

## Homeless Youth Legal Network

# PRO BONO!

## PRIMER

### FOR VOLUNTEER ATTORNEYS

You might go to a homeless youth shelter, or an agency that serves youth and young adults, as an attorney willing to provide pro bono legal services. A young man or woman may meet you and sit down to talk to you about his or her needs. You may hear from your client:

*"I'm hungry"*

*"I keep getting turned down for housing or a job and I don't know why"*

*"They won't let me apply to college because I don't have a birth certificate"*

*"I can't get a job because I don't have an ID"*

*"I can't get housing (or a job, or go to school) because I have a record"*

*"I can't see a doctor to get the medicine I need"*

*"I'm having trouble getting a job because of my disability"*

*"I can't get an apartment because they said my credit was bad"*

*"I was beat up last week at an emergency shelter"*

*"I don't have my license, someone else has it"*

*"I can't get a job because I'm not a citizen"*

*"I think a warrant is out because I have unpaid fees/fines"*

*"I want to get into a training program"*

*"I found an apartment but they won't let me sign a lease"*

*"I'm afraid to go home"*

*"I'm worried that child protection will take my baby away"*

All of these statements likely indicate that a legal issue exists. The issue may be a lack of benefits, records that could be sealed or expunged, identity theft, lack of identification, eligibility for Medicaid, SSI or other program, harassment due to LGBT conformance, domestic violence, sexual or labor trafficking, outstanding arrest warrants, contract disputes, education law, housing, family law, or arise from child welfare or juvenile justice system

involvement. The legal issue may cross into a number of areas, and some issues may be critical because of the youth's age. But one fact is clear: nothing is going to improve this youth's life until the legal issue is resolved. And this young man or woman needs a lawyer to do that.

Pro bono assistance can be enormously valuable for homeless youth when lawyers are well-equipped to handle the needed legal work and partner with other stakeholders who are helping the youth with non-legal services. With thought and planning, the experience can be life-changing for the youth and highly satisfactory for the lawyer. Effectively representing young people who have experienced homelessness requires substantive legal knowledge of the varied and interrelated legal issues they face, as well as an understanding of adolescent development, trauma-informed advocacy, and the practicalities of working with individuals who do not have regular access to a telephone, or other means of communication.

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We generally utilize the term "homeless youth" in this document. This term is meant to be interpreted broadly to mean youth (children or minors) and young adults (18 to 26 year olds) who lack permanent reliable shelter, including those who couch surf, stay with friends, try to secure beds in homelessness programs, or otherwise have unstable shelter. The term youth is defined broadly and includes those up to at least age 26. For more information on why youth become homeless, visit the National Network for Youth at <https://www.nn4youth.org/learn/>.

## **Preparation**

The most important thing to do before work can begin to meet the legal needs of youth connected to homelessness programs is to assure that everyone involved knows what to expect and is working together. Preparation for such a partnership should start and be complete long before the first lawyer meets with the first youth. The program needs to know who will be working with the youth they serve and the range of legal services. The lawyers need to understand what will be expected of them so they do not disappoint due to something as simple as miscommunication. Communication to the youth must be clear about what is expected and what their relationships with different adults will be. For example, a relationship with a lawyer is built within the rules of the bar and the state law that dictates when there is privilege between them, and when there is not (e.g. federal education law, mandated reporting of child abuse in some states, etc.). This is a different legal relationship than the youth may have with any other person and so it must be understood so they can be protected by it and trust it. Attorneys should also make sure youth know what information won't be protected, so they can make an informed decision about how much to share. (Attorneys who are providing "limited representation" or "consultation only" should ensure that they—and their clients—understand how this differs from traditional attorney-client relationships and their protections. See "Limited Representation/Brief Consultation" section below.

*Tip: Jurisdictions that have successfully engaged pro bono attorneys to serve youth at homelessness programs have reported that one key to success is to have a more experienced attorney help get the works started either by:*

- *Identifying the legal need (or supervising the first client interview very closely); or*
- *Engaging with the client first and starting the work in a way that allows less experienced lawyers to handle discrete matters that might include expungement or record sealing; or*

- *Providing exceptional and extensive training on issue identification, client interviewing and working with child victims of trauma so that even new lawyers become equipped to master the early stages of the representation.*

#### ***How do you start a client relationship?***

A number of meetings, in person or virtual, will likely be needed before direct representation of the youth can begin. Volunteers should be familiar with the program staff and the program staff should know them. This involves more than checking identification documents, they should be familiar enough that they are viewed by youth and community members as a team that serves the youth together. Either program staff, volunteers, or some combination should also be aware of the larger legal landscape in the jurisdiction so they can call on external resources as needed, and avoid duplication of efforts. This includes asking the homelessness program what other legal service providers they are working with, checking in with any legal aid/legal services programs to see what services they offer homeless youth and if/how they'd like to receive referrals or have your work support their own efforts, and connecting with local bar association/foundations to determine what pro bono efforts are already underway that can support homeless youth in your jurisdiction.

#### **Forms of Service**

States and jurisdictions will differ in how legal needs can be accessed.

- Some will require the same kind of legal assistance to many youth in a clinic format. For example, a clinic focused on expungement of non-violent criminal records or obtaining identification, etc.
- Some programs will need general legal information, "street law," or "know your rights" presentations on specific topics e.g. how to respond if a police officer tells you that you can't sit on a street corner, or wants to search your bags.
- Some programs might request individual representation of clients based on that client's individual needs.

#### ***What types of programs can we serve?***

Communities serve homeless youth through a wide range of residential and non-residential programs, including drop in centers, school-based or street outreach programs, short-term crisis housing, overnight shelters (for 18-24 year olds), or longer-term housing programs (e.g., transitional living programs, maternity group homes); learn more at <https://www.nn4youth.org/learn/proposed-system/>. Attorneys may be able to effectively support youth receiving services through a number of different types of programs. Throughout this document, the variety of different programs will be referred to as "programs" or "homelessness programs."

## **For Homeless Youth Programs: How to Best Utilize Pro Bono Attorneys**

### **Liaison**

Pro bono lawyers may struggle with many of the challenges of working with homeless youth. They may not readily understand the effects of trauma on their client, and they may be unfamiliar with a client who might not return calls or be able to be on time to meet or be in court. It can be very helpful for the program to provide a staff point of contact for the youth and the lawyer to ensure that they are connecting and communicating. This is an extra burden on staff, but can be important to keeping both the youth and the pro bono lawyer engaged and to ensuring a successful outcome in the legal case.

