

AMERICAN BAR ASSOCIATION

ADOPTED BY THE HOUSE OF DELEGATES

FEBRUARY 8-9, 2010

RECOMMENDATION

1 RESOLVED, That the American Bar Association urges Congress to increase funding for
2 programs under the Runaway and Homeless Youth Act and other laws in order to more
3 effectively intervene and end homelessness for youth, ages 12 through 24.
4

5 FURTHER RESOLVED, That the American Bar Association urges state, local, and territorial
6 governments to revise their laws, policies and practices in light of the emergence of new models
7 and best practices in the law to help runaway and homeless youth and their families, including:

- 8 1) Assisting, as victims of crime, instead of arresting, children who have engaged in
9 prostitution or other forms of commercial sexual exploitation; and
- 10 2) Assisting, instead of arresting and using the courts to unnecessarily detain, children who
11 have been forced out of their homes or who have run away from homes that are abusive
12 or neglectful; and
- 13 3) Ensuring that safe and loving families can be supported and that reunification can occur
14 expeditiously, where appropriate, or, when reunification is not possible, assisting youth to
15 locate kinship care options or clarify guardianship status and find sufficient access to
16 services provided by public child welfare agencies or other community-based agencies
17 offering residential care.
18

19 FURTHER RESOLVED, That the American Bar Association urges Congress, state, local, and
20 territorial governments to improve statutory definitions, as well as data collection and reporting
21 systems, in order to:

- 22 1) Assist in better defining unaccompanied, homeless youth as within those categories of
23 individuals eligible for family preservation services, independent living support, court
24 orders for protection from physical violence and sexual assault, and other child welfare
25 services; and
- 26 2) Accurately count the number of runaway and homeless youth, as well as youth who are
27 sexually trafficked or otherwise victimized by commercial sexual activity.
28

29 FURTHER RESOLVED, That the American Bar Association, urges the Federal Government to:

- 30 1) Assist local communities in establishing plans to end youth homelessness, which include
31 specific recommendations for the role of federal and state governments in abating youth
32 homelessness, including implementation of model laws developed to address issues
33 related to youth homelessness;
34
35
- 36 2) Increase coordination among the federal departments of Housing and Urban
37 Development (HUD), Health and Human Services (HHS), and Justice to address the

105B

- 38 crisis of youth homelessness by identifying promising practices in housing assistance to
39 homeless youth;
- 40 3) Focus on youth homelessness among those formerly in the child welfare and juvenile
41 justice systems, including offering at least 50,000 youth housing opportunities on an
42 annual basis to these and other homeless youth; and
- 43 4) Enhance the integration and collective analysis of data compiled by federal, state, local,
44 and territorial systems.

REPORT

INTRODUCTION

Youth homelessness is disturbingly common, yet runaway and homeless youth remain a largely invisible segment of the homeless population. Although the prevalence of youth homelessness is difficult to measure, researchers estimate that nearly eight percent of youth experience homelessness. With at least one million youth on the streets, in shelter, or precariously housed in doubled-up circumstances—and thousands more leaving the juvenile justice system, mental health facilities, and the foster care system every year—the problem of youth homelessness continues to grow. Homeless youth often exist within ‘grey areas’ of family law with no responsible guardians and have special legal problems that serve as barriers to stable housing and desperately needed services. Lawyers can and should play a critical role in addressing youth homelessness, and this policy will enable the American Bar Association to lend its voice in support of funding for desperately needed housing and services supported by the Runaway and Homeless Youth Act.

AMERICAN BAR ASSOCIATION RELEVANT POLICY

While a number of ABA policies related to the rights of runaway, homeless and at risk youth exist, the ABA does not presently have policy that specifically mentions the Runaway and Homeless Youth Act (RHYA). The ABA has policies related to education rights, child welfare, safety issues, diversion of juvenile status offenders, transitioning from foster care, and coordination of services for at-risk youth. The ABA also has policies related to homelessness, housing, and funding for federal programs that provide housing and support services. The ABA does not however have specific policy related to housing and support services for runaway and homeless youth---a highly vulnerable segment of the homeless population that is often overlooked.

THE NEED FOR HOUSING ASSISTANCE FOR HOMELESS YOUTH

Homeless youth are typically defined as unaccompanied youth ages 12 to 24 years who do not have familial support and who are living in shelters, on the streets, in places not meant for human habitation (e.g. cars, abandoned buildings), or in others’ homes for short periods under circumstances that make the situation highly unstable (also known as “couch surfing”).¹

Many youth report severe family conflict as a primary reason for becoming homeless. Volatile conditions within a family create an environment where the youth may experience physical violence, sexual abuse, chronic neglect, or abandonment, typically related to chemical dependency or mental health issues. Across studies of homeless youth, sexual abuse experiences range from 17 to 53 percent and physical abuse ranges from 40 to 60 percent. Youth may also

¹ Hooks Wayman, R., 2009, Homeless Queer Youth: National Perspectives on Research, Best Practices, and Evidence-based Interventions, Seattle Journal for Social Justice, 7(2): 587-634, 590.

105B

become homeless when their families throw them out due to pregnancy, drug or alcohol use, sexual orientation, or school problems.

Youth homelessness also reflects the deficits in public systems of care such as child welfare, juvenile corrections, and child mental health systems. Many teenagers are turned away from child protection services with responses that their complaints of abuse or neglect do not warrant intervention or foster care services. At the end of 2005, over 11,000 children had fled a foster care placement and were not recovered. Each year, approximately 24,000 youth age out of foster care with little or no financial and housing resources. As a result, many experience episodic homelessness. Additionally, there is little attention paid to the housing needs of the 100,000 youth leaving juvenile correction placements each year, of which research informs us nearly 25 percent will experience homelessness.

