans. Colo. Rev. Stat. 26-5.7-102 (2017). A homeless youth could also be classified as neglected or dependent. A child is neglected or dependent if the child is, among other things, homeless. Colo. Rev. Stat. 19-3-102 (2017).

Runaway: No specific definition, but could be classified as neglected or dependent child. A neglected or dependent child is, among other things, a child who has run away from home. Colo. Rev. Stat. 19-3-102 (2017).

Connecticut

Homeless Person: Any person who does not have overnight shelter or sufficient income or resources to secure shelter. Conn. Gen. Stat. § 8-355 (2017).

Homeless Child: No specific definition, but a could be classified as "uncared for." A child is uncared for if (i) the child is homeless, (ii) the child's home cannot provide the

specialized care which the child's physical, emotional, or mental condition requires, or (iii) the child has been identified as a victim of "trafficking." Treatment by an accredited Christian Science practitioner in lieu of a licensed practitioner shall not of itself constitute neglect or maltreatment. Conn. Gen. Stat. § 46b-120 (effective August 15, 2017).

Runaway: No specific definition, but police officers are authorized to transport, with the permission of the person being transported, any person over 16 and under 18 years of age who appears to be away from home without permission of his/her parents or guardian or who appears to be suffering from lack of food, shelter, or medical care. Conn. Gen. Stat. §17a-185 (2017).

Delaware

Homeless: No specific definition, but could be classified as a "dependent child." A dependent child is a child for whom an adult is responsible, but the adult fails to provide necessary food, clothing, shelter, education, health care, medical care, or other care necessary for the child's emotional, physical, or mental health, safety, and general well-being. A dependent child can also be defined as a child who is living in a nonrelated home on an extended basis without the consent and approval of the Department of Services for Children, Youth and Families or any court-licensed or authorized agency designated to place children in a nonrelated home. Del. Code Ann. tit. 10, § 901 (2017).

Runaway: No specific definition.

Florida

Homeless children and youth: Any child who lacks a fixed, regular, and adequate nighttime residence, which includes children who (a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, (b) are living in motels, hotels, travel trailer parks, or camping grounds due to the lack of alternative adequate accommodations, (c) are living in emergency or transitional shelters, (d) are abandoned in hospitals, (e) are awaiting foster care placement, (f) have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, or (g) are living in cars, parks, public spaces, abandoned buildings, bus or train stations, or similar settings, as well as migratory children. Fla. Stat. § 1003.01 (2017).

Runaway: No specific definition, but could be classified as a child in need of services. A child in need of services is, among other things, a child that is found to have persistently run away from the child's guardian despite reasonable efforts that were made to help the child. Fla. Stat. § 984.03 (2017).

Unaccompanied Homeless Youth: An individual who is 16 years of age or older and is (a) found by a school district's liaison for homeless children and youths to be an unaccompanied homeless youth eligible for services pursuant to the McKinney-Vento Homeless Assistance Act; or (b) believed to qualify as an unaccompanied homeless youth, as that term is defined in the McKinney-Vento Homeless Assistance Act. Fla. Stat. § 743.067 (2017).

Georgia

Homeless: Any person or family who has no access or reasonably expected not to have access to either traditional or permanent housing which can be considered safe, sanitary, decent, and affordable. Ga. Code Ann. § 8-3-301 (2017).

Runaway: A child without just cause and without the consent of his or her parent, guardian, or legal custodian is absent from his or her home or place of abode for at least 24 hours. O.C.G.A. § 15-11-381 (2017).

Hawaii

Homeless: An individual or family who lacks a fixed, regular, and adequate nighttime residence or who has a primary nighttime residence in a shelter, temporary living institution or public or private place not designated for regular sleeping accommodations for humans. Haw. Rev. Stat. Ann § 346-361 (2017).

Runaway: No specific definition.

Idaho

Homeless Child: A child who is without adequate shelter or other living facilities, and the lack of such shelter or other living facilities poses a threat to the health, safety, or well-being of the child. Idaho Code Ann. § 16-1602 (2017).

Runaway: An individual under 18 years of age that is reported to any law enforcement agency as a runaway. Idaho Code Ann. § 18-4508 (2017).

Illinois

Homeless Youth: A person under 19 years of age who is not in a safe and stable living situation and cannot be reunited with his or her family. 20 Ill. Comp. Stat. Ann. 505/5 (2017).

Runaway Youth: A person under 18 years of age who is absent from his/her legal residence without the consent of his/her parent or legal guardian or who is without a place of shelter where supervision or care are available. 55 Ill. Comp. Stat. Ann. 5/5-1090 (2017); 60 Ill. Comp. Stat. Ann. 1/215-15 (2017); 65 Ill. Comp. Stat. Ann. 5/11-5.2-3 (2017). A runaway could also be classified as a minor "requiring authoritative intervention." A minor requiring authoritative intervention is, among other things, a minor under 18 years of age who is absent from home without the consent of the his/her guardian in circumstances which constitute a substantial or immediate danger to the minor's physical safety, and refuses to return home. 705 Ill. Comp. Stat. Ann. 405/3-3 (2017).

Indiana

Homeless Child: A minor who lacks a fixed, regular, and adequate nighttime residence, including (a) a child who (i) shares the housing of other persons due to the child's loss of housing, economic hardship or a similar reason, (ii) lives in a motel, hotel, or campground due to lack of alternative adequate accommodations, (iii) lives in an emergency or transitional shelter, (iv) is abandoned in a hospital or other place

not intended for general habitation, or (v) is awaiting foster care placement, (b) has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, (c) lives in a car, a park, a public space, an abandoned building, a bus station, a train station, substandard housing or a similar setting, and (d) a child of a migratory worker who lives in circumstances in the preceding subsections (a) through (c). Ind. Code Ann. § 20-50-1-1 (2017).

Runaway: No specific definition, but could be classified as a delinquent child. A child commits a delinquent act if the child leaves home or a specific location previously designated by the child's parent, guardian or custodian without reasonable cause and without permission of the 'parent, guardian or custodian who requests the child's return. Ind. Code Ann. § 31-37-2-2 (2017).

Iowa

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Iowa Code § 48A.2 (2017).

Chronic Runaway: A child who is reported to law enforcement more than once in any 30-day period or three or more times in any year. Iowa Code § 232.2 (2017).

Kansas

Homeless child: A child who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Kan. Stat. Ann. § 72-1046 (2017).

Runaway: Any child under 18 years of age who is voluntarily absent from home or a court ordered or designated placement without consent of a guardian or custodian. Kan. Stat. Ann. § 21-5603 (2017).

Kentucky

Homeless Individual: Any person who (a) lacks a fixed, regular, and adequate nighttime residence, (b) is at-risk of becoming homeless because the residence is not safe, decent, sanitary, or secure, (c) has a primary nighttime residence in a shelter, (d) has a primary nighttime residence not designated for human use, or (e) who does not have access to normal accommodations due to violence or the threat of violence from a cohabitant. Ky. Rev. Stat. Ann. § 198A.700 (2017).

Habitual Runaway: Any child who has been found by the court to have been absent from his/her place of lawful residence without the permission of his/her custodian for at least three days during a one year period. Ky. Rev. Stat. Ann. § 600.020 (2017).

Louisiana

Homeless youth: Any person under 21 years of age who is without a place of shelter where supervision and care are available. La. Rev. Stat. Ann. § 46:1352 (2017).

Runaway: Any person under 18 years of age who is absent from his/her legal residence without the consent of his/her guardian. La. Rev. Stat. Ann. § 46:1352 (2017).

Maine

Homeless Person: A person or family (a) who lacks, or is in imminent danger of losing legal access to, a fixed, regular and adequate nighttime residence, or (b) whose primary nighttime residence is a shelter, institution that provides temporary residence, or a public or private place not designated for regular sleeping accommodations for humans. Me. Rev. Stat. Ann. tit. 30-A, § 5002 (2017).

Homeless Student: Any student who lacks a fixed, regular, and adequate nighttime residence; or is sharing the housing of others due to loss of housing or economic hardship, or is living in a public or private place not designated for regular sleeping accommodations for humans. Me. Rev. Stat. Ann. tit. 20-A, § 1 (2017).

Homeless Youth: A person 21 years of age or younger (a) who is unaccompanied by a parent or guardian, (b) who is without shelter where appropriate care and supervision are available, (c) whose parent or legal guardian is unable or unwilling to provide shelter and care, or (d) who lacks a fixed, regular, and adequate nighttime residence. Me. Rev. Stat. Ann. tit. 22, § 4099-D (2017).