### **Scope of Representation**

It is important to clarify with any pro bono lawyer what the scope of their services will be.

- Does the lawyer want to represent a youth on one specific issue?
- Is the lawyer interested in helping the program with broader systemic advocacy?
- Is the lawyer willing to represent one youth and all of his/her legal needs?

Clarifying these questions prior to the pro bono lawyer even meeting the client will ensure that the lawyer is able to follow through and meet the youth's expectations. It will also help the program continue to engage that lawyer for future work because the lawyer will be more satisfied with their experience. Once there is an understanding with the organization generally, the lawyer is still obligated to clarify and explain the scope of representation with each individual homeless youth.

### **Setting for lawyers to work with clients:**

There are several ways that a program might connect volunteer lawyers to the youth who need them. One of the most common models is for lawyers to hold clinics at a specific time and have youth drop in. This can have its drawbacks as it means that youth need to come at a certain time. Some residents might not know that their issues are legal and so might not even recognize a clinic as an opportunity to meet their needs. If a clinic is held, it can be important for program staff to encourage youth to attend and explain why it can be important. Making the clinic a safe, comfortable, and informal event by combining it with a time the program offers free access to common areas, snacks, or other social activities can work well. Programs might also consider pairing a legal clinic with other services - legal or not - that they know will be a draw. For example, have a clinic at a place that has resume preparation or free dinner for homeless teens. Other methods legal services programs have used to reach clients is using a "mobile unit" or having a phone hotline. Attorneys will have the most success when they meet youth where they are, which includes going to places youth are already receiving needed services and supports (in coordination with those programs); asking youth to come to the attorney's office can create additional barriers, both because it may be intimidating, and because of the potential cost or difficulty in getting to the lawyer's office.

### **Matching lawyers and clients**

Something as simple as an introduction may go far to helping a youth start an easy, productive and positive relationship with lawyers who are there to identify and address their legal interests. Encourage program staff or volunteers who the youth already know to help broker the relationship with the lawyers by bringing them together and demonstrating that the lawyers can be trusted. Sometimes that is just a one minute introduction that does enough to show the youth that the attorney is there to work for the youth and is not someone who judges them in any way.

## **Supervision for the lawyers**

It is important that pro bono lawyers receive supervision and mentorship to ensure ethical representation. If you have a lawyer on staff, you need to decide if that is a role they can serve. If you do not have a lawyer on staff, volunteer attorneys need to find a way their work can be delivered at the highest quality to assure the legal needs of youth are met ethically, efficiently and effectively. That may mean they establish a relationship with legal aid, or other expert lawyers to ensure quality representation. You should expect that any lawyer who volunteers with you will:

- Take and pass the same background check given to any volunteers who work directly with youth in your program.
- Provide proof of malpractice insurance that covers "pro bono" work and limited representation cases.
- Sign (and have each youth sign) a representation agreement stating that the lawyer does not expect to be paid for his/her services and laying out any costs the youth or your program may be expected to pay or contribute to, such as court filing fees.
- Be up to date on any continuing legal education requirements, and be knowledgeable about (or research as needed to become knowledgeable about) any legal issues he or she will be advising youth on.

If your organization does not have an attorney on staff, your local or state bar association may be able to help you determine what is expected/required in your state.

## **For Lawyers: How to Best Serve Youth in Homelessness Programs**

*Reminder: This toolkit is not meant to be a comprehensive guide to providing legal representation to youth experiencing homelessness. Instead, it is an overview of the legal and personal issues you may encounter, with references to additional resources on each. The issues differ for children under 18 and over 18 and those distinctions are found in a thorough overview of the specific laws of a jurisdiction.*

Providing volunteer legal services for homeless youth can be challenging because the lawyers need to be where the youth are and youth are not always able to keep appointments. Youth have been through (and may still be going through) significant trauma which impacts their communication skills, their ability to be in regular communication, their ability to show up for a meeting on time and to meet deadlines. It can be very helpful for you to have one point of contact at the program with whom you can communicate if you are having trouble connecting with your client. Before you even begin your representation, it will be helpful to identify who that contact will be.

It is important to clarify with the program what the scope of your services will be, before you even meet your client.

- Do you want to represent a youth on one specific issue?
- Are you interested in helping the program with broader systemic advocacy?
- Are you willing to represent one youth and all of the legal needs that youth has?

Clarifying these questions prior to beginning your representation will ensure that expectations are clear in order to ensure that you are meeting the needs of your client. It is also important to explain your confidentiality and attorney-client privilege to program staff so that they understand what information you will and won't be able to share with them.

If you will be working directly with young people, ask the homelessness program how you should dress (e.g., if program staff dress informally, a suit may make young people feel uncomfortable) and if there are guidelines or trainings for volunteers that you can review or attend.

### **Communicating with your child/youth client**

Building trust with your youth client - as with any client - is absolutely essential to a successful lawyer-client relationship. Your client has likely experienced significant trauma and trust may not come easy (see below section on trauma-informed advocacy). It is important to pay attention to details to assist in forming a strong relationship with your client to ensure that you can provide zealous representation. Even details like where you sit in relation to the client can matter. Across a table can feel like an interrogation, but sitting next to them can feel like you are working together and literally on the same side. Think about your body language – are you frowning or crossing your arms? These can be taken as signs of disapproval. If you need to take notes, ask your client for permission and let him or her know why you are taking notes. Ensure that your language is understandable. This point cannot be emphasized enough – as lawyers we often feel that we are speaking very simply even when we are not. Break your points down into simple and understandable language, use simple sentence structures and avoid negatives, as they can be confusing. Pay attention to the language that your client uses and adopt your client's choice of words when that makes sense. You should also welcome and encourage questions. For a video tutorial with general tips see [Interviewing the Child Client](#).

It is also important to listen carefully to your youth client to assist in determining priorities for his or her case. What might seem like the most critical issue to you may not be the most pressing issue for the client. Just as with any client, the youth needs to be able to decide the priorities of the case.

For more information see [Counseling Children and Youth in Times of Crisis](#) which focuses on legal counseling of children and youth clients.

To stay in touch with your client, ask them what is the best way to reach them. It might be that texting is the best way to reach them quickly and even though it might not feel like the best way to reach a client to you, it is essential that you are choosing a mode of communication that works for your client. It will be important to understand—and explain to your client—what methods of communication (e.g., text messages, papers left with a program caseworker) are or are not covered by attorney-client privilege, and how to avoid inadvertently waiving privilege.