A Sizable Number of Homeless Youth Are Living On The Streets

Research findings concerning the prevalence of street-dependency among homeless youth populations vary greatly. However, a growing body of research, noted below, indicates that at a conservative approach would conclude that 10 to 15 percent of the homeless youth population sleeps in street or public environments as opposed to remaining with friends, doubled up with family, or sleeping in shelters.

- In a study of 364 homeless youth in three cities in Washington in 1999-2000, 11 percent were staying in abandoned buildings or on the streets.²
- In a study of 236 homeless youth in Detroit in 1998, 7 percent had been sleeping on the street.³
- In a research study of 354 homeless youth at a drop-in center in Seattle, 11 percent were staying in abandoned buildings or on the streets.⁴
- In a study of 688 youth from 17 shelter and drop-in sites and thirteen street locations in Los Angeles County, approximately 22 percent resided on the streets at point of initial contact.⁵
- In a study of 211 homeless youth in Toronto in 1992, 19 percent reported spending 3 or more nights on the streets.⁶
- Whitbeck and colleagues found that homeless youth reported an average of 123 days on the streets in their lifetime.⁷

² A. Cauce, M. Paradise, J. Ginzler, L. Embry, C. Morgan, Y. Lohr, & J. Theofelis, *The Characteristics and Mental Health of Homeless Adolescents: Age and Gender Differences*, 8(4) J. EMOTIONAL & BEHAVIORAL DISORDERS 230-39 (2000).

³ P. McCaskill, Toro, P. & Wolfe, S. Homeless and Matched Housed Adolescents: A comparative Study of Psychopathology. 27(3) J. CLINICAL CHILD PSYCHOL. 306-19 (1998).

⁴ M. MacLean, M. Paradise, & A. Cauce, *Substance Use and Psychological Adjustments in Homeless Adolescents: A Test of Three Models*, 27(3) AM. J. COMMUNITY PSYCHOL. 405-27 (1999).

⁵ M. Solorio, N. Milburn, R. Andersen, S. Trifskin, & M. Rodriguez, *Emotional Distress and Mental Health Services Use Among Urban Homeless Adolescents*, 33(4) J. BEHAVIORAL HEALTH SERVICES & RES. 381-93 (2006).

⁶ E. Adlaf, *A Cluster-Analytic Study of Substance Problems and Mental Health Among Street Youths*, 25(4) AM. J. DRUG & ALCOHOL ABUSE 639 (1999).

It should not be surprising that studies and research of youth accessing public health mobile clinics, drop-in centers, or contacted through street outreach would show a higher percentage (range of 29 to 64 percent) exhibiting consistent street involvement:

- A study of 59 homeless youth referred through a street outreach program in central Texas in 1998 found that 64 percent had ‘informal camping areas’ and 37 percent stayed with friends as their current dwelling residence. Additionally, the average length of time away from a ‘permanent home’ was 32 months (nearly 3 years).⁸
- In a study of 190 shelter-using youth in 1988-1990, 31.1 percent had a history of living on the streets before accessing shelter.⁹
- An on-going intervention study of homeless youth in 2007 in Texas noted that of 176 homeless youth, 36 percent were homeless for more than two years.¹⁰
- In a 1987 study of 99 homeless youth, ages 13 to 17 years, in shelter, drop-in, and street environments in Hollywood, California, 39 percent had spent more than 365 days in their lifetime homeless.¹¹
- A 1985 study of 110 runaways accessing an ambulatory medical clinic in Los Angeles found that 38 percent were living on the streets.¹²
- In a state-wide survey of 594 homeless youth in Minnesota in 2006, 29 percent had slept at least one night outside in the month before the survey.¹³
- In a state-wide survey of 129 homeless youth under age 18 and of 302 homeless youth between the ages of 18 to 20, 16 percent of the minors and 39 percent of the young adults had been homeless for more than a year.

What is clear is that a sizeable minority of homeless youth are relegated to day-to-day survival in street environments and will require long-term rental assistance and supportive services to exit the streets. Research is also clear that the longer youth remain in street environments, the higher their risk of physical assault, sexual solicitation, chemical addiction, mental health programs, exposure to HIV, and death. Most homeless youth advocates agree that getting youth off the streets quickly is a paramount goal of homeless youth interventions and services.

⁷ L. Whitbeck, D. Hoyt & K. Yoder, *A risk-amplification model of victimization and depressive symptoms among runaway and homeless adolescents*, 27(2) AM. J. COMMUNITY PSYCHOL. 273-96 (1999).

⁸ L. Rew, M. Taylor-Seehafer, N. Thomas, & R. Yockey, *Correlates of Resilience in Homeless Adolescents*, 33(1) J. NURSING SCHOLARSHIP 33-40 (2001).

⁹ M. Rotheram-Borus, K. Mahler, C. Koopman, & K. Langabeer, *Sexual Abuse History and Associated Multiple Risk Behavior in Adolescent Runaways*, 66(3) AM. J. ORTHOPSYCHIATRY 390-400 (1996).

¹⁰ M. Taylor-Seehafer, R. Johnson, L. Rew, R. Fouladi, L. Land, & E. Abel, *Attachment and Sexual Behavior in Homeless Youth*, 12(1) J. SPECIALISTS IN PEDIATRIC NURSING 37-48 (2007).