Runaway: An unmarried child under 18 years of age who is absent from the home of a parent, guardian, or other lawful placement without the consent of the parent, guardian, or lawful custodian. Me. Rev. Stat. Ann. tit. 22, § 4099-D (2017).

Maryland

Homeless Person: Homeless has the definition provided in the McKinney-Vento Act: individuals who lack a fixed, regular, and adequate nighttime residence. MD Code Ann. [Labor and Employment] § 11-809 (2017).

Runaway: No specific definition.

Massachusetts

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of services. A child in need of services is, among other things, a child who repeatedly runs away from the home of the child's guardian, fails to obey the regulations of his or her school, is habitually truant or is sexually exploited. Mass. Ann. Laws ch. 119, § 21 (2017).

Michigan

Homeless Person: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. Mich. Comp. Laws Serv. § 388.1763a (2017).

Homeless Child: Any school-age child who is homeless or the child of a homeless individual, as defined in 42 U.S.C. 11302. Mich. Comp. Laws Serv. § 388.1763a (2017).

Runaway: No specific definition.

Minnesota

Long-Term Homelessness: Lacking a permanent place to live continuously for one year or more or at least four times in the past three years. Minn. Stat. § 256K.26 (2017).

Homeless Youth: A person 24 years of age or under (a) who is unaccompanied by a parent or guardian, (b) who is without shelter where appropriate care and supervision are available, (c) whose parent or legal guardian is unable or unwilling to provide shelter and care, or (d) who lacks a fixed, regular, and adequate nighttime residence. Minn. Stat. § 256K.45 (2017).

Runaway: An unmarried child under 18 years of age who is absent from the home of a parent or other legal placement without the consent of a guardian. Minn. Stat. §§ 260C.007, § 256K.45 (2017).

Mississippi

Homeless: No specific definition, but could be classified as a vagrant. Under state law, a vagrant includes any person over 16 years of age and under 21 years of age who is able to work and who does not, who has no property for support, who has no visible means of a livelihood, who lacks parental support, and who is not attending school. Miss. Code. Ann. § 97-35-37 (2017).

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision is, among other things, any child who is 7 years of age or older and is in need of treatment or rehabilitation because the child ran away from home without good cause. Miss. Code Ann. § 43-21-105 (2017).

Missouri

Homeless: An involuntary state, characterized by a lack of habitable housing or shelter. Mo. Rev. Stat. § 67.1062(2017).

Homeless child or homeless youth: Any person under 21 years of age who (a) lacks a fixed, regular, and adequate nighttime residence, (b) is living on the street, in a car, tent, abandoned building, or some other form of shelter not designed as a permanent home, (c) is sharing the housing of other persons, (d) is living in a hotel or motel, (e) is living in a community shelter facility, or (f) is living in transitional housing for less than one full year. Mo. Rev. Stat. § 167.020 (2017).

Runaway: No specific definition, but could be classified as a child in need of care and treatment. A child in need of care and treatment is, among other things, a child who is habitually absent from the child's home without sufficient cause, permission, or justification. Mo. Rev. Stat. § 211.031 (2017).

Montana

Homeless Child: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. Mont. Code Ann. § 20-5-101 (2017).

Runaway: No specific definition, but could be considered a youth in need of

intervention. A youth in need of intervention is, among other things, a youth adjudicated for running away from home. "Running away from home" means that a youth has been reported to have run away from home without the consent of a guardian. Mont. Code Ann. § 41-5-103 (2017).

Nebraska

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence and who is living in a publicly or privately subsidized hotel, motel, shelter, or other temporary living quarters or any place not designated for or ordinarily used as regular sleeping accommodations. Neb. Rev. Stat. Ann. § 68-1602 (2017).

Runaway: No specific definition, but could be classified as a child in need of special supervision. Under state law, a child in need of special supervision is, among other things, defined as any child under 18 who is habitually truant from home. Neb. Rev. Stat. Ann. § 28-709 (2017).

Nevada

Runaway and Homeless Youth: Any youth under 18 years of age who lives in a homeless situation (as defined by the McKinney-Vento Act, 42 U.S.C. § 11434a(2)(B)(ii)-(iii)) with or without the consent of a parent, guardian, or custodian. Nev. Rev. Stat. Ann. § 244.424 (2017).

Runaway Child: A runaway child could also be classified as a child in need of supervision. Under state law, a child in need of supervision is under 18 years of age, and among other things, a runaway. Nev. Rev. Stat. Ann. § 201.090 (2017).

New Hampshire

Homeless Children and Youths: Individuals who lack a fixed, regular, and adequate nighttime residence, including children and youths who (a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, (b) are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations, (c) are living in emergency or transitional shelters (d) are abandoned in hospitals (e) are awaiting foster care placement, (f) have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, (g) are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus and train stations or similar settings, or (h) migratory children, as defined in 20 U.S.C. 6399, who qualify as homeless because such children are living in circumstances as described above. N.H. Rev. Stat. Ann. § 193:12 (2017).

Runaway: No specific definition, but could be classified as a child in need of services. A child in need of services is, among other things, a child under the age of 18 who habitually runs away from home. N.H. Rev. Stat. Ann. § 169-D:2 (2017).

New Jersey

Homeless Youth: Any person 21 years of age or younger who is without shelter where appropriate care and supervision are available. N.J. Rev. Stat. § 9:12A-4 (2017).

Runaway or Homeless Youth: A person under 18 years of age who is absent from his legal residence without the consent of his parents or legal guardian, or who is without a place of shelter where supervision and care are available. N.J. Rev. Stat. § 40:5-2.10b (2017).

New Mexico

Homeless: No specific definition; New Mexico refers specifically to the federal McKinney-Vento Homeless Assistance Act's definition of homelessness in relation to disruptions in a student's education 2017 N.M. Laws Ch. 85, §1.

Runaway: No specific definition, but could be classified as a child of a family in need of services. A family in need of services is, among other things, a family whose child is absent from the child's place of residence for 24 hours or more without the consent of the guardian. N.M. Stat. Ann. § 32A-3A-2 (2017).

New York

Homeless Person: Any undomiciled person who is unable to secure permanent and stable housing without special assistance, as determined by the Commissioner. N.Y. Soc. Serv. Law § 42 (2017).

Homeless Child: A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who has a primary nighttime location that is a place not intended to be used as a regular sleeping accommodation for human beings. This includes a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations, or similar setting. This also includes a child that is sharing housing with other persons due to loss or economic hardship, living in motels, trailer parks or campgrounds, abandoned in hospitals, or is considered a migratory child. N.Y. Educ. Law § 3209 (2017) (expires June 30, 2018).

Homeless Youth: A person under 21 years of age who is in need of services and is without a place of shelter where supervision and care are available. N.Y. Exec. Law § 532-a (2017) (expires January 1, 2018). A homeless child could also be classified as a destitute child. A destitute child is, among other things, any child who' is in a state of want or suffering due to lack of sufficient food, clothing, shelter, or medical care, and does not fit within the definition of an "abused child" or a "neglected child." It also includes a child who has left home without consent of parents/guardians/custodians, or is a former foster care youth under 21 years of age. N.Y. Soc. Serv. Law § 371 (2017).

Runaway Youth: A person under 18 years of age who is absent from the minor's legal residence without the consent of the minor's guardian. N.Y. Exec. Law § 532-a (2017) (expires January 1, 2018). A runaway could also be classified as a destitute child. A destitute child is, among other things, any child who" is in a state of want or suffering due to lack of sufficient food, clothing, shelter, or medical care, and does not fit within the definition of an "abused child" or a "neglected child." It also includes a child who has left home without consent of parents/guardians/custodians, or is a former foster care youth under 21 years of age. N.Y. Soc. Serv. Law § 371 (2017).

North Carolina

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or are "homeless children and youths" as defined by the McKinney-Vento Homeless Education Assistance Improvements Act of 2001. N.C. Gen. Stat. § 115C-366 (2017).

Runaway: No specific definition, but could be classified as an undisciplined juvenile. Under state law, an undisciplined juvenile is, among other things, a juvenile who has run away from home for a period of more than 24 hours. N.C. Gen. Stat. § 7B-1501 (2017).

North Dakota

Homeless Person: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. N.D. Cent. Code § 15.1-19-08 (2017).