### **Ethical considerations:**

*Note: In researching/addressing all of the issues below, ensure you are aware of the differences between how they apply to young adults vs. minors, bearing in mind that unaccompanied homeless minors may not have parents or guardians who are able or willing to advocate on their behalf, sign necessary forms, etc.*

### **Supervision/Mentorship**

As with any representation, securing supervision for your representation is essential to ensure that you are providing ethical representation for your client. The program may have a lawyer on staff who can answer questions and support your work. If not, it will be important for you to seek out assistance in this area. Are there lawyers in your firm or your community who have provided legal services to homeless youth? If so, they might be invaluable sources of support. You might reach out to your local public defender or civil legal services offices to ask if they might be able to answer any questions that arise in your work. These agencies are typically overburdened and so might not be able to provide full supervision, but they have significant expertise and might be able to answer occasional questions.

### *Resources:*

American Bar Association Homeless Youth Legal Network: [www.ambar.org/hyln](http://www.ambar.org/hyln)

Legal Services Corporation Directory: <http://www.lsc.gov/find-legal-aid>

Free legal help national directory: <http://www.lawhelp.org/find-help>

### **Applicable Rules of Professional Conduct**

State-by-state rules of professional conduct regarding pro bono representation are compiled here: [http://www.americanbar.org/groups/delivery\\_legal\\_services/resources/pro\\_se\\_unbundling\\_resource\\_center/court\\_rules.html](http://www.americanbar.org/groups/delivery_legal_services/resources/pro_se_unbundling_resource_center/court_rules.html)

### **Malpractice Coverage**

You should determine whether malpractice coverage is available through any organization, such as your state bar or bar foundation. If it is available, you may need to determine what steps, if any, need to be taken to activate that coverage (some states may require that you submit a certificate of participation or something similar).

### **Conflicts of Interest**

Many states have now adopted ABA Model Rule 6.5, which provides protection against conflicts of interest for attorneys engaged in short-term pro bono representation. If your state has not adopted ABA Model Rule 6.5, it might be useful to think about types of cases that you might run into a conflict of interest (for example, if you

represent realty companies, housing cases might be a conflict of interest). Many cases will involve dealing with government agencies around issues like identification, benefits or outstanding warrants, so you should consider whether those cases will pose a conflict. If you are unsure whether there is a conflict, just let the client know that you will need to perform a conflicts check prior to addressing the legal matter. If there is a particular type of case you know you will generally be unable to take (e.g., credit issues because your firm represents the region's major banks), work to find another firm or group who can take those cases, so you can make referrals as necessary.

### **Limited Representation/Brief Consultation**

As stated above, attorneys who are providing "limited representation" or "consultation only" should make sure that their clients are clear on what this type of representation will and won't cover. They should also ensure that they—and their clients—understand how this differs from traditional attorney-client relationships and their protections.

For so many areas, this limited representation can be the fastest route from where the youth stands and exactly what they need to realize their rights. For example, some areas of need may require no more than a letter to a formal entity on the lawyer's letterhead. This may be effective with advocacy for discrimination in housing, benefits, school and educational rights, etc. If and when limited representation is allowed, it can really be an efficient and effective way to get legal needs met.

A video presentation on ethical considerations for working with homeless youth can be found [here](#) (third video on the right side),

### **Pro Bono Assistance to Programs - To Benefit Youth**

Lawyers might assist homeless youth programs in ways besides individual representation. Pro Bono lawyers might hold Know Your Rights sessions for programs residents or provide systemic support for programs that might set up a system to benefit all of the residents. Examples abound:

- Assist in setting up a system that the programs can use to check credit or secure Social Security cards.
- Prepare and present practical "Know Your Rights" session in immigration, criminal justice, education, public benefits (such as SSI), etc.
- Train staff on filling out routine but complicated forms where a lawyer is not really necessary but can be helpful, such as:
  - FASFA - applications for federal money for college
  - Record sealing - to get criminal records protected from public view
  - Benefits - state-based funding for children who aged out

### **Representing youth/young adults experiencing homelessness**

Adolescence is an important, but also challenging time for most young people and their families. Youth who are experiencing homelessness are likely to face many additional struggles, and will need more support to build on their own inherent resilience. Building trust with youth clients can take time, but by letting youth know what they can expect from you (and following through), and offering your advice and services without judgment, you can have a major impact on a young person's life trajectory. Although this topic could be an entire guide of its own, the resources listed below provide an in depth look at how to best connect with and serve youth who have experienced family instability, trauma and other things that might be outside of your own life experiences.

## Adolescent development

The adolescent brain continues to develop well into a young adult's 20s—until then, youth and young adults are biologically pre-disposed to be more impulsive and influenced by peers, and less concerned about the long-term consequences of their behavior. Understanding these and other realities of adolescent development are essential for building a relationship with—and effectively advocating for—youth and young adult clients.

### *Tips: Resources!*

"What Social Science Tells Us about Youth Who Commit Status Offenses: Practical Advice for Attorneys" in *Representing Juvenile Status Offenders*:  
[https://www.americanbar.org/content/dam/aba/administrative/child\\_law/20100121\\_RJSO\\_Book.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/20100121_RJSO_Book.authcheckdam.pdf)

*Coalition for Juvenile Justice National Standards for the Care of Youth Charged with Status Offenses: Adolescent Brain Development*: <http://juvjustice.org/our-work/safety-opportunity-and-success-project/national-standards/section-i-principles-respondin-10>

## Trauma-informed advocacy

Many youth experiencing homelessness were abused or neglected, or exposed to violence, before leaving home, and continue to experience traumatic events while homeless. Repeated traumatic experiences can lead to traumatic stress symptoms that can make it difficult for youth to form trusting relationships with their attorneys. Lawyers may also accidentally "trigger" youth by unknowingly reminding them of past trauma. Attorneys should learn about the causes and symptoms of traumatic stress, as well as trauma-informed advocacy so that they can ensure youth feel safe, and can share the information the attorney many need to achieve the best possible legal outcome.