¹¹ M. Greenblatt, *Life-Styles, Adaptive Strategies, and Sexual Behaviors of Homeless Adolescents*, 44(12) HOSPITAL & COMMUNITY PSYCHIATRY 1177-80 (1993).

¹² G. Yates, R. MacKenzie, J. Pennbridge, & E. Cohen, *A Risk Profile Comparison of Runway and Non-Runaway Youth*, 78(37) AM. J. OF PUB. HEALTH 820-21(1988).

¹³ AMHERST H. WILDER FOUNDATION WILDER RESEARCH WILDER RESEARCH CENTER, OVERVIEW OF YOUTH AND YOUNG ADULT HOMELESSNESS IN MINNESOTA, ST. PAUL (June 2008), available at <http://www.wilder.org/download.0.html?report=2087>.

105B

Housing as a Protection from Physical and Sexual Victimization on the Streets

Research and study of street youth has found that youth are far more likely to be physically and sexually victimized than their peers who are housed, and they are more likely to experience repeated episodes of assault, and that the risk of involvement in and harm from commercial sexual exploitation increases the longer youth remain homeless, with recent runaway and shelter-using youth showing less involvement than street-dependent youth.¹⁴

On the other hand, various models of youth housing programs have shown remarkable, positive outcomes in offering homeless youth residential stability and advancement in life skills proficiencies and vocational training, and that over 70 percent of the runaway youth accessing emergency youth shelters are reunited with their family members.

As will be shown in this report, homeless youth continue to be turned away from emergency shelter due to an inadequate supply of bed spaces and that tens of thousands of homeless youth continue to sleep on the streets in the United States. A 2006 report on homeless youth by the Congressional Research Service noted “grantees serve only a fraction of the more than one million youth who run away or are homeless.” Communities have the desire to serve homeless youth but often lack the necessary options of outreach, drop-in centers, shelters, and housing to intervene. Once homeless, many youth face survival on the streets, recruitment by gangs, exposure to drugs, and sexual exploitation by adults.

Overarching Principle: Greater Funding is Needed for Housing Assistance for Long-term Homeless Youth and Sexually Trafficked Youth

Homeless Youth Are Turned Away

In 2009 fiscal year, federally funded street outreach programs made 761,093 contacts with homeless and at-risk youth. However, only a fraction received access to safe shelter or long-term housing support. Community-based organizations funded under the Runaway and Homeless Youth Act served just over 44,228 with emergency shelter assistance and only 3,871 received access to a transitional housing program. Over 7,400 youth were turned away and denied shelter and housing in 2008.¹⁵

Research indicates that almost half of the homeless youth fail to approach shelter for assistance. Studies have various findings regarding the extent to which runaway and homeless youth find or access shelter services, but a cluster of research notes that only half of all homeless youth approach shelter services. In a study of 364 homeless youth in three cities in Washington

¹⁴ Research of homeless youth has concluded that homeless boys are seven times more likely and homeless girls are three times more likely to have a history of sexual abuse than their housed peers; and The risk of involvement in and harm from commercial sexual exploitation increases with prior history of sexual abuse, especially if the youth experiences sexual abuse after the age of 13.

¹⁵ U.S. Department of Health and Human Services, Runaway and Homeless Youth Management Information System, FY2008 data, found on the internet on November 16, 2009 at: https://extranet.acf.hhs.gov/rhymis/custom_reports.jsp.

in 1999-2000, over half (52%) were residing in shelter at point of initial contact.¹⁶ In a study of 688 youth from 17 shelter and drop-in sites and thirteen street locations in Los Angeles County, only 41 percent were accessing shelter at point of initial contact.¹⁷ Another study of 354 homeless youth receiving case management services through a drop-in center found that only 45 percent of were staying in shelters.¹⁸ In a study of 110 runaway youth served through an ambulatory medical clinic in Los Angeles in 1988 only seven percent of the runaway population was accessing shelter.¹⁹ One study found that 40 to 50 percent of homeless youth did not access shelter or drop-in center services.²⁰

Approximately Thirteen Percent of Homeless Youth Accessing Shelter will Be Discharged Back Into Homelessness.

Most youth who access emergency shelter ('basic center' programs) receive counseling and case management services which assist them in achieving family reunification or long-term housing options. The RHY Act Basic Center Program has an impressive outcome history of successfully placing over 70 percent of youth back with family members at point of discharge.

However, a minority of the youth will be discharged from shelter without achieving housing placement. According to RHYMIS data from 2003 to 2008, the average number of youth accessing shelter was 54,300 youth with approximately 7,050 youth (13 percent) leaving or being discharged from emergency shelter services into homelessness or unknown whereabouts. Upon exiting shelter, these youth typically were discharged to other shelters (including youth, emergency homeless, family centers, or other temporary shelters), to the streets, or to places that the program did not know. This number does not take into account those youth returned to the families but who re-return to shelter due to unresolved conflict, abuse, or neglect issues in their home environments.

Fifteen Percent of the Homeless Youth Population Becomes Street Dependent Each Year.