Runaway: Any unemancipated minor who is voluntarily absent from the minor's home without consent of the minor's guardian and with the intention of evading the direction or control of the minor's guardian. N.D. Cent. Code § 12.1-08-10 (2017).

Ohio

Homeless: No specific definition, but could be classified as a dependent child. A dependent child is among other things, a child who is homeless, destitute, or without adequate parental care, through no fault of the child's guardian. Ohio Rev. Code Ann. § 2151.04 (2017).

Oklahoma

Homeless Person: Any person or family who (a) lacks a fixed, regular, and adequate nighttime residence, (b) has a primary nighttime residence in a shelter or a public or private place not designed for the regular sleeping accommodations of humans, or (c) is in imminent danger of becoming homeless. Okla. Stat. tit. 74, § 2900.1 (2017).

Homeless Child: No specific definition, but could be classified as a dependent child. A dependent child is, among other things, homeless through no fault of his or her parent/guardian/custodian. Okla. Stat. tit. 10A, § 1-1-105 (2017). Could also be classified as a deprived child, which includes a child that is for any reason destitute, homeless, or abandoned. Okla. Stat. tit. 10A, § 1-1-105 (2017).

Runaway: Any unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a guardian, and without the guardian's knowledge of the child's whereabouts. Okla. Stat. tit. 21, § 856 (2017). A runaway may also be referred to as a delinquent child or a child in need of supervision. A delinquent child, among other things, is a minor who is a runaway from his guardian. Okla. Stat. tit. 21, § 857 (2017). A child in need of supervision is, among other things, a juvenile who is willfully and voluntarily absent from home without the consent of a guardian for a substantial length of time or without intent to return. Okla. Stat. tit. 10A,§ 2-1-103 (2017).

Oregon

Homeless Individual: an individual who lacks housing without regard to whether the individual is a member of a family and whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations; or is a resident in transitional housing that carries time limits. Or. Admin. R. 309-032-0311. Oregon previously defined "homeless person" under Or. Admin. R. 309-032-0180 (2017), but that rule is no longer in effect.

Runaway: No specific definition.

Pennsylvania

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a dependent child. A dependent child is, among other definitions, a child who is without without proper parental care, control, subsistence, education, or other care or control necessary for physical, mental, emotional health, or morals; who is without a legal guardian; who has been abandoned by the child's guardian; or who has committed acts of disobedience relating to the lawful and reasonable commands and control of the child's guardian. 42 Pa. Cons. Stat. § 6302 (2017).

Rhode Island

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a wayward child. A wayward child is, among other things, a child who has deserted the child's home without good or sufficient cause. R.I. Gen. Laws §14-1-3 (2017).

South Carolina

Homeless Individual and Homeless Child: Any person who lacks a fixed, regular, and adequate nighttime residence and has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. S.C. Code Ann. § 59-63-31 (2017). [Public Law 100-77].

Runaway: No specific definition, but could be classified as a status offender. S.C. Code Ann § 63-1-40 (2017).

South Dakota

Homeless: No specific definition, but a homeless child could be classified as an abused or neglected child. An abused or neglected child is, among other things, a child who is homeless, without proper care, or not domiciled with the child's guardian through no fault of the child's guardian. S.D. Codified Laws § 26-8A-2 (2017).

Runaway: No specific definition, but could be classified as a child in need of supervision. A child in need of supervision means, among other things, a child who has run away from home or is otherwise beyond the control of the child's guardian. S.D. Codified Laws § 26-8B-2 (2017).

Tennessee

Homeless: No specific definition.

Runaway: Any child who is away from his/her home, residence, or any other residential placement of the child's guardians without their consent. A runaway may also be referred to as an unruly child. Tenn. Code Ann. § 37-1-102 (2017).

Texas

Homeless Youth: Homeless youth means a person who is younger than 19 years of age, including a migratory child, who (a) lacks a fixed, regular, and adequate nighttime residence, including a person who is (i) living in an emergency shelter, (ii) abandoned in a hospital, or (iii) awaiting foster care placement, (b) has a primary nighttime residence that is a public or private place not designed or ordinarily used as a regular sleeping accommodation for humans, or (c) is living in a car, park, other public place, abandoned building, substandard housing, bus or train station, or similar setting. Tex. Gov. Code § 2306.1101 (2017).

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision is, among other things, a child who is voluntarily absent from the child's home without the consent of the child's guardian for a substantial length of time or without intent to return. Tex. Fam. Code Ann. § 51.03 (2010). A runaway could also be classified as a status offender. Tex. Fam. Code Ann. § 51.02 (2010).

Utah

Homeless: No specific definition, but could be classified as a dependent child. A dependent child is a child who is homeless or without proper care through no fault of a guardian

Minor: Utah law uses the definition found in the McKinney-Vento Homeless Assistance Act of 1987. Utah Code Ann. §78B-3-406 (2017).

Runaway: A minor, other than an emancipated minor, who is absent from the home or lawfully prescribed residence of the parent or legal guardian of the minor without the permission of the parent or legal guardian. Utah Code Ann. § 62A-4a-501 (2017).

Vermont

Homeless: A child of homeless parents means a child whose parents or guardians lack a fixed, regular, and adequate nighttime residence; or have a primary nighttime residence in a supervised publicly or privately operated shelter for temporary accommodations such as public assistance hotels, emergency shelters, battered women's shelters, and transitional housing facilities, or a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation for humans. Vt. Stat. Ann. tit. 16, § 1075 (2017).

Runaway: A child voluntarily absent from the child's residence without the consent of the child's guardian. Vt. Stat. Ann. tit. 13, § 1311 (2017). A runaway could also be classified as a child in need of care or supervision. A child in need of care or

supervision is, among other things, abandoned by the child's guardian or beyond the control of the child's guardian. Vt. Stat. Ann. tit. 33, § 5102 (2017).

Virginia

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. A child in need of supervision is a child who remains away from, deserts, or abandons his/her family or guardian without consent on more than one occasion, or escapes from a residential care facility. Such conduct must present a clear and substantial danger to the child's life or health; the child or his family must be in need of treatment, rehabilitation, or services not presently being received; and the intervention of the court is essential to provide the treatment, rehabilitation, or services needed by the child or his family. Va. Code Ann. § 16.1-228 (2017).

Washington

Homeless: Persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay. Wash. Rev. Code Ann. § 84.36.043 (2017). Could also be classified as a youth in crisis. A youth in crisis is, among other things, any youth under 18 years of age who is homeless. Wash. Rev. Code Ann. § 82.08.02917 (2017). Washington also refers specifically to the federal McKinney-Vento Homeless Assistance Act's definition of "homeless child or youth." Wash. Rev. Code. Ann. § 7.70.065 (2017).

Runaway: No specific definition, but could be classified as a youth in crisis, an at-risk youth, or a child in need of services. A youth in crisis is, among other things, any youth under 18 years of age who is a run away from the home of a guardian. Wash. Rev. Code Ann. § 82.08.02917 (2017). An at-risk youth is, among other things, a juvenile who is absent from home for at least 72 consecutive hours without the consent of the juvenile's guardian. Wash. Rev. Code Ann. § 13.32A.030 (2017). A child in need of services is, among other things, a child who has been reported to law enforcement as absent from the home of his/her guardian or from a court-ordered placement without consent for at least 24 consecutive hours on two or more separate occasions and either has a substance abuse problem or exhibits behavior that puts the child or others at risk. Wash. Rev. Code Ann. § 13.32A.030 (2017).

West Virginia

Homeless Child: Any child who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. W. Va. Code Ann. § 18-8A-1 (2017).

Runaway: No specific definition, but could be classified as a status offender. A status offender is, among other things, a juvenile who has left the care of the juvenile's guardian, without the consent of the juvenile's guardian or without good cause. W. Va. Code Ann. § 49-1-202 (2017).

Wisconsin

Homeless Person: Any person who does not have a place to stay and states that he/she does not have the financial means to acquire housing. Wis. Admin. Code Comm 150.02 (2017).

Runaway: No specific definition, but could be classified as a juvenile in need of protection or services. A juvenile in need of protection or services is, among other things, a juvenile who is habitually truant from home. Wis. Stat. § 938.13 (2017).

Wyoming

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision is, among other things, a child is under 17 years of age and who has run away from home. Wyo. Stat. Ann. § 14-6-402 (2017).

American Samoa

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. A child in need of supervision is, among other things, a child who has run away from home or is otherwise beyond the control of the child's guardian. Am. Samoa Code Ann. § 45.0103 (2017).