### *Tips: Resources!*

"Establishing a trauma-informed lawyer-client relationship" in ABA Child Law Practice:  
[http://www.americanbar.org/groups/child\\_law/what\\_we\\_do/projects/child-and-adolescent-health/polyvictimization/establishing-a-trauma-informed-lawyer-client-relationship.html](http://www.americanbar.org/groups/child_law/what_we_do/projects/child-and-adolescent-health/polyvictimization/establishing-a-trauma-informed-lawyer-client-relationship.html)

"Communicating with youth who have experienced trauma" in ABA Child Law Practice:  
[https://www.americanbar.org/groups/child\\_law/what\\_we\\_do/projects/child-and-adolescent-health/polyvictimization/communicating-with-youth-who-have-experienced-trauma--part-2-.html](https://www.americanbar.org/groups/child_law/what_we_do/projects/child-and-adolescent-health/polyvictimization/communicating-with-youth-who-have-experienced-trauma--part-2-.html)

Complex Trauma: Facts for Service Providers Working with Homeless Youth and Young Adults  
[http://www.nctsn.org/sites/default/files/assets/pdfs/complex trauma facts homeless youth final.pdf](http://www.nctsn.org/sites/default/files/assets/pdfs/complex%20trauma%20facts%20homeless%20youth%20final.pdf)

National Child Traumatic Stress Network Resources on Youth Homelessness:  
<http://www.nctsn.org/resources/public-awareness/national-homeless-youth-awareness-month#q1>

Understanding Trauma and its Impact on Child Clients in ABA Child Law Practice:  
[https://www.americanbar.org/groups/child\\_law/what\\_we\\_do/projects/child-and-adolescent-health/polyvictimization/understanding-trauma-and-its-impact-on-child-clients.html](https://www.americanbar.org/groups/child_law/what_we_do/projects/child-and-adolescent-health/polyvictimization/understanding-trauma-and-its-impact-on-child-clients.html)

Victimization and Trauma Experienced by Children and Youth: Implications for Legal Advocates:  
[https://www.ojjdp.gov/programs/safestart/IB7\\_VictimizationTrauma\\_LegalAdvocates.pdf](https://www.ojjdp.gov/programs/safestart/IB7_VictimizationTrauma_LegalAdvocates.pdf)

Identifying Polyvictimization and Trauma Among Court-Involved Children and Youth: A Checklist and Resource Guide for Attorneys and Other Court-Appointed Advocates:  
<https://www.ojjdp.gov/programs/safestart/IdentifyingPolyvictimization.pdf>

## Positive youth development

Like all youth, young people experiencing homelessness will be better positioned for lifelong success if their strengths are recognized and built upon. Learning about this approach to working with youth, called positive youth development, will also enhance your ability to serve clients.

### *Resources:*

"Positive Youth Justice: Framing Justice Interventions Using the Concepts of Positive Youth Development."  
<http://www.juvjustice.org/sites/default/files/resource-files/Positive%20Youth%20Justice.pdf>.

## Youth in Minority Groups

Youth of color and lesbian, gay, bisexual, transgender and queer/questioning youth are more likely to experience homelessness. In addition to the issues discussed above, youth of color and LGBTQ youth may have faced discrimination or abuse based on their race, ethnicity, sexual orientation or gender identity in previous homes or placements, or while experiencing homelessness. All of these experiences may impact the way they perceive and interact with service providers, including attorneys.

### *Resources:*

At the Intersections: A Collaborative Resource on LGBTQ Youth Homelessness: <http://attheintersections.org/>

ABA Coalition on Racial and Ethnic Justice Implicit Bias Videos And Toolkit 2017:  
<https://www.americanbar.org/diversity-portal/diversity-inclusion-360-commission/implicit-bias.html>

## National Resources

### ❖ **Homeless Youth Handbook**

Several states have a complete homeless youth handbook which lays out laws and processes in at least 18 areas of law where homeless youth often need answers. These on-line resources lay out analyses of legal issues that homeless youth will encounter. You can see if your state has a handbook through the link:  
[www.homelessyouth.org](http://www.homelessyouth.org).

### ❖ **Alone Without a Home**

A State by State Review of Laws Affecting Unaccompanied Youth" visit:  
[https://www.nlchp.org/documents/Alone\\_Without\\_a\\_Home](https://www.nlchp.org/documents/Alone_Without_a_Home)

This invaluable resource includes: definition of terms pertinent to unaccompanied youth; youth in need of supervision; status offenses (running away, truancy, curfew); emancipation; rights of youth to enter into contracts; health care access for unaccompanied youth; consent and confidentiality statutes; discharge from the juvenile justice system; interstate compact for juveniles; federal benefits; rights of unaccompanied youth to public education; harboring unaccompanied youth; and services and programs for unaccompanied youth. This resource was last published in 2012: although it may be updated soon, be sure to check the laws referenced against current statutes in your state.

## Areas of Legal Need that Might arise for Homeless Youth

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### **How can lawyers assist homeless youth?**

There are a myriad of legal issues that a youth experiencing homelessness might be facing. Many issues that are likely to arise are outlined below, however it is possible that issues might arise that are not on this list. The American Bar Association Homeless Youth Legal Network, [www.ambar.org/hyln](http://www.ambar.org/hyln), is an invaluable resource for representing youth on a wide variety of legal issues.

### **Securing identification.**

What seems easy to access and hardly a legal need for most adults, is a crucial area of need for children experiencing homelessness. As one formerly homeless youth said, "Without ID, you are nobody." Without identification youth may struggle to get a job, access a food bank, secure a place to live, go to college or even go into certain buildings. Securing a birth certificate, social security card, identification card or driver's license can be incredibly challenging for youth so the assistance of a pro bono lawyer on this issue can make a big difference.

Attorneys who represent homeless youth frequently report that young people often need help with non-legal tasks (such as filling out complicated forms), and that providing this assistance may shed light on additional unmet legal needs. For example, obtaining a non-driver state ID may usually be a straightforward process, but could be much more complicated for a minor whose parents are unable or unwilling to sign the appropriate forms, or a young adult who has been a victim of identity theft.

### **How to obtain copies of Vital Records (birth, death, marriage, divorce):**

National directory available here: <http://www.cdc.gov/nchs/w2w.htm> 2

### **How to get a Social Security Card:**

National office locator available here: <https://secure.ssa.gov/ICON/main.jsp>

### **How to obtain a Driver's License or Government-Issued ID:**

State-by-State Info re: driver's licenses: <http://www.dmv.org/apply-license.php>

State-by-State Info re: State-issued ID cards: [https://www.nn4youth.org/learn/resources/state\\_ids/](https://www.nn4youth.org/learn/resources/state_ids/),  
<http://www.dmv.org/id-cards.php>

### **How to obtain a mailing address? Local Post Office and Other local agencies of all types can be found here:**

<https://secure.ssa.gov/ICON/main.jsp> (enter zip code then select "Other agencies" at bottom of results page)

### **How to change a gender marker on an ID for transgender clients:**

Ensuring that your client's ID has the correct gender marker can be an issue of safety. Information on name and gender changes by state can be found here: <http://www.transequality.org/documents>

### **Addressing the Revocation of a driver's license for non-driving offense:**

Your state department of motor vehicles likely includes on their website instructions on how to re-instate a license after it has been revoked. Their website will likely be the best place to start.