Street-dependent youth typically experience long periods of homelessness and develop strategies for survival in street economies and culture. These youth may squat in abandoned building, build outdoor encampments, sleep in vehicles, or travel cross country. However, contrary to romantic notions of the 'freedom of the road' and despite the incredible skills, intellect, and resiliency exhibited by the youth, increased lengths of time in street environments

¹⁶ A. Cauce, M. Paradise, J. Ginzler, L. Embry, C. Morgan, Y. Lohr, & J. Theofelis, *The Characteristics and Mental Health of Homeless Adolescents: Age and Gender Differences*, 8(4) J. EMOTIONAL & BEHAVIORAL DISORDERS 230-39 (2000)

¹⁷ M. Solorio, N. Milburn, R. Andersen, S. Trifskin, & M. Rodriguez, *Emotional Distress and Mental Health Services Use Among Urban Homeless Adolescents*, 33(4) J. BEHAVIORAL HEALTH SERVICES & RES. 381-93 (2006).

¹⁸ M. MacLean, M. Paradise, & A. Cauce, *Substance Use and Psychological Adjustments in Homeless Adolescents: A Test of Three Models*, 27(3) AM. J. COMMUNITY PSYCHOL. 405-27 (1999).

¹⁹ G. Yates, R. MacKenzie, J. Pennbridge, & E. Cohen, *A Risk Profile Comparison of Runaway and Non-Runaway Youth*, 78(37) AM. J. OF PUB. HEALTH 820-21 (1988).

²⁰ M. Kipke, S. O'Connor, R. Palmer, & R. MacKenzie, *Street youth in Los Angeles: Profile of a group of high risk for HIV*, 14 ARCHIVES OF PEDIATRIC ADOLESCENT MEDICINE 289-94 (1995).

105B

take its toll in higher rates of morbidity, chronic health conditions, exposure to violence and assault, and constant sexual solicitation and exploitation by adults.

Specific Proposal: Assist the State, Local, and Territorial Governments to Offer Greater Housing Opportunities for Homeless Youth

Federal Assistance for Housing is Insufficient

The U.S. Department of Health and Human Services, Family and Youth Services Program, annually provide federal funding to local, community-based organizations to offer shelter, outreach, and transitional housing to homeless youth. The Runaway and Homeless Youth Programs are essential to prevent exploitation of youth on the streets and to support reconnection to their families, schools, employment, and housing options.

Current federal appropriations to services and housing to end youth homelessness, however, remain grossly inadequate. In FY 2009, of the \$43.8 million spent on transitional housing program, only 3,871 homeless youth were offered transitional housing. This number has remained consistently low despite the reality that hundreds of thousands of youth experience short-term homelessness annually. In FY 2009, of the 761,093 street outreach interactions made through HHS federally funded agencies, six percent (approximately 48,000) received a successful referral to shelter or housing.

Both the U.S. Department of Housing and Urban Development (HUD) and the Department of Health and Human Services (HHS) annually offer over \$4 billion in funding to homeless services including shelter and housing, but less than 3 percent (less than \$200 million) is dedicated to unaccompanied, homeless youth populations. Both HUD and HHS annually offer over \$40 billion in funding for affordable housing production, operation, and rental assistance to low-income households but less than one percent (less than \$65 million) is targeted to homeless youth models. Though the \$787 billion economic stimulus package includes \$1.5 billion to address the problem of homelessness, state officials and youth advocates say that almost all of that money will go toward homeless families, not unaccompanied youths.²¹

The deficit in housing stock for youth results in tens of thousands of homeless youth surviving day-to-day in shelters or on the streets. Without stable housing, many youth face a constant risk of sexual exploitation and serious health risks in street environments.

Housing Options Should be Diverse for Homeless Youth

Given the fact that the typology of homeless youth includes early runners, couch surfers, shelter hoppers, and street-involved youth, multiple points of interventions and resources should be present in local areas to offer access to housing stability.

²¹ Ian Urbina, *Running in the Shadows: Recession Drives Surge in Youth Runaways*, N.Y. TIMES, Oct. 25, 2009; available at <http://www.nytimes.com/2009/10/26/us/26runaway.html>.

A typical spectrum of community-based services would include: (a) outreach as a gateway toward shelter, services, and housing, (b) prevention and early intervention services to divert youth from deepening familial conflict and homelessness, (c) crisis intervention services such as respite shelter, family counseling, and case management services tied to family reunification and services; and (d) youth housing models when youth may not safely return to their family homes or relatives and require long-term support.

Specific Proposal: Gather Meaningful Data on Incidence of Long-term Youth Homelessness

Youth experiencing long periods of homelessness (more than 6 months) and who are surviving day-to-day on the streets or sleeping in public areas (“street-involved” or “street-dependent” youth) should be prioritized for limited housing resources. Our difficulty lies in our inability to locate research or data that produces a credible base-line incidence of youth homelessness.

A cautious estimate of the demand for youth housing to end youth homelessness in the United States would include a calculation of:

- (a) those homeless youth who access shelter but who will not be reunified with the families or relatives and will be discharged back into homelessness; plus
- (b) those homeless youth who will not access shelter and become street dependent requiring housing assistance.

While most studies and community-based service providers agree that the population is substantial and widespread in every state and across demographic characteristics, incidence studies of American homeless youth are incomplete.

Research Studies Fail to Include 18 to 24 Years And to Distinguish Long-term Homeless Youth

National studies on the incidence of youth homelessness have findings that vary from 575,000²² to 1.6 million²³ or 1.7 million²⁴ to 2.8 million.²⁵ However, these estimates are incomplete by focusing solely on minors and failing to include 18 to 24 year olds who are homeless and does not account for the percentage or number of youth who experience short-term displacement and eventually return home. However, a cautious estimate based upon these

²² S. Thompson, Safyer, A. & Pollio, D. *Differences and Predictors of Family Reunification Among Subgroups of Runaway Youths Using Shelter Services*. 25(3) SOC. WORK RES. 163-72 (2001).