District of Columbia

Homeless: Any person lacking a fixed, regular residence that provides safe housing or the financial ability to immediately acquire one, or having a primary nighttime residence that is (a) a supervised publicly- or privately-operated shelter or transitional housing facility designed to provide temporary living accommodations, or (b) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. D.C. Code Ann. § 4-751.01 (2017).

Runaway: No specific definition.

Guam

Homeless Person: Families or individuals who are economically disadvantaged and have no access to shelter. Guam Code Ann. tit. 10, § 17101 (2017). Shelter means any facility with sleeping accommodations and acceptable sanitary facilities, the primary purpose of which to provide temporary shelter to the homeless. This definition encompasses transitional housing and similar arrangements that provide longer term accommodations, as long as the maximum length of stay does not exceed 12 months. Guam Code Ann. tit. 10, § 17101 (2017).

Runaway: No specific definition.

Northern Mariana Islands

Homeless: No specific definition.

Runaway: No specific definition.

Puerto Rico

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, a public or private place not designated for regular sleeping accommodations for humans, or living in a privately-owned room given on a charitable basis for a short period and that may be terminated at any time. P.R. Laws Ann. tit. 8, §1006 (2017).

Runaway: No specific definition.

Virgin Islands

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a person in need of supervision. A person in need of supervision is among other things, any child who has run away from the person responsible for the child's care. V.I. Code. Ann. tit. 5, § 2502 (2017).

APPENDIX 19

Emancipation Statutes

Alabama

The parent(s) of any minor may file a petition with the court requesting that the minor be emancipated, or any minor 18 years of age or older may petition for emancipation. The petition must be filed in either (a) the county in which the parent or guardian of the minor resides, (b) the county in which the minor's guardianship is pending when the petition is filed by the parent or guardian, or (c) in the county where the minor resides when the petition is filed by a minor who has no parents or guardian or whose parents reside beyond the limits of the state and the minor resides in the state. Notice of the petition when filed by a minor will be published in a county newspaper or in a manner prescribed by the judge. The notice will be given once a week for three successive weeks before the petition hearing. While the court may restrict which disabilities of nonage are given to the minor, if granted completely, the minor will have the right to sue and be sued, to contract, to buy, sell and convey property, and to do and perform all acts of someone 19 years of age and older. See Ala. Code §§ 26-13-1 to 26-13-8 (2017).

Alaska

A minor who is a resident of the state and is at least 16 years of age, living separate and apart from the parents or guardian, capable of sustained self-support, and capable of managing his/her financial affairs may petition the superior court to have the disabilities of minority removed for limited or general purposes. The person who institutes a petition under this section must obtain the consent of each living parent or guardian having control of the person or property of the minor. If the person who is to consent to the petition is unavailable or the whereabouts of that person are unknown, or if a parent or guardian unreasonably withholds consent, the court may waive this requirement. The petition must show the reason why the removal of disabilities would be in the best interest of the minor and the purpose that such removal is sought. Except for specific constitutional and statutory age requirements for voting and use of alcoholic beverages, a minor whose disabilities are removed for general purposes will have the power and capacity of an adult. See Alaska Stat. § 09.55.590 (2017).

Arizona

A minor may file a petition for emancipation order with the clerk of the court in the county in which the minor resides if the minor (a) is at least 16 years of age, (b) is a resident of the state, (c) is financially self-sufficient, (d) acknowledges in writing that the minor has read and understands information provided by the court which explains the rights and obligations of an emancipated minor and the potential risks and consequences of emancipation, and (e) is not a ward of the court and is not in

the care, custody, or control of a state agency. The court will hold a hearing on the petition within 90 days after the date of its filing. The court will consider a list of factors, including whether emancipation is in the best interests of the minor. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into a binding contract, to sue and be sued, and to buy and sell real property. See Ariz. Rev. Stat. Ann. §§ 12-2451-56 (2017).

Arkansas

A minor may petition for the removal of the disabilities of minority in the circuit court in the county in which he/she resides. The minor must be at least 16 years of age. Notice of the petition must be given to the parents of the minor. With the removal of disability, the minor shall be able to transact business with the same manner and effect as a person who is of the age of majority. Every act done will have the same force and effect in law and equity as if done by a person of full age. See Ark. Code. Ann. § 9-26-104 (2017).

California

Any person under 18 years of age is considered to be an emancipated minor if the person (a) has entered into a valid marriage, (b) is on active duty with the armed forces of the United States, or (c) has received a declaration of emancipation. A minor may petition the superior court of the county in which the minor resides or is temporarily domiciled for a declaration of emancipation if the minor can show that he/she (a) is at least 14 years of age, (b) willingly lives separate and apart from guardian with the consent or acquiescence of the guardian, (c) is managing his/her own financial affairs, and (d) earns income not derived from any criminal activity. Notice of the petition of emancipation shall be given to the parents or guardian of the minor, unless it can be proven that their addresses are unknown or that there are other reasons notice cannot be given. The notice includes a consent form that the parent or guardian must sign and a warning that emancipation may also be voided or rescinded. The court will sustain the petition if it finds the youth meets the aforementioned criteria and emancipation would not be contrary to the youth's best interest. If the petition is denied, the minor may appeal. If the petition is sustained, the parents or guardian may appeal if they have appeared in the proceeding and opposed the granting of the petition. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into a binding contract or give a delegation of power, to sue and be sued, and to buy/lease, encumber, exchange, or transfer an interest in real or personal property. See Cal. Fam. Code §§ 7002, 7050, 7051, 7111, 7120, 7121, 7122, 7123, (2017).

Colorado

There is no specific statute that addresses the emancipation process, but the state does recognize emancipation in other statutes. Under the Children's Code, an emancipated juvenile is a juvenile over 15 years of age and under 18 years of age who has, with the real or apparent assent of a guardian, demonstrated independence from the guardian in matters of care, custody, and earnings. A minor who has been responsible for his/

her own support, married or in the military can also be considered emancipated. Colo. Rev. Stat. § 19-1-103 (2017). Under a statute about the classification for student tuition purposes, the definition of an emancipated minor is a minor whose parents (a) have entirely surrendered the right to the care, custody, and earnings of such minor, (b) no longer are under any duty to support or maintain such a minor, and (c) have made no provision for the support of such minor. Colo. Rev. Stat. § 23-7-102 (2017). Under a statute relating to the civil damages for loss caused by theft, an emancipated minor means an individual (i) under the age of 18 years whose parents or guardian have surrendered parental responsibilities or custody, the right to the care, and earnings of such individual and (ii) are no longer under a duty to support or maintain such individual. Colo. Rev. Stat. § 13-21-107.5 (2017). The minimum wage statute states that an emancipated minor means anyone less than 18 years of age who (1) has the sole or primary responsibility for his or her support, (2) is married and living away from parents or guardian, and (3) is substantially dependent on being gainfully employed for his or her wellbeing. See Colo. Rev. Stat. 8-6-108.5 (2017).

Connecticut

Any minor who has reached 16 years of age and is residing in the state, or any parent or guardian of such minor, may petition for emancipation the superior court for juvenile matters or the probate court for the district court in which either the minor or the parent(s)/guardian resides. Upon filing of the petition, the court will cause a summons to be issued to the minor and the minor's parents or guardian, and will assign a time, not later than 30 days after, and a place for hearing such petition. Notice shall be served upon the parent or guardian if they are not the petitioner. If the court finds that the minor (a)has entered into a valid marriage, whether or not that marriage has been terminated by dissolution, (b) is on active duty with the armed forces, (c) willingly lives separate from his/her guardian and managing his own financial affairs, regardless of the source of any lawful income, or (d) should be emancipated for good cause and in the best interest of the minor, then the court may enter an order granting emancipation. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into a binding contract, to sue and be sued, and to buy and sell real and personal property. See Conn. Gen. Stat. Ann. §§ 46b-150, 46b-150b, 46b-150d (2017).

Delaware

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. An emancipated minor in the context of an abortion means "any minor female who is or has been married or has, by court order or otherwise, been freed from the care, custody and control of her parents or any other legal guardian." See Del. Code Ann. Tit. 24 § 1782 (2017).