Note: All of the above matters may require fees that homeless youth are unable to pay. Explore whether you can get these fees waived, or if there are funds available within local programs or from area foundations that may be able to be used for this purpose. If, as part of this pro bono commitment, a law firm sometimes helps cover court filing fees on behalf of pro bono clients, it would be ideal to see if such funding might also be able to cover other fees related to this representation.

### **Juvenile and Criminal Justice Involvement**

*Tips: A video presentation on criminal matters can be found [here](#). (Video is on the right side of the page, fifth video down.)*

Many homeless youth have been arrested and involved with the juvenile justice (often mislabeled "delinquency" which is a term equivalent to "guilty" in the children's justice system) or criminal justice systems. Sometimes this involvement comes from actions taken to survive or actions followed for other reasons. According to the Administration on Children, Youth and Families, Family and Youth Services Bureau: Street Outreach Program Data Collection Project Final Report (April 2016), "Researchers emphasize that criminal offenses or illegal acts committed by runaways and youth experiencing homelessness are frequently motivated by basic survival needs, such as food and shelter; the presence of adverse situations, such as hunger and unemployment; self-medication through use of alcohol and drugs; and a lack of opportunities for legitimate self-support."

Sometimes a child is fortunate to have been assigned a juvenile defender attorney in the criminal justice system so cooperation with that counsel is key. Sometimes, a child has waived counsel or none was assigned (despite federal and state law confirming children have the right to defenders). Still other times, the work comes after disposition (or sentencing) in a juvenile court matter and so no defender is involved any longer (though they may be a great lawyer to consult for details, records and advice about best way to proceed). Examples of areas of need include:

- Violations of "sit, no lie" laws which prevent homeless youth from staying in one public place for too long and get recorded as misdemeanors or other non-formal criminal marks against a minor that stay on her record if not expunged.
- Violations of juvenile curfews, laws which restrict movement of children in public after certain hours despite the fact that adults are subject to these restrictions. These also can be marks on a child's "record" that need sealing to avoid holding a youth back from future success.
- Violations of truancy laws for absence from school or educational programs.
- Using alcohol or drugs in public which can have law enforcement action against the youth.

Any of these violations can have a significant impact on a youth's education, housing and employment.

Areas of need related to ongoing cases in the juvenile justice court or adult criminal court can also have important effects if a youth is not properly advised. States differ on how and when their youth are subject to adult criminal court rather than juvenile justice proceedings but the importance of getting and following good advice is the same everywhere in both systems. Examples of need might be:

- to address outstanding warrants
- to satisfy unpaid citations or recent failures to appear in court

- to assure children are compliant with probation orders or other governing orders
- to assure children are receiving the benefits of "safe harbor" laws in jurisdictions that have them when children have been involved in or charged with an equivalent to prostitution, human trafficking, or other sex acts.

*Tips: Human Trafficking*

*New laws are being developed in many states and jurisdictions for children who have been subject to human trafficking. Researching whether your state has whether your state has a "safe harbor" law and what services might be available to such children may lead to a clinical offering to these children for things like record expungement, access to services, immigration assistance for trafficking victims, etc.*

Some more detailed resources in criminal justice are below:

**Expunging records**

Records of crimes or arrests can have a serious impact on a youth's future.

*Tips: Resources!*

*For general information on the importance of this topic, visit: <http://jlc.org/current-initiatives/promoting-second-chances/protect-and-expunge-juvenile-records>*

There is currently no central location for finding a state's laws on expunging records, however the Juvenile Law Center has published the document **Juvenile Records: A National Review of State Laws on Confidentiality, Sealing and Expungement** which can provide a starting point:  
<http://juvenilerecords.jlc.org/juvenilerecords/documents/publications/national-review.pdf>

Most states have laws focused on expunging adult records as well. You can research to find your current state law and how to expunge adult records (for example, here is a state website from Illinois:  
<https://www.illinois.gov/osad/Expungement/Pages/default.aspx>)

Young people may also need guidance on what information does and does not need to be disclosed on housing and employment applications—for example, questions may be phrased in such a way that they include only criminal (adult) convictions and wouldn't cover delinquency (juvenile) adjudications, or arrests. Additional resources on collateral consequences of youth justice involvement are available from the National Juvenile Defender Center at [njdc.info/collateral-consequences](http://njdc.info/collateral-consequences).

**Status Offenses**

A status offense is behavior that is a crime only because that person is under the age of 18 (a minor). It would not be a crime if committed by an adult. Status offenses are called by different names in different states. Examples include:

- Truancy - absence from school
- Running away - from foster care, guardians parents, or a juvenile justice program
- Willful behavior - a catch-all for a child who does not obey their designated guardian
- CHINS - Children in need of services, similar to willful behavior in some states
- PINS - Persons in need of services, which applies to children and adults

*Tips: Resources!*

*Juvenile Status Offenses: Treatment and Early Intervention:*

<https://www.americanbar.org/content/dam/aba/migrated/publiced/tab29.authcheckdam.pdf>

*Representing Juvenile Status Offenders:*

[https://www.americanbar.org/content/dam/aba/administrative/child\\_law/20100121\\_RJSO\\_Book.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/administrative/child_law/20100121_RJSO_Book.authcheckdam.pdf)

*Status Offenders:* [https://www.ojjdp.gov/mpg/litreviews/Status\\_Offenders.pdf](https://www.ojjdp.gov/mpg/litreviews/Status_Offenders.pdf)

### **Housing restrictions**

Landlords may—permissibly or impermissibly—deny housing to young people who have juvenile records. A brief summary of federal guidance on this issue is available in the Coalition for Juvenile Justice's Principles for Change <http://juvjustice.org/sites/default/files/ckfinder/files/FINAL%20Principles%20-%20ns%20final.pdf> page 36), and you should also research whether any additional state protections may apply to your client.

### **Public Assistance/Government Benefits**

Securing benefits for homeless youth can assist in securing their stability. There are no federal or state public benefits that are specific to homeless youth. Instead it is important to investigate the state and local benefits and programs for which your client might be eligible. Below is just a brief overview of some of the benefits for which homeless youth might be eligible. Be on the look out for special circumstances that might make your client eligible for benefits. For example, if your client has a disability, he or she might be eligible for Supplemental Security Income (see below). Note that clients may often be turned down when they apply for these benefits and will need help appealing that denial.