²³ C. Ringwalt, J. Greene, M. Robertson & M. McPheeters, *The Prevalence of Homelessness Among Adolescents in the United States*, 88(9) AM. J. PUB. HEALTH 1325-29 (1998) .

²⁴ H. Hammer, Finkelhor, D., Sedlak, A. & Porcellini, L., *National Estimates of Missing Children: Selected Trends, 1988-1999*, NATIONAL INCIDENCE STUDIES OF MISSING, ABDUCTED, RUNAWAY, AND THROWN AWAY CHILDREN (U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention 2004), available at <http://www.ncjrs.gov/pdffiles1/ojdp/206179.pdf>.

²⁵ J. GREEN, R. SANCHEZ, J. HARRIS, C. CIGNETTI, D. ATKINS, & S. WHELESS, INCIDENCE AND PREVALENCE OF HOMELESS AND RUNAWAY YOUTH (Research Triangle Park, NC: Research Triangle Institute 2003) (Final Report Under Contract No. HHS-282-98-0022, Task Order No. 17 from the Assistant Secretary of Planning and Evaluation and the Administration on Children, Youth, and Families).

105B

studies finds over 2 million youth between the ages of 12 to 24 experience at least one episode of homelessness each year.

Research supports the conclusion that while a majority of homeless youth come from histories of abuse and neglect, many will return home after short periods of homelessness. Many youth appear to cycle through homelessness having temporary stays in family homes, friends' places, random acquaintances, on the street or sleeping in public areas. When youth are unable to return home due to continued conflict or unresolved conditions that threaten their safety and welfare, long-term housing options must be made available.

In two studies of runaway youth, about half returned home within a few days and the majority (75-80 percent) returns home within a week.²⁶ The average length of stay for youth entering RHY Act funded 'basic center' emergency shelters is 16 days. Furthermore, in a state-wide survey of homeless youth conducted in Minnesota during October 2003 and 2006 nearly half (47%) of youth had experienced homelessness for less than 7 days and a majority (59%) had been homeless for less than 3 months.²⁷ Although current incidence studies calculate that over 2 million youth experience one episode of homelessness annually, most will not require intensive housing support. Therefore, any estimate of long-term housing demand by youth will not equal the number of youth who experience at least one episode of homelessness each year, since many youth will reunite with family members after a homelessness experience.

RHYMIS Outreach Data Incorrectly Represent the Number of Homeless Youth

One source of data on youth homelessness in the United States is the Runaway and Homeless Youth Management Information System (RHYMIS). The Department of Health and Human Services employs RHYMIS to track data from all federally-funded community programs serving homeless youth. RHYMIS is significant in that the data is collected in community programs across all 50 states, including include urban, suburban, and rural outreach programs. For the past five years, programs offering street-based outreach have exhibited fairly consistent (although rising numbers of) outreach contacts with an average of 675,000 street contacts each year.²⁸

However, deficiencies exist due to the duplication of contacts made annually. The same homeless youth may be reached several times by the same outreach workers each year and counted multiple times. Additionally, not all homeless youth sleep or hang out in street environments. Studies of homeless youth confirm that a substantial segment of the homeless

²⁶ M. Windle, *Substance Use and Abuse Among Adolescent Runaways: A Four-Year Follow-Up Study*, 18(4) J. YOUTH & ADOLESCENTS 331-44 (1989); T. BRENNAN, D. HUIZINGA, & D. ELLIOTT, *THE SOCIAL PSYCHOLOGY OF RUNAWAYS* (D. C. Heath 1978).

²⁷ AMHERST H. WILDER FOUNDATION WILDER RESEARCH WILDER RESEARCH CENTER, *OVERVIEW OF YOUTH AND YOUNG ADULT HOMELESSNESS IN MINNESOTA, ST. PAUL* (June 2008), available at <http://www.wilder.org/download.0.html?report=2087>.

²⁸ Although the number of street contacts made annually have shown a steady level of increases. According to data from the Runaway and Homeless Youth Management Information System, United States Department of Health and Human Services, the following street outreach interactions were recorded on an annual basis for the following years: 591,034 in 2003, 511,455 in 2004, 618,727 in 2005, 778,795 in 2006, 726,701 in 2007, and 761,093 in 2008.

youth population are doubled up in temporary living situations and not found in street locations. While highly mobile between residences due to their homelessness, these ‘couch surfing’ youth may not run to the street to meet their basic needs or become involved in street culture. Finally, another strike against this data set is the fact that many ‘housed’ youth hang out in street environments with their peers and may be approached by outreach workers and counted as a contact. There is no way to determine the percentage of ‘homeless’ versus ‘housed’ youth contacted each year through the street outreach program.

We Have No Data to Determine The Housing Needs of Couch Surfing Youth.

While research studies have noted the existence of highly mobile or precariously housed youth amongst the homeless youth typology, no study has focused on this population. Additionally, calculations regarding their prevalence among homeless youth is lacking in current research literature. A cluster of study noting the existence of ‘doubled-up’ or ‘couch surfing’ youth indicates this typological category of homeless youth make up 20 to 25 percent of the entire homeless youth population. This is a part of the equation that has clear implications for future housing demand but will not be used in our cautious estimate of need.

Data from Federal, State, Local, and Territorial Systems Should Be Coordinated.