Florida

Any minor is considered to be an emancipated minor if the person is married or has been married, and may manage his or her estate, contract, sue and be sued, and perform all acts that he or she could do if not a minor. A minor 16 years of age or older

may have a natural or legal guardian petition any circuit court to remove the minor's disabilities of nonage. An unaccompanied homeless youth may also petition the circuit court to have the disabilities of nonage removed. In the petition, information about the minor must be given, including reasons why the court should remove the disabilities. If the petition is filed by the natural or legal guardian, the court must appoint an attorney ad litem for the minor. If the petition is filed by the guardian ad litem or next friend, service of process must be perfected on the natural parents. If the Court grants the petition, the minor shall have all of the rights of someone 18 years of age and older. See Fla. Stat. §§ 743.01, 743.015, 743.067 (2017).

Georgia

Emancipation occurs by operation of law when a minor (a) is validly married, (b) reaches 18 years of age, or (c) is on active duty with the armed forces of the United States. A minor, who is at least 16 years of age, may file a petition in juvenile court in the county where the minor resides. The petition includes a declaration by the minor indicating that he/she has demonstrated the ability to manage his/her financial, personal, and social affairs, as well the names of adults who have personal knowledge of the minor's circumstances and believe that under those circumstances emancipation is in the best interest of the minor. Upon filing, a copy of the petition and a summons to appear at the hearing shall be served on the minor's parents or guardian, and any individual served with the petition may file an answer in the juvenile court within 30 days of being served. Parents and guardians may appeal the court's grant or denial of a petition. The Court can rescind the emancipation order, but that rescission does not alter any contractual obligations or rights or any property rights or interests that arose during the period of time that the emancipation order was in effect. An emancipated minor will have the rights and responsibilities of an adult, except for specific constitutional and statutory age requirements for voting, use of alcoholic beverages, and other health and safety regulations. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into enforceable contracts, to sue and be sued, and to act autonomously in all business relationships, including property transactions, except for those estate or property matters that the court determines may require a conservator or guardian ad litem. Ga. Code Ann. §§ 15-11-720 to -728 (2017).

Hawaii

There is no general statute speaking to the process of emancipation of all minors. However, the state does recognize that minors who marry shall become emancipated. It also appears that the state recognizes a definition for emancipation in another statute, as well. See Haw. Rev. Stat. § 577-25 (2017). The Uniform Health-Care Decisions Act states that an "emancipated minor means a person under 18 years of age who is totally self-supporting." See Haw. Rev. Stat. § 327E-2 (2017).

Idaho

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. The first definition from the probate

code states that an emancipated minor shall mean any male or female who has been married. Idaho Code § 15-1-201 (2017). The second definition from a statute addressing the treatment and care of the developmentally disabled states that an emancipated minor means an individual between 14 and 18 years of age who has been married or whose circumstances indicate that the parent-child relationship has been renounced. See Idaho Code Ann. § 66-402 (2017).

Illinois

The Emancipation of Minors Act is intended to provide a means by which a mature minor who has demonstrated the ability to manage his own affairs and live independent of his parent or guardian may obtain legal status of an emancipated person with power to enter into valid legal contracts. It is all intended (a) to provide a means by which a homeless minor who is seeking assistance may have the authority to consent, independent of his/her parents or guardian, to receive shelter, housing, and services provided by a licensed agency that has the ability and willingness to serve the homeless minor and (b) to do so without requiring the delay or difficulty of first holding a hearing. Any person 16 years of age or older may petition the circuit court in the county where the minor resides, is found, owns property, or in which a court action affecting the interests of the minor is pending for emancipation. The petition must state, among other things, the reason that the minor wishes to become emancipated and show that the minor has become at least partially independent from the guardian. If the minor seeks emancipation as a homeless minor, the petition shall also set forth the name of the youth transitional housing program that is willing and able to provide services and shelter or housing to the minor, the address of the program, and the name and phone number of the contact person at the program. All persons named in the petition are given written notice within 21 days after the filing and may be present if a hearing is sought or scheduled and to be represented by counsel. If after the hearing the court finds that the minor has the capacity and maturity to manage his/her own affairs, including finances, and that it is in the best interests of the minor to become emancipated, then the court may enter an order granting emancipation. However, emancipation cannot be entered if there is an objection to it by the minor or the guardian. A homeless minor may be granted partial emancipation for the sole purpose of allowing the homeless minor to consent to the receipt of services and shelter or housing provided by the youth transitional housing program named in the petition and to other services that the youth transitional housing program may arrange by referral. Any judgment or order allowing or denying a complete or partial emancipation may be appealed. Once granted emancipation, the minor shall have the right to enter into valid legal contracts and shall have other rights and responsibilities as the court may order that are not inconsistent with the specific age requirements of the State or federal constitution. See. 750 Ill. Comp. Stat § 30/1 to 30/11 (2017).

Indiana

A child may become emancipated if the juvenile court finds that the child (a) wishes to be free from and no longer needs parental control and protection, (b) has sufficient

money for the 'child's own support, (c) understands the consequences of being free from parental control and protection, and (d) has acceptable plan for independent living. A child may be partially or completely emancipated. The court shall specify the terms of the emancipation, which may include the right to, among other things, contract, marry, own property, enlist in the military, and receive medical treatment. An emancipated child remains subject to compulsory school attendance. See. Ind. Code § 31-34-20-6 (2017).

Iowa

A minor may file a petition for emancipation with the juvenile court in the county in which the minor resides if (a) the minor is 16 years of age or older, (b) the minor is a resident of the state, and (c) the minor is not in the care, custody, or control of the state. The petition will include specific facts to show that the minor has demonstrated (a) financial self-sufficiency, including proof of employment or other means of support, which does not include assistance or subsidies, (b) an ability to manage personal affairs, and (c) ability and commitment to obtain and maintain education, vocational training, or employment, and (d) one of the following (i) documentation that the minor has been living on the minor's own for at least 3 consecutive months (ii) statement of reasons the minor believes the home of the minor's parents or legal guardian is not a healthy or safe environment, or (iii) notarized written consent to emancipation by the minor's parents or legal guardians. The court will hold a hearing on the petition within 90 days after the date of its filing. Notice of the hearing will be served by personal service on the minor's parent or legal guardian at least 30 days prior to the hearing date. The court will consider a list of factors, including whether emancipation is in the best interests of the minor. If a minor's parent or guardian objects to the petition, the juvenile court shall stay the proceedings and refer the parties to mediation unless the juvenile court finds that mediation would not be in the best interests of the minor. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into a binding contract, to sue and be sued, and to establish a legal residence. An emancipated minor shall remain subject to voting restrictions, gambling restrictions, alcohol restrictions, compulsory attendance requirements, and cigarette tobacco restrictions. See Iowa Code §§ 232C.1 to 232C.4 (2017).

Kansas

Any minor, by his or her next friend, may petition the district court of the county in which the minor resides for emancipation. The petition will include the age of the minor, a statement that the minor has been a resident of the county for at least one year, and the cause for which the minor seeks to gain the rights of majority must be stated. Notice of the hearing on the petition shall be given by publishing such notice for three consecutive weeks in a newspaper. The court will hold a hearing on the petition within 30 days after the date of the first publication of the notice. The costs of proceedings under this act shall be taxed against the minor petitioner. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to contract, to sue and be sued, and to buy and sell real and

personal property. See Kan. Stat. Ann. §§ 38-108 to-110 (2017).

Kentucky

No statute speaking generally about the emancipation process was found, but the state does recognize emancipation in other statutes. This definition, from a statute relating to medical emergencies, states that an "emancipated minor means any minor who is or has been married or has by court order or otherwise been freed from the care, custody, and control of her parents." See Ky. Rev. Stat. Ann. § 311.732 (2017).

Louisiana

The state recognizes three types of emancipation (a) judicial emancipation, where a court may order for good cause the full or limited emancipation of a minor 16 years of age or older, (b) emancipation by marriage, and (c) limited emancipation by authentic act, which confers upon a minor 16 years of age or older the capacity to make the kinds of juridical acts specified therein, unless otherwise provided by law. Judicial emancipation and limited emancipation by authentic act may be modified or terminated. Judicial emancipation is effective when the judgment is signed. Emancipation by marriage is effective upon marriage. Limited emancipation by authentic act is effective when the act is executed. A minor 16 years of age or older may file a petition for emancipation without the participation of his tutor or administrator. The petition for emancipation will be filed in his/her parish of residence and will name and be served personally on the parents of the minor, if parental authority exists, or his/her tutor if parental authority does not exist. An emancipation hearing shall be a summary proceeding. The court will consider a list of factors, including whether emancipation is in the best interests of the minor. The court's decision may be appealed, but a judgment granting, modifying, or terminating emancipation is not suspended during the pendency of an appeal. The validity of an act of the minor shall not be affected by the subsequent modification or termination of the judgment. See La. Civ. Code art. 365-69 (2017).; See also, La. Code Civ. Proc. Ann. art. 3991 to 3996 (2017).