Young people may also be unable to receive food stamps or other benefits because their parent is already receiving those benefits on their behalf. This can be very tricky to navigate with young people who don't want to do anything to hurt their parent, but do in fact need assistance, and may call on your role as "counsel" more than your substantive legal expertise.

**Video presentation on securing government benefits can be found [here](#). Video is on the right side of the page, fourth video down.**

### **Local Programs & Housing Benefits:**

Information is available nationally at a few resources:

- National Runaway Safeline: <https://www.1800runaway.org/>
- For children aged or aging out at age 18: <http://www.benefits.gov/>

### **Social Security Benefits**

These benefits include Disability, Supplemental Security Income (SSI), and Survivor's Benefits.

The [Social Security Administration](#) is a federal agency that provides certain groups (including children and adults with disabilities and children who survive the death of a parent and sometimes a grandparent) with cash for food, clothing and shelter. There are three major Social Security Benefits: Supplemental Security Income (SSI); Social Security Disability Insurance (SSDI); and Social Security Survivor's Benefits (Survivor's Benefits).

SSDI is for disabled children and adults who became disabled. Both types of recipients must meet certain disability requirements defined by the Social Security Administration. SSI is the most common disability benefit for homeless youth.

*Tips: Resources!*

**Supplemental Security Income** (for disabled youth and adults)

<https://www.ssa.gov/disabilityssi/ssi.html>

**Social Security Survivor's Benefits:** <https://www.ssa.gov/survivors/>

**Food & Nutrition Benefits (SNAP, etc.):**

Food bank locator: <http://feedingamerica.org/Home/foodbank-results.aspx>

Benefit finder: [https://www.benefits.gov/benefits/benefit-finder#benefits&qc=cat\\_1](https://www.benefits.gov/benefits/benefit-finder#benefits&qc=cat_1)

The USDA has issues specific guidance regarding homeless youth; learn more at <https://ncfy.acf.hhs.gov/news/2013/08/homeless-youth-under-18-can-apply-food-assistance-and-other-clarifications-snap>

**Temporary Assistance for Needy Families (TANF) & other Financial Benefits:**

TANF can provide cash assistance to qualifying families (including pregnant youth). To view requirements and assess eligibility start here: <https://www.acf.hhs.gov/ofa/programs/tanf>

## **WIC**

The Special Supplemental Food Program for Women, Infants, and Children (commonly known as WIC) provides food and health care access to low-income, nutritionally at-risk pregnant, post-partum, and/or breastfeeding women, as well as infants and children age four and younger. WIC participants receive vouchers for nutritious foods, nutrition education, breastfeeding support, and access to health care. If your client is pregnant or parenting and you would like to investigate eligibility see: <https://www.fns.usda.gov/wic/wic-eligibility-requirements>

## **Medicaid**

If your client needs health insurance, it is possible that they might be eligible for Medicaid coverage. Eligibility Guidelines can be found here: <https://www.healthcare.gov/medicaid-chip/>

*Tips: Resources!*

Local agencies of all types can be found here: <https://secure.ssa.gov/ICON/main.jsp> (enter zip code then select "Other agencies" at bottom of results page)

Here is a list of other kinds of questions homeless youth may have about benefits:

- *Where can I get food and money?*
- *What if I am denied?*
- *What other food resources are there?*
- *Are there any benefits I get from being in foster care?*
- *I am in foster care, but I heard I can't get foster care benefits if I am living with a relative. Is that true?*

- *What if I have a disability?*
- *I used to be in foster care but now I have a guardian. Do I get any benefits?*
- *My guardian kicked me out but I think she is still getting benefits for me. Is there anything I can do?*
- *I used to be in foster care, but I was adopted. Can I get any benefits?*
- *My adoptive parents died or kicked me out. What can I do?*
- *My Mom just retired and started getting social security. My father is dead. Can I get any social security?*
- *Can I keep getting Social Security after I turn 18?*

These may be good discussion points for you to have with the shelter to help you determine what kind of legal information or advice your volunteers want to have to be prepared to answer questions for youth.

## **Emancipation**

"Emancipation" is a legal process that gives a minor legal independence from his or her parents or guardians. Emancipation can be a useful legal tool for some minors, but it also permanently disconnects them from family so should be done only with thoughtful and consideration of all implications. Emancipation generally requires a court process, initiated by the minor. If you become an emancipated minor, this means that your parents or guardian (person legally responsible for you) cannot make decisions for you, and you become an adult for most legal purposes. For example, an emancipated minor generally can sign a lease, choose where to live or consent to health care.

*Tips: Resources!*

For a list of all state laws on emancipation, visit: [https://www.law.cornell.edu/wex/table\\_emancipation](https://www.law.cornell.edu/wex/table_emancipation).

## **Re-Entry Into Foster Care:**

If your client is under the age of 21 and has been in the foster care system (even if they are not currently in the system), they may be eligible for re-entry into the foster care system based on the laws in your state. This can open up many benefits around housing, benefits and education which can be crucial in securing their stability. It is worth asking if your client has ever been in foster care so that you can investigate this possibility.

Currently, there is no central listing of applicable laws by state, however general information on this topic can be found: <http://jlc.org/current-initiatives/transition-adulthood/extended-care-and-re-entry>.

*Tips: Resources!*

Some organizations can help point youth to local laws and resources:

- National Association of Counsel for Children's Directory of Certified Child Welfare Law Specialists: <http://www.naccchildlaw.org/search/custom.asp?id=2996>
- The ABA Homeless Youth Legal Network at [www.ambar.org/HYLN](http://www.ambar.org/HYLN)

## FOR DISCUSSION WITH YOUR PARTNER ORGANIZATION

Here is a list of other kinds of questions homeless youth may have about their rights related to child welfare and foster care:

- *How do you get into foster care?*
- *What if the county decides I don't need foster care, but I think I do?*
- *Where do you live when you are in foster care?*
- *Can I be in foster care if I have been arrested?*
- *Can I be in foster care if I am undocumented?*
- *Do I get a lawyer if I end up in court in foster care?*
- *Can I choose a different lawyer?*
- *Can I tell the judge where I want to live?*
- *If I want to live with a relative or a family friend in foster care, do they have to be licensed?*
- *Can I just live with a relative and not be in foster care?*
- *Can I just get a guardianship in probate court?*
- *Can I live with my brothers and sisters in foster care?*
- *How do I get health care when I am in foster care?*
- *What rights do I have in foster care?*
- *What if I am abused or maltreated in foster care?*
- *What if I am pregnant or have a baby while in foster care?*
- *Do I have to leave foster care when I turn 18?*
- *What changes when I turn 18 and stay in foster care? Do other people still make decisions for me?*
- *What do I have to do to stay in extended foster care?*
- *What if I have a disability and need more support. Am I still eligible for extended foster care? Is that still true if I am a regional center consumer?*
- *I am in foster care now and am homeless. What can I do? What are my legal rights?*
- *What if I already left foster care?*
- *I was adopted or had a guardianship, but it's not working out now that I'm 18. Can I go back to foster care?*
- *I have left foster care and don't want to go back. Can I still get help?*
- *What if I don't want to be in foster care but I do not have an adult to take care of me?*

These may be good discussion points for you to have with the shelter to help you determine what kind of legal information or advice your volunteers want to have to be prepared to answer questions for youth.

## **Consumer Issues:**

### **Identity Theft:**

Vulnerable youth are particularly at risk for identity theft. If youth have been a victim of theft they will have difficulty securing credit, renting an apartment, securing financial aid or even securing employment. It can be tedious and time consuming to repair identity, and the assistance of a lawyer can be very beneficial in clearing this up so that the youth can move forward.

The Federal Trade Commission has an electronic tool that can generate a plan to repair identity at [www.IdentityTheft.Gov](http://www.IdentityTheft.Gov). This website also has many resources so is the best place to start.

### **Negative Credit History:**

If your client has poor credit but was not a victim of identity theft, it is worth going over their credit report with them to ensure that it does not contain any mistakes. To order a copy of a free credit report (everyone is entitled to one free copy a year) visit: <https://www.annualcreditreport.com/index.action>. If your client has current or past debts that are negatively impacting their credit history, explore whether there are local programs that can help pay those debts, or whether you can negotiate a reduced or extended payment plan.

It may also be helpful to talk to your client about the circumstances under which the debt occurred—for example, if the young person has medical debt that should have been covered by Medicaid, or was the victim of a predatory lender, you may be able to advocate for forgiveness or some or all of that debt.

In many of the areas covered in this guide, but particularly with regard to consumer law issues, sometimes a formal letter from an attorney--or a negotiated agreement--may effectively reach the best outcome for your client without the need for litigation.

### **Fees and fines**

The imposition of legal financial obligations on the poor is increasingly being recognized as a serious problem. Fees and fines can be levied upon youth clients for things like truancy, probation fees, fees for incarceration, fines/tickets for low level offenses, etc. These legal financial obligations grow in interest and can result in a judgment. It is important to advocate for a modification of these legal financial obligations so that your client can move forward successfully.

It may even be appropriate for a constitutional challenge to fees and fines on due process or equal protection grounds (See *Bearden v. Georgia*, 461 U.S. 660, 671 (1983) and US DOJ guidance on this topics: <https://www.justice.gov/crt/file/832461/download>. If you are interested in exploring this type of litigation, the [Juvenile Law Center](#) can provide you support and feedback.

#### *Tips: Resources!*

For an overview of this issue, including state specific information see: <http://debtorsprison.jlc.org/#!/map>

If you cannot get a fine or fee waived explore whether there are funds available within local programs or from area foundations that may be able to be used for this purpose.

## Education

Assisting a homeless youth with education could mean many things. If your client requests assistance with education, it will be important to explore with them what goals they have so that you can best assist him or her.

*High school* - If a youth has left high school then re-entering the system might be challenging based on their age and state laws. Under the Individuals with Disability Education Act, a school system is to educate students with disabilities until the age of 22. Check your state law to determine entitlements for youth who do not have disabilities.

*GED* – If a client has not graduated from high school and either does not want to or cannot return to high school, securing a GED might be a good option. Each state sets their own GED eligibility requirements.

*Higher Education* – If your client would like to attend college, whether for a 2 or 4-year degree, they may need assistance with the application, financial aid, or other document requirements. Providing support to a homeless youth during the college application process can be a tremendous help. Some schools provide specific assistance to homeless youth and there might be specific scholarships available as well. To receive financial assistance, assist your client in filling out the Free Application for Federal Student Aid (FAFSA). Your client needs a Social Security number to complete the FAFSA. The form can be completed on-line at <https://fafsa.ed.gov/>

### General information around education:

- **Prompt and Proper Placement: Enrolling Students Without Records**

This includes a list of resources of where to find prompt and rapid testing to know how to best place a youth in the classroom.

<http://nche.ed.gov/downloads/briefs/assessment.pdf>

The McKinney-Vento Act exists to ensure that all homeless children and youth have equal access to the same free, appropriate public education, including public preschool education, provided to other children and youth. Resources to assist in implementing the McKinney-Vento Act include:

- **No Barriers** – "A legal advocate's guide to ensuring compliance with the education program of the McKinney-Vento Act"

<https://www.nlchp.org/documents/NoBarriers>

- This manual thoroughly explains the McKinney-Vento Act and how to assist homeless children and youth in accessing school. This manual also discusses other federal laws and state laws that offer protection to the youth being targeted throughout this initiative.

- **Education of Homeless Children and Youth**

[https://www.nlchp.org/documents/Education\\_of\\_Homeless\\_Children\\_and\\_Youth](https://www.nlchp.org/documents/Education_of_Homeless_Children_and_Youth)

- This is a booklet for anyone seeking to get involved in the process of getting children and youth an education they deserve.

- **McKinney-Vento FAQ's**

[https://www.nlchp.org/documents/McKinney-Vento\\_FAQs](https://www.nlchp.org/documents/McKinney-Vento_FAQs)

- **McKinney-Vento School Legal Checklist**

[https://www.nlchp.org/documents/McKinney-Vento\\_School\\_Legal\\_Checklist](https://www.nlchp.org/documents/McKinney-Vento_School_Legal_Checklist)

- A checklist of whether certain documentation or procedures have been completed.
- Covers: Identification and Data Collection; Collaboration and Frontline Policies; Immediate Enrollment; Dispute Resolution Process; Notice of Rights; Unaccompanied Youth; Inclusion; Records Transfer; Eligibility for Other Services; Comparable Services; Fees; Transportation; Parental Involvement

- **McKinney-Vento Dispute Resolution Procedures**

[https://www.nlchp.org/MV\\_State\\_Dispute\\_Resolution](https://www.nlchp.org/MV_State_Dispute_Resolution)

- A guide of how to resolve disputes and appeals for school enrollment.
- Includes a state by state guide.