HUD annually conducts surveys of homeless shelter and outreach providers to calculate a point-in-time and annual homelessness assessment (AHAR) to report to Congress. The 2008 AHAR was a review of the number of individuals served throughout the year by shelters, transitional housing, and outreach programs, as well as, a point-in-time count. However, HUD’s Annual Point-in-Time and Homeless Assessment Report do not accurately locate or report on the incidence of unaccompanied homeless youth. For example, in 2008, HUD reported that only 12,028 homeless youth were counted in their point-in-time survey with an additional of 8,224 sheltered youth, for a total count of 20,252 youth.

If the AHAR data is coupled with RHYMIS data for the number of youth sheltered and housed annually, the 2008 count is 68,351 youth. The National Alliance to End Homelessness believes this to be a minority of youth experiencing homelessness and that the count underestimates the total need for services and housing.

There are wide variations between local jurisdictions in the use of rigorous reporting methodology that results in inaccurate reporting in both the point-in-time survey and the AHAR. One example is the city of Baltimore. Prior to 2007, Baltimore routinely reported less than 100 homeless youth annually. In 2007, through cooperation with the Johns Hopkins University, a more rigorous youth count found over 270 youth on one January day. Further planning, improved counting methodology, and cooperation of multiple community sites resulted in a count of over 420 homeless youth in one January day in 2008. The HUD AHAR data should not be used as a reliable incidence of the number of youth experiencing homelessness and requiring additional housing and services.

105B

Disparity between the reported and actual number of homeless youth is also found in the data reported to National Crime Information Center (NCIC) for missing children. According to the review the New York Times, among the 61,452 names that were reported to the National Center for Missing and Exploited Children from January 2004 to January 2009, there were about 9,625 instances involving children whose missing-persons reports were not entered into the NCIC.²⁹ For the 16 percent of cases, the local police failed to enter the information into the federal database, as required under federal law.³⁰ When the names are not in the national database, then only local police agencies know whom to look for.³¹

Greater coordination between federal, state, local, and territorial systems should gather more meaningful data on incidence of long-term homelessness for youth. The expansion of federal resources to the integration and collective analysis of data will help to end the social crisis of youth sleeping in the streets by identifying promising practices in housing assistance to homeless youth and offering 50,000 youth housing opportunities on an annual basis. Due consideration should be given to the security and privacy implications of all data collection, analysis and reporting, and appropriate protections for security and privacy should be built into any data collection systems.

Specific Proposal: Support safe family reunification and expanded housing opportunities for homeless youth by increasing public appropriations to Health and Human Services' Runaway and Homeless Youth Act programs

In 2008, federally funded street outreach programs made over 740,000 contacts with homeless and at-risk youth. However, only a fraction received access to safe shelter or long-term housing support. Community-based organizations funded under the Runaway and Homeless Youth Act served just over 42,000 with emergency shelter assistance and only 3,900 received access to a transitional housing program. Over 5,100 youth were turned away and denied shelter and housing in 2008. further, each year over 29,000 youth exit foster care and over 100,000 youth exit juvenile justice detention centers or placements and face the daunting task of locating and securing independent housing options. The result is that between 20 and 25 percent will experience homelessness within their first three years of adulthood.

A 2006 report on homeless youth by the Congressional Research Service noted “grantees serve only a fraction of the more than one million youth who run away or are homeless.” Communities have the desire to serve homeless youth but often lack the necessary options of outreach, drop-in centers, shelters, and housing to intervene.

The Runaway and Homeless Youth Act offers public investment in a spectrum of services designed to achieve safe, family reunification for homeless youth or stable housing services with independent living skills training. The Runaway and Homeless Youth Act programs includes:

²⁹ Urbina, *supra* note 19.

³⁰ *Id.*

³¹ *Id.*

- (a) **Basic Center Program:** offers homeless and runaway youth safe shelter, basic needs, family counseling, and case management support to access education and public assistance;
- (b) **Street Outreach Program:** offers street and community outreach to at-risk youth and homeless youth to conduct crisis intervention or relationship building to connect youth with shelter, housing, and resources and prevent sexual exploitation in street environments;
- (c) **Transitional Living Program:** offers rental assistance, case management services, and supportive services in various housing models to maintain residential stability and connect youth with educational and employment opportunities.

Total Program Funding: Five Year Progress

YEAR	FY2006	FY2007	FY2008	FY2009
Transitional Living	\$36.2	\$39.5	\$43.3	\$43.8
Basic Centers	\$43.8	\$48.3	\$52.9	\$53.5
Street Outreach	\$14.2	\$15.0	\$17.2	\$17.7
Total (in millions)	\$103.9*	\$102.8*	\$113.3	\$115.0

We are seeking a \$50 million increase to RHY Act programs to expand youth housing, increase rapid rehousing services through street outreach, and enlarge the capacity of basic centers to conduct family medication and in-home counseling to prevent or quickly end youth homelessness.

Homelessness youth programs are cost effective alternatives to more expensive out-of-home placements like treatment facilities, group homes, foster care, juvenile corrections, custodial care, treatment, and/or arrests. Additionally, the U.S. Office on Management and Budget's Program Assessment Rating Tool (PART) process found that, in 2006, the Runaway and Homeless Youth programs were "effective" because they made improvements to their evaluation of youth outcomes and had ambitious targets and time frames for program measures.

Specific Proposal: Offer safe residence for youth who are sexually trafficked by expanding the Violence Against Women's Act Transitional Housing Program.