Maine

A minor 16 years of age or older who refuses to live with his/her guardian may file a petition for emancipation with the district court in the division that his parents, guardian, or custodian resides. Upon the filing of a petition and prior to a hearing under this section, the court may refer the parties to mediation. Upon the filing of a petition, the court shall schedule a hearing and will notify the parent(s), guardian, or custodian of the date of the hearing, the legal consequences of an order of emancipation, the right to be represented by legal counsel, and the right to present evidence at the hearing. Notice shall be given in the manner provided in the Maine Rules of Civil Procedure, Rule 4, for service of process. The court will order emancipation if the minor has made reasonable provision for his room, board, health care, and education/vocational training or employment, and is sufficiently mature to assume responsibility for his own care and it is in his best interest to do so. Any person named in the petition may appeal to the superior court. See Me. Rev. Stat. Tit. 15, § 3506-A (2017).

Maryland

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A court retains jurisdiction as a child's guardian until "the juvenile court finds the child to be eligible for emancipation." A child custody proceeding "does not include a proceeding involving juvenile delinquency, contractual emancipation or enforcement." See Md. Code Ann., Fam. Law § 5-328; § 9.5-101 (2017).

Massachusetts

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. The court will not approve of any contract executed by a child unless the parent(s) or guardian of the child have assented to such contract in writing or the court shall find that the child is emancipated. See Mass. Gen. Laws ch. 231, § 85P1/2 (2017).

Michigan

Emancipation occurs by operation of law when a minor (a) is married, (b) reaches 18 years of age, (c) while on active duty with the armed forces of the United States, (d) for the purpose of consenting to routine, non-surgical medical care or emergency treatment while in custody if a parent or guardian cannot be located, or (e) for the purpose of consenting to preventive health care or medical care while a prisoner, if a parent or guardian cannot be located. A minor may file a petition for emancipation in the family division of the circuit court in the county where the minor resides. The petition must include a declaration by the minor that he or she has demonstrated the ability to manage his or her financial, personal, and social affairs, as well as an affidavit by any adult (e.g., nurse, doctor, clergy, therapist, social worker, police officer, school teacher) who has personal knowledge of the minor's circumstances and believes that under those circumstances, emancipation would be in the best interest of the minor. Notice of the petition shall be given to the minor's guardian. If the court finds that the minor is 16 years of age or older, a resident of the state, and is capable of self-support, and the emancipation is not objected to by a parent or guardian or if objected to, all parents or guardians so objecting are not providing the minor support, the court may emancipate the minor. If emancipated, the minor can, among other things, contract, marry, establish a domicile, register for school, apply for welfare and medical assistance, and authorize medical treatment. See Mich. Comp. Laws §§ 722.4-4e (2017).

Minnesota

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A guardianship of a minor terminates upon the minor's death, adoption, emancipation, attainment of majority, or as ordered by the court. A ward or an interested person may petition for any order that is in the best interest of the ward. The petitioner shall give notice of the hearing on the petition to interested persons and to any other person as ordered by the court. Notice

is not required for the ward if the ward has not attained 14 years of age and is not the petitioner. Further, case law established that a minor may be emancipated by a legal marriage or parental consent. See Minn. Stat. §§ 524.5-210, 524.5-112, 524.5-113 (2017). Although not part of statutory provisions, courts will review petitions for emancipation, but do not publish official forms. However, there is a Legal Fact Sheet on Emancipation on the Juvenile Law Homepage. http://www.lawhelpmn.org/files/1765CC5E-1EC9-4FC4-65EC-957272D8A04E/attachments/142FAC1B-D276-4E40-97D4-9662A7B0DE56/y-12-emancipation.pdf

Mississippi

A minor may apply for the removal from the disabilities of minority in the chancery court of the county in which a minor resides, or the chancery court of a county in which a resident minor owns real estate in matters pertaining to such real estate. The minor may petition for emancipation by having his/her next friend apply in writing. The petition must state the age of the minor, join as defendants his/her parent(s) then living (and if neither are living, two of his/her adult kin within the third degree), and the reasons on which the removal of disability is sought. If the minor's parents or adult kin join the petition, it is unnecessary to make them defendants. The disabilities of minority may be removed partially or in general. If removed in general, the minor will be empowered to do all acts in reference to his property, make contracts, and sue or be sued. If removed partially, the court shall state what rights the minor is to have. See Miss. Code Ann. §§ 93-19-1 to -9 (2017).

Missouri

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A dependent child means "any person under 21 years of age who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States." See Mo. Rev. Stat. § 454.460 (2017).

Montana

Any person 16 years of age or older may petition for limited emancipation. The petition must state, among other things, that (a) limited emancipation is in the minor's best interests, (b) the minor is aware of the consequences of emancipation, (c) the minor has or will reasonably obtain money sufficient to pay for financial obligations, (d) and the minor wants to become emancipated. All persons named in the petition are given written notice at least 10 days prior to a hearing. An order of limited emancipation will specifically state what rights the minor has obtained. These rights could include the right to contract and incur debts, obtain medical treatment, and the right to live independently. The court may also revoke emancipation if (i) the minor has committed a material violation of the law, (ii) the minor has violated a condition of the limited emancipation order, or (iii) the best interests of the minor are no longer served by limited emancipation. See Mont. Code Ann. § 41-1-501 to -503 (2017).

Nebraska

There is no general emancipation statute that addresses the process of emancipation,

but the state does recognize emancipation in other statutes. For example, any person who is under the age of 19 and married has ended his/her minority. See Neb. Rev. Stat. § 43-2101 (2017).

Nevada

Any minor who is at least 16 years of age, married or living apart from his/her parent or legal guardian, and is a resident of the county may petition the juvenile court of that county for a decree of emancipation. The petition must be in writing and include (a) facts about the minor's education, employment, and time apart from the minor's guardian, (b) that the minor willingly lives apart from the guardian with the consent or acquiescence of the guardian, (c) that the minor is managing his/her own financial affairs, and (d) that the source of the minor's income is not derived from any criminal activity. Notice of the petition will be given to the parents or guardian of the minor, unless evidence is presented that their addresses are unknown. The notice includes the time at which the court will hear the petition. The grant or denial of the petition is a matter within the discretion of the court. If the court determines that the petition should be granted, it shall enter a decree of emancipation. Once granted emancipation, the minor is emancipated for all purposes and may, among other things, enter into a contract or incur debts, sue and be sued, acquire, encumber, and convey property or any interest therein, and establish a residence. The decree of emancipation may be voided by petition but will not alter any contractual obligations or rights, or any property rights or interests that arose during the period that the decree was in effect. A decree of emancipation does not affect the status of a minor with respect to laws that prohibit the sale, purchase, or consumption of liquor, prohibit gaming or employment in gaming, or restricts the ability to marry. See Nev. Rev. Stat.. §§ 129.080 to 129.140 (2017).

New Hampshire

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other states. A person who is under 18 years old, but who has documentation which supports a claim that he has been emancipated in accordance with the laws of the state in which he previously had been residing, shall be considered to be emancipated in the state of New Hampshire. See N.H. Rev. Stat. Ann. § 21-B2 (2017).

New Jersey

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other states. An emancipated minor means "a person who is under 18 years of age, but who has been married, has entered military service, has a child or is pregnant or has been declared by a court of an administrative agency to be emancipated." See N.J. Stat. Ann. § 2C:25-19 (2017).

New Mexico

An emancipated minor is any person 16 years of age or older who (a) has validly married, (b) is on active duty with the armed forces of the United States, or (c) has received a declaration of emancipation pursuant to the Emancipation of Minors Act.

A minor 16 or older may be declared an emancipated minor for one or more of the purposes enumerated in the Emancipation of Minors Act if he/she is willingly living separate and apart from his/her parents, guardian, or custodian, is managing his/her own financial affairs, and the court finds that emancipation is in the minor's best interest. The minor may petition the children's court of the district in which he/she resides. Notice will also be given to the parents, guardian, or custodian of the minor. If the petition is sustained, the court shall immediately issue a declaration of emancipation. The parents, guardian, or custodian of the minor has a right to file a petition for a writ of mandamus if he/she appeared in the proceeding and opposed the granting of the petition. If the petition is denied, the minor has a right to file a petition for a writ of mandamus. Once granted emancipation, the minor will be considered as being over the age of majority for various purposes, including the capacity to enter into a binding contract, the capacity to sue and be sued, the right to establish a residence, and the right to buy or sell property. See N.M. Stat. §§ 32A-21-1 to -7 (2017).