Homeless youth attempting to survive from day to day on the streets are at constant risk of sexual exploitation by adults and of being recruited into the commercial sex industry.³²

³² NATIONAL ALLIANCE TO END HOMELESSNESS, HOMELESS YOUTH AND SEXUAL EXPLOITATION: RESEARCH FINDINGS AND PRACTICE IMPLICATIONS (Oct. 30, 2009), available at <http://www.endhomelessness.org/content/general/detail/2559>. Commercial sexual exploitation is also referred to as 'domestic minor sex trafficking' or 'commercial sex acts' in literature and is defined under the federal Trafficking Victims Protection Act of 2005. The commercial sex industry involves business and commerce that supports pornography, stripping, phone sex, exotic dancing, mail-order brides, transactional sex, and prostitution. A minor is a youth under the age of 18. Trafficking Victims Protection Act, 18 U.S.C. § 1591, *et. seq.* Commercial sexual

105B

Additionally, they may be enticed to engage in survival sex to meet their basic needs for food, shelter, or clothing.³³ They are particularly vulnerable to these situations because many have histories of physical and sexual abuse, neglect, and abandonment.

The problem is worsening, according to data and a *New York Times* investigation, which included interviews with law enforcement officials from more than two dozen cities.³⁴ Atlanta, which is one of the only cities where local officials have tried to keep data on the problem, has seen the number of teenage prostitutes working in the city grow to 334 in February from 251 in August 2007. Ten years ago, the Dallas Police Department found an average of fewer than 10 minors working as prostitutes every year, along with one pimp working with them. In 2007, the department found 119 girls involved in prostitution and arrested 44 pimps.³⁵ More solid numbers [on sex trafficked youth] do not exist, in part because the Department of Justice has yet to study the matter even though Congress authorized it to do so in 2005 as part of a nationwide study of the illegal commercial sex industry.³⁶

According to the Department of Justice's website, "The OVW Transitional Housing Assistance Program Grant for Victims of Domestic Violence, Dating Violence, Stalking, or Sexual Assault Program (Transitional Housing Assistance Program) focuses on a holistic, victim-centered approach to provide transitional housing services that move individuals into permanent housing. Grants made under this grant program support programs that provide assistance to victims of domestic violence, dating violence, sexual assault, and stalking who are in need of transitional housing, short-term housing assistance, and related support services. It is critical that successful transitional housing programs provide a wide range of flexible and optional services that reflect the differences and individual needs of victims and that allows victims to choose the course of action that is best for them. Transitional housing programs may offer individualized services such as counseling, support groups, safety planning, and advocacy services as well as practical services such as licensed child care, employment services, transportation vouchers, telephones, and referrals to other agencies. Trained staff and case managers may also be available to work with clients to help them determine and reach their goals."³⁷

Specific Proposal: Urge state, local, and territorial governments to revise their laws, policies and practices to conform to best practices guided by the American Bar Association.

The American Bar Association has done significant work on the issues of best practices regarding runaway and homeless youth. The ABA Commission on Homelessness and Poverty

exploitation occurs anytime a minor engages in commercial sex acts (stripping, pornography, transactional sex, or prostitution) and anytime a young adult is induced into a commercial sex act by force, coercion, or fraud.

³³ NAEH, *supra* note 34. Some researchers use the phrase 'transactional sex' to include any activity where sex is exchanged for money, personal items, or services with monetary value. Public Law 109-164. The Trafficking Victims Protection Act of 2005 uses the same definition used in the Trafficking Victims Protection Act of 2000 which states, "The term 'Survival sex' is the exchange of sex for food, shelter, clothing, or other basic needs.

³⁴ Urbina, *supra* note 28.

³⁵ *Id.*

³⁶ *Id.*

³⁷ Located on the web on November 10, 2009 at http://www.ovw.usdoj.gov/thousing_grant_desc.htm.

and the National Network for Youth released *Runaway and Homeless Youth and the Law: Model State Statutes*. *Runaway and Homeless Youth and the Law: Model State Statutes* provides guidance for policymakers, advocates, attorneys and service providers on how state laws can assist homeless youth. The laws were developed by experts in the field with input provided during two national conferences. The comprehensive resource provides not only model statutes, but background information and research to provide context for each issue. Additionally, the authors have provided commentary to assist in the implementation of the law.

In addition, the Center on Children and the Law released *Families in Need of Critical Assistance: Legislation and Policy Aiding Youth Who Engage in Noncriminal Misbehavior*. This publication focuses on addressing the needs of juvenile status offenders (i.e., youth who run away, are "ungovernable" or truant) and their families. It provides a context for and explanation of the need to better serve families in crisis, reviews the causes and contexts within which youth engage in noncriminal misbehaviors, and suggests legislative and policy strategies to intervene early and divert juvenile status offenders from court systems.

The best practices proposed by these guidelines include:

- Assisting, as victims of crime, instead of arresting, children who have engaged in prostitution or other forms of commercial sexual exploitation; and
- Assisting, instead of arresting and using the courts to unnecessarily detain, children who have been forced out of their homes or who have run away from homes that are abusive or neglectful; and
- Ensuring that safe and loving families can be supported and that reunification can occur expeditiously, where appropriate, or, when reunification is not possible, assisting youth to locate kinship care options or clarify guardianship status and find sufficient access to services provided by public child welfare agencies or other community-based agencies offering residential care.