New York

There is no general statute that addresses the process of emancipation. Other statutes reference contractual emancipation. An emancipated minor in the context of larceny means "a person who was over 16 years of age at the time of the alleged larceny and who was no longer a dependent of or in the custody of a parent or legal guardian." An emancipated minor in the context of public health means "a minor patient who is the parent of a child, or who is [16] years of age or older and living independently from his or her parents or guardian." See N.Y. Gen. Oblig. Law § 11-105 (McKinney 2017);N.Y. Pub. Health Law § 2994-a (McKinney 2017).

North Carolina

Any juvenile who is 16 years of age or older and who has resided in the same county in North Carolina or on federal territory within the boundaries of North Carolina for the six months preceding the filing of the petition may petition a court in that county for a judicial decree of emancipation. The petition must state, among other things, the minor's reasons for requesting emancipation and plan for meeting needs and living expenses. A copy of the filed petition will be served upon the petitioner's parent, guardian, or custodian who shall be named as respondents and will notify the respondents to file written answer within 30 days after service. In determining the best interests of the minor, the court considers (a) the parental need for the petitioner's earnings, (b) the petitioner's ability to function as an adult, (c) the petitioner's need to contract as an adult or to marry, (d) the employment status of the petitioner and the stability of the juvenile's living arrangements, (e) the extent of family discord which may threaten reconciliation of the petitioner with the petitioner's family, (f) the petitioner's rejection of parental supervision or support, and (g) the quality of parental supervision or support. A court may enter a decree of emancipation if the court determines, among other things, that emancipation is in the best interests of the petitioner. Any petitioner, parent, guardian, or custodian who is a party to a proceeding may appeal provided that notice of appeal is given in open court at the time of the hearing or

in writing within 10 days after entry of the order. Once granted emancipation, the petitioner has the same right to make contracts and conveyances, to sue and to be sued, and to transact business as if the petitioner were an adult. The decree of emancipation is irrevocable. See N.C. Gen. Stat. §§ 7B-3500 to -3509 (2017).

North Dakota

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. Minors emancipated by marriage are considered adults. See N.D. Cent. Code § 50-25.2-01 (2017).

Ohio

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other states. An emancipated minor in the context of abortion means a minor who "has married, entered the armed services of the United States, become employed and self-subsisting, or has otherwise become independent from the care and control of her parent, guardian, or custodian." Furthermore, an individual is not eligible for disability financial assistance if "the individual is a child and does not live with the child's parents, guardians, or other persons standing in place of parents, unless the child is emancipated by being married, by serving in the armed forces, or by court order." See Ohio Rev. Code Ann. § 2919.121 (2017). See also Ohio Rev. Code Ann. § 5115.02 (2017)

Oklahoma

The right to contract and conduct business can be granted to a minor by the district courts when the courts confer the right of majority upon the minor. A minor wanting to obtain the rights of majority may, by his next friend, file a verified petition in the district court of the county in which such minor shall reside that states the petitioner is then and has been a bona fide resident of such county for at least one year next before the filing of the petition. The court will fix a day for the hearing, which will be not less than 15 days and not more than 30 days from the date of the filing of the petition. Notice shall be sent by certified mail to the guardian of the minor and sent to be published. Notice shall be given by publication in any newspaper printed in the county where such petition is filed, and if there be none, then in some legal newspaper having a general circulation in the county one time, at least 10 days prior to the day set for the hearing. See Okla. Stat. tit. 10 §§ 91-93. (2017).

Oregon

Any minor may petition for emancipation in the juvenile court where the minor is domiciled. Notice of the petition will be given to the parent. The juvenile court shall conduct a preliminary hearing on the minor's application for emancipation within 10 days of the date on which it is filed or as soon as possible thereafter. The court may enter a judgment of emancipation where the court finds that the minor is 16 years of age or older and the court finds that the best interests of the minor will be served by emancipation. The court will consider (a) whether the parent of the minor consents to the proposed emancipation, (b) whether the minor has been living away from the family home and is substantially able to be self-maintained and self-supported without

parental guidance and supervision, and (c) whether the minor can demonstrate to the satisfaction of the court that the minor is sufficiently mature and knowledgeable to manage the minor's affairs without parental assistance. Once granted emancipation, the minor shall be considered an adult for various purposes, including such things as contracting and conveying, establishing a residence, suing and being sued, and adjudication. A judgment of emancipation shall not affect any age qualification for purchasing alcoholic liquor or the requirements for obtaining a marriage license. See Or. Rev. Stat. §§ 419B.550 to .558 (2017).

Pennsylvania

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other states. An emancipated minor includes the following: "a minor is married" and "a minor who is aged 16 or over, who has left the parental household and has established himself as a separate entity free to act upon his own responsibility, and who is capable of acting independently of parental control" See 55 Pa. Code § 145.62 (2017).

Rhode Island

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A "child" or "minor" means any person under 18 years of age who is not married, is not a parent, or is not emancipated. See R.I. Gen. Laws § 14-5-2 (2017).

South Carolina

There is no general statute addressing the requirements for emancipation, but the state does recognize emancipation in other statutes. An emancipated minor in the context of acts of wrongful conduct is "a person over [16 years of age] . . . and who was no longer a dependent of or in the custody of a parent or legal guardian." An emancipated minor in the context of abortion means "a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents." An emancipated minor in the context of tuition and fees means "a minor whose parent have entirely surrendered the right to the care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor." See S.C. Code Ann. § 15-75-40; S.C. Code Ann. § 44-41-10; S.C. Code Ann. § 59-112-10 (2017).

South Dakota

An emancipated minor is any person under 18 years of age who (a) has entered into a valid marriage, (b) is on active duty with any of the armed forces of the United States or, (c) has received a court-ordered declaration of emancipation. Any minor may petition for emancipation in the circuit court of the county in which he resides. The petition must set forth, among other things, that (i) the minor is at least 16 years of age, (ii) willingly lives separately from his parents or guardian with the consent or acquiescence of his parents or guardian, (iii) is managing financial affairs, and (iv) the source of his income is not derived from any criminal activity. The court will give notice of the petition to the parents as it deems necessary. If the petition is denied, the

minor may appeal to the Supreme Court. If the petition is sustained, the parents or guardian may appeal to the Supreme Court if they have appeared in the proceeding and opposed the granting of the petition. Once granted emancipation, the minor will be considered to be over the age of majority for various purposes, including the capacity to enter into a binding contract, the capacity to sue and be sued, buying or selling property, and establishing a residence. See S.D. Codified Laws §§ 25-5-24 to -27 (2017).

Tennessee

The minor may have a next friend petition for the removal of the disabilities of minority in the chancery court in the county the minor resides. The petition must state, among other things, the reason on which the removal of the disability is sought. If a decree is rendered removing the disability of a minor, the decree will be rendered for a specific purpose and the purpose will be stated in the decree. The decree may be for the partial removal of the disability to enable the minor to do some particular act or for the general removal of the disability. If general emancipation is granted, the minor will have all of the rights of an 18 year old, including the right to contract, sue and be sued, and buy and sell property. See Tenn. Code Ann. §§ 29-31-101 to -105 (2017).

Texas

Any minor may petition the court in the county in which the minor resides to have the disabilities of minority removed for limited or general purposes if the minor is (a) a resident of the state, (b) 17 years of age or at least 16 years of age living separately from a guardian, and (c) self-supporting and managing his/her financial affairs. The petition must state, among other things, the reasons why removal would be in the best interests of the minor and why emancipation is requested. The court will appoint an amicus attorney or attorney ad litem to represent the interest of the petitioner at the hearing. The court by order may remove the disabilities of minority of a minor if the court finds it to be in the best interest of the petitioner. The order or rule must state the limited or general purposes for which disabilities are removed. Once granted emancipation, a minor whose disabilities are removed for general purposes shall have the rights of an adult, including the right to contract. See Tex. Fam. Code § 31.001 to 007 (2017).