Respectfully submitted,

Josephine McNeil, Chair
Commission on Homelessness & Poverty
February 2010

105B

GENERAL INFORMATION FORM

Submitting Entity: Commission on Homelessness & Poverty
Submitted By: Josephine McNeil, Chair

1. Summary of Recommendation(s).
The recommendation urges Congress to increase funding for programs under the Runaway and Homeless Youth Act and other laws in order to more effectively intervene and end homelessness for the tens of thousands of youth, ages 12 through 24 who sleep on the streets of America each year.
2. Approval by Submitting Entity.
Approved by the Commission on Homelessness and Poverty on November 17, 2009.
3. Has this or a similar recommendation been submitted to the House or Board previously?
No.
4. What existing Association policies are relevant to this recommendation and how would they be affected by its adoption?
While a number of ABA policies related to the rights of runaway, homeless and at risk youth exist, the ABA does not presently have policy that specifically mentions the Runaway and Homeless Youth Act (RHYA). The ABA has policies related to education rights, child welfare, safety issues, diversion of juvenile status offenders, transitioning from foster care, and coordination of services for at-risk youth. The ABA also has policies related to homelessness, housing, and funding for federal programs that provide housing and support services. The ABA does not however have specific policy related to housing and support services for runaway and homeless youth---a highly vulnerable segment of the homeless population that is often overlooked.
5. What urgency exists which requires action at this meeting of the House?
President Obama's Administration is currently acting on two fronts that may have important ramifications for increased investment in housing and services to unaccompanied, homeless youth: (1) The Secretaries of HUD and HHS have established dialogues and indicated their intent on improving coordination between the two agencies to improve access to housing support to homeless youth populations - specific recommendations and guidance are expected to be developed in 2010; and (2) The federal Interagency Council on Homelessness has indicated its desire to complete a ten year plan to end homelessness in the United States with specific recommendations and work plans being designed to address the specific subpopulation of homeless youth. Additionally, the Juvenile Justice and Delinquency Prevention Act and the Violence Against Women Act will be considered by Congress for reauthorization in 2010. Both Acts may serve as vehicles for proposed language to expand youth housing opportunities or amend the Runaway and Homeless Youth Act to incorporate an expansion of shelter and outreach services to accomplish rapid rehousing practices with youth participants.

6. Status of Legislation. (If applicable.)
In late 2008, Congress reauthorized the Runaway and Homeless Youth Act provisions by passing the “Reconnecting Homeless Youth Act of 2008.” Among the improvements passed with reauthorization were increases to the authorization level from \$105 million to \$150 million for the consolidated account (Basic Center and Transitional Living Programs) and an increase to \$30 million for the Runaway Prevention Account (Street Outreach). In July of 2009, the House passed FY2010 legislation calling for \$117 million for RHYA programs, \$2 million above both President Obama's proposal and the FY 2009 level. On July 30, the Senate Appropriations Committee approved legislation including approximately \$115 million (no increase in funding) for RHYA programs. National advocate organizations have been focused on securing additional increased in funding for youth housing in the FY2010 and FY2011 budgets.
7. Cost to the Association. (Both direct and indirect costs.)
There is no direct or indirect cost to the Association.
8. Disclosure of Interest. (If applicable.)
N/A
9. Referrals.
The recommendation has been referred to the following ABA entities:
 - Commission on Youth at Risk (voted to cosponsor on Nov. 17, 2009)
 - Criminal Justice Section
 - General Practice, Solo and Small Firm Division
 - Government and Public Sector Lawyers Division
 - Section on Individual Rights and Responsibilities
 - Section of Litigation
 - Section of Real Property, Trust and Estate Law
 - Commission on Domestic Violence
 - Commission on Mental and Physical Disability Law
 - Standing Committee on the Delivery of Legal Services
 - Standing Committee on Legal Aid and Indigent Defendants
 - Standing Committee on Pro Bono and Public Service
 - Standing Committee on Substance Abuse
 - Young Lawyers Division
10. Contact Person. (Prior to the meeting.)
Amy Horton-Newell, Staff Director
American Bar Association Commission on Homelessness & Poverty
740 15th Street, NW
Washington, DC 20005
Tel: (202) 662-1693
Cell: (240) 460-9268
E-mail: hortona@staff.abanet.org

105B

11. Contact Person. (Who will present the report to the House.)
Josephine McNeil, Chair
Commission on Homelessness & Poverty
Cell: (617) 543-8097
E-mail: jam_cando@msn.com

EXECUTIVE SUMMARY

Summary of Recommendation:

The recommendation urges Congress to increase funding for programs under the Runaway and Homeless Youth Act and other laws in order to more effectively intervene and end homelessness for youth, ages 12 through 24.

Summary of the Issue Which the Recommendation Addresses:

Youth homelessness is disturbingly common, yet runaway and homeless youth remain a largely invisible segment of the homeless population. Although the prevalence of youth homelessness is difficult to measure, researchers estimate that nearly eight percent of youth experience homelessness. With at least one million youth on the streets, in shelter, or precariously housed in doubled-up circumstances—and thousands more leaving the juvenile justice system, mental health facilities, and the foster care system every year—the problem of youth homelessness continues to grow. Homeless youth often exist within ‘grey areas’ of family law with no responsible guardians and have special legal problems that serve as barriers to stable housing and desperately needed services. Lawyers can and should play a critical role in addressing youth homelessness, and this policy will enable the American Bar Association to lend its voice in support of funding for desperately needed housing and services supported by the Runaway and Homeless Youth Act.

Explanation of How the Proposed Policy Position Will Address the Issue:

This recommendation would enhance the Association’s efforts to advocate for increased resources offered under the Runaway and Homeless Youth Act. Additionally, the policy would enhance the implementation of best practices for addressing youth homelessness at the federal, state, local and territorial levels.

Summary of Any Minority Views or Opposition Which Have Been Identified:

None to date.