Utah

A minor may petition the juvenile court on his/her own behalf in the district in which he/she resides for a declaration of emancipation. The petition shall state that the minor is (a) 16 years of age or older, (b) capable of living independently of his or her parents or guardian, and (c) capable of managing his/her own financial affairs. Notice of the petition shall be served on the minor's parents, guardian, any other person or agency with custody of the minor, and the Child and Family Support Division of the Office of the Attorney General, unless the court determines that service is impractical. The court shall schedule a pretrial hearing on the matter within 30 days. The court shall consider the best interests of the minor, including whether the minor is capable of assuming adult responsibilities and whether the minor is capable of living independently of his/

her parents, guardian, or custodian. Once granted emancipation, the minor may enter into contracts, sue and be sued, and buy or sell property. An emancipated minor may not be considered an adult for specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, possession of tobacco or firearms, and other health and safety regulations relevant to the minor because of the minor's age. See Utah Code Ann. §§ 78A-6-801 to -805 (2017).

Vermont

Any minor may be emancipated if the minor (a) has entered into a valid civil marriage, (b) is on active duty with any of the armed services of the United States or (c) petitions to become emancipated. In order to become an emancipated minor by court, a minor must be a person who (i) is 16 years of age or older, (ii) has lived separate and apart from his/her parents, custodian, or legal guardian for 3 months or longer, (iii) is managing his/her own financial affairs, (iv) has demonstrated the ability to be self-sufficient in his/her financial and personal affairs, including proof of employment, (v) holds a high school diploma, its equivalent, or is earning passing grades in an educational program approved by the court, (vi) is not under a legal guardianship or in the custody or guardianship of the Commissioner of Social and Rehabilitation Services and, (vii) is not under the supervision or in the custody of the Commissioner of Corrections. The minor may petition a probate court in the district in which the minor resides. The petition must state, among other things, the reasons why the minor wishes to become emancipated. A minor may not file a petition under subsection (a) of section 7153 unless the minor has lived in Vermont for three months or longer. At least 30 days prior to the hearing, notice shall be given to the parents, guardian or other person charged with the custody of the minor, unless the court finds that their addresses are unknown, or that there are other reasons notice cannot be given. The court shall consider the best interest of the minor, including the likelihood the minor will be able to assume adult responsibilities and the minor's adjustment to living separate and apart from his/her parents, guardian, or custodian. Once granted emancipation, the minor shall be recognized as an adult for all purposes, including the right to enter into a binding contract, sue and be sued, buy or sell property, and establish a residence. See Vt. Stat. Ann. tit. 12 §§ 7151-59 (2017).

Virginia

Any minor 16 years of age or older may petition for emancipation in the Juvenile or Domestic Relations district court for the county or city in which the minor or his/her guardian resides. The court shall appoint counsel for the minor to serve as guardian ad litem. The court may enter an order declaring the minor emancipated if, after a hearing, it is found that the minor (a) has entered into a valid marriage, (b) is on active duty with any of the armed forces of the United States, or (c) willingly lives separate from his/her parents or guardian with the consent or acquiescence of the parents or guardian, and is capable of supporting him/herself, including competently managing his/her own financial affairs. Once granted emancipation, the minor shall be emancipated for various purposes, including the right to enter into a binding contract, sue and be sued, buy or sell real property, and establish his/her own residence.

Emancipated minor may file petitions for protective orders under applicable statutes. See Va. Code Ann. §§ 16.1-331 to -335 (2017).

Washington

Any minor 16 years of age or older who is the resident of the state may petition a superior court for emancipation. The petition must include, among other things, a declaration by the minor indicating that he/she has the ability to manage his/her financial affairs and has the ability to manage his/her personal, social, educational, and non-financial affairs. The petitioner shall serve a copy of the filed petition and notice of hearing on the parent or parents, guardian, or custodian of the petitioner at least 15 days before the emancipation hearing. The court will grant the petition for emancipation if the petitioner proves that he/she (a) is 16 years of age or older, (b) is a resident of the state, (c) has the ability to manage his or her financial affairs, and (d) has the ability to manage his or her personal, social, educational, and non-financial affairs. A parent, guardian, custodian, or in the case of a dependent minor, the Department, may oppose the petition for emancipation. Once granted emancipation, the minor shall be considered to have the power and capacity of an adult for various purposes, including the right to enter into nonvoidable contracts, sue or be sued, and establish a residence. See Wash. Rev. Code §§ 13.64.010 to 13.64.080 (2017).

West Virginia

Any minor 16 years of age or older may petition a court to be declared emancipated. The parents or custodians will be made respondents and given notice of the petition. In addition to personal service on the parents or custodians, notice will be published as a Class II legal advertisement. The minor must show that he/she can provide for his/her physical and financial well-being and has the ability to make decisions for him/herself. A child 16 years of age or older who marries will be emancipated by operation of law. Once granted emancipation, the emancipated child shall have all of the privileges, rights, and duties of an adult, including the right to contract. See. W. Va. Code § 49-4-901 (2017).

Wisconsin

There is no general statute that addresses the process of emancipation, but the district does appear to recognize emancipation in other statutes. An emancipated minor means "a minor who is or has been married; a minor who has previously given birth; or a minor who has been freed from the care, custody and control of her parents, with little likelihood of returning to the care, custody and control prior to marriage or prior to reaching the age of majority." Furthermore, upon marriage, a minor is no longer a proper subject for guardianship, unless he/she is found to be incompetent. See Wis. Stat. § 48.375(2)(e); Wis. Stat. § 54.46(6) (2017).

Wyoming

Any minor may become emancipated if the minor (a) is or was married, (b) in the military service of the United States, or (c) has received a declaration of emancipation. Any minor subject to personal jurisdiction of a district court may petition for a declaration of emancipation. The petition for emancipation must state, among other

things, that the minor (a) is at least 17 years of age, (b) willingly lives separate and apart from his/her parents and his/her parents consent to or acquiesce in the separate living arrangement, (c) is managing his/her own financial affairs, and (d) is not deriving his/her income from means declared unlawful under state or federal law. The district court shall conduct a hearing on the minor's application for emancipation within 60 days after the date of filing. The minor and his/her parents will be given notice of the hearing at least 10 days before the date set for hearing. Once granted emancipation, the decree will recognize the minor as an adult for various purposes, including the right to enter into a binding contract, sue and be sued, buy and sell real property, and establish a residence. The minor will also be recognized as an adult for criminal purposes. See Wyo. Stat. Ann. §§ 14-1-201 to -1-206 (2017).

American Samoa

No information on emancipation was found.

District of Columbia

There is no general statute that addresses the process of emancipation, but the district does appear to recognize a definition in other statutes. An emancipated minor under the mental health consumers' rights protection means "any minor who is living separate and apart from his or her parent(s) or legal guardian, with or without the consent of the parent(s) or legal guardian and regardless of the duration of such separate residence, and who is managing his or her own personal and financial affairs, regardless of the source or extent of the minor's income." D.C. Code § 7-1231.02 (2017).

Guam

There is no general statute that addresses the process of emancipation, but the territory does appear to recognize a definition in other statutes. Emancipation is mentioned in regard to child-custody proceedings and an emancipated minor may consent in regard to medical treatment. See Guam Code Ann. tit. 7, § 39102 (2017); Guam Code Ann. tit. 10, §11107 (2017).

Northern Mariana Islands

No information on emancipation was found.

Puerto Rico

Any minor may be emancipated through (a) emancipation with the minor's parents' consent, (b) emancipation through marriage, (c) judicial emancipation, and (d) emancipation by reason of having attained the age of 21. A minor who is 18 years of age may be emancipated by a decision of the Court of First Instance for the purpose of administering his/her property. A minor may be emancipated against the will of his/her parent(s) when they ill-treat him/her, refuse to maintain and educate him/her, or when they give him/her corrupt examples. When the Court of First Instance decrees the emancipation of the minor, the minor will be considered as of age for all legal effects, without exception . See P.R. Laws Ann. tit. 31, §§ 901 to 971 (2017).

Virgin Islands

Any minor may be emancipated through (a) emancipation conferring the power to administer property, (b) emancipation by marriage, (c) judicial emancipation, and (d) emancipation by reason of having attained the age of majority. A minor who is 16 years of age may, with the consent of his parent or parents, be emancipated for the purposes of administering property. A minor may be emancipated against the will of his/her parent(s) when they ill-treat him/her, refuse to maintain and educate him/her, or when they give him/her corrupt examples. The minor shall be given the rights of majority over his/her property and person, but the minor will not be allowed to contract for more than he/she makes in one year until reaching the age of majority. An emancipated minor also cannot encumber or sell property without the permission of the court or appear in a suit without the appearance of a guardian as litem. See V.I. Code Ann. tit. 16, Ch. 9, §§ 221-254 (2017).