- **Homeless Education Advocacy Manual – Disaster Edition**

[https://www.nlchp.org/documents/Homeless\\_Education\\_Advocacy\\_Manual\\_Disaster\\_Edition](https://www.nlchp.org/documents/Homeless_Education_Advocacy_Manual_Disaster_Edition)

- Outlines how to obtain services for individual students; steps to pursuing system wide change; defining homelessness; school of origin; transportation; youth living away from parents; special services; resources

## **Employment**

If your client is under 18, you need to determine whether your state requires them to have working papers, and what other provisions or protections may apply to youth workers. Generally youth under the age of 16 will have different requirements than 16-17 year-olds. Employers cannot ask questions or base employment decisions on things like age, race, creed, color, national origin, sexual orientation, gender, marital/family status and disability. States have different laws about whether employers can ask about arrests or criminal records.

Young adults between ages 16-24 who are not in school or working have access to a variety of federal and state programs designed for this population. These young people are called "opportunity youth", and under the Workforce Innovation and Opportunity Act of 2014, as well as a number of corporate programs, states are supposed to be locating these youth and getting them into subsidized employment programs, such as Job Corps (intended to be better focused for homeless and LGBT youth), Youth Build, Americorps, and others. The state regional workforce office should have a youth manager and be very familiar with these programs.

Youth and young adults have many legal barriers to employment, the most common of which are juvenile and adult records. Often young people don't know that a record exists, so an attorney should ask his/her client for permission to do a record check in all of the cities, counties and states of residence. Once completed, then the attorney can begin the process for sealing or expungement. In many states, sealing or expungement is a difficult procedure, requires fees that only a court may be able to waive, and can take months.

Some states and cities have "ban the box" laws that may protect youth from disclosing a record until a conditional offer of employment has been made. This may help youth with records that cannot be sealed or expunged get their foot in the door and persuade an employer that he/she is the kind of person the employer wants to hire.

Young people are often unaware of hour/wage provisions and other workplace protections that exist. The American Bar Association's Section of Labor and Employment Law has collected a wealth of resources on

workplace safety, employment discrimination, compensation, and other that may be useful for pro bono attorneys at: [https://www.americanbar.org/groups/labor\\_law/resources/pro\\_bono\\_work/probono\\_resources.html](https://www.americanbar.org/groups/labor_law/resources/pro_bono_work/probono_resources.html)

*Tips: Resources!*

Additional information on youth and employment is available from the U.S. Department of Labor at: <https://www.dol.gov/general/topic/youthlabor>

## **Housing and Contracts**

Finding safe and stable housing can be a huge help for homeless youth. General issues that are likely to arise under this topic:

### **Public Housing**

General information about public housing, including how to apply to through your state office can be found here: [https://portal.hud.gov/hudportal/HUD?src=/topics/rental\\_assistance/phprog](https://portal.hud.gov/hudportal/HUD?src=/topics/rental_assistance/phprog) (Also see above discussion/resources on housing for young people with juvenile and criminal records.)

### **Leases and contracts:**

Although the required age to sign a contract is 18, a youth under 18 can sign a contract for essential items/necessities. Although there is no clear definition of "necessities", they are generally considered to be medicine, food, medical services and shelter. However landlords are often hesitant to sign a lease with a minor because it is relatively easy for a minor to break a contract. If a youth is emancipated then they are able to contract normally, as if they were 18. For more information on state laws allowing homeless youth to contract for housing and related services, view SchoolHouse Connection's guide on this issue:

<http://www.schoolhouseconnection.org/wp-content/uploads/2017/05/statehousingconsent-1.pdf>

### **Finding an apartment**

A landlord is allowed to check past rental history, eviction history, credit history and criminal background before agreeing to rent to a tenant. Under federal law, landlords cannot discriminate based on race, color, religion, sex, national origin, marital or family status, age (starting at 40), source of income or participation in the Section 8 program. Depending on your state or local law, a landlord might be able to discriminate against someone because they are a minor or homeless.

### **Eviction**

To determine if the basis and manner of an eviction are legal, research your state and local laws.

### **Local Programs & Housing Benefits:**

National Runaway Safeline: <https://www.1800runaway.org/>

<https://www.benefits.gov/benefits/browse-by-state>

### **Health, Mental Health and Substance Abuse**

If your client is seeking physical or mental health care, or substance abuse treatment or resources, you will need to identify resources within your community. The homeless youth program might have a list of available resources.

If your client is under 18 you will need to determine if your state requires parental permission for treatment, and how you might go about having that requirement waived if the parent is unavailable or unwilling to consent.

## FOR DISCUSSION WITH YOUR PARTNER ORGANIZATION

Here is a list of other kinds of questions homeless youth may have about their health rights:

- *Where can I get healthcare?*
- *Can I get health care without my parents' consent?*
- *I am under 18, but I have a baby. Who can consent to my baby's medical care?*
- *I am in foster care; does that mean I lose the right to consent?*
- *I am under 18, but I have been emancipated by a court. Do I have to get my parents' consent?*
- *I don't have health insurance. How can I pay for medical care?*
- *Where can I find help getting health care?*
- *Who is eligible for Medicare, Medicaid or other medical coverage?*
- *Does immigration status count for medical coverage?*
- *What does medical coverage actually cover?*
- *What if I need health care right away?*
- *What if I have medical bills from before I applied for medical coverage?*
- *Can I choose my doctor?*
- *I think my parents have me on their health insurance, can I still get medical coverage?*
- *Can I be denied medical services or otherwise discriminated against because I am trans?*
- *Does this mean that transition services are covered by my provider?*
- *What do I do if I have medical coverage and am denied a service that I think is medically necessary?*

These may be good discussion points for you to have with the shelter to help you determine what kind of legal information or advice your volunteers want to have to be prepared to answer questions for youth.

### **Pregnancy and Parenting:**

There is a high intersectionality between pregnancy and youth homelessness. Pregnant and parenting teens have special challenges around health care, housing and education, as well as additional challenges like child care.

*Tips: Resources!*

***Pregnant and Parenting Unaccompanied Youth Issue Brief:*** [http://www.nn4youth.org/wp-content/uploads/IssueBrief\\_Pregnancy\\_and\\_parenting.pdf](http://www.nn4youth.org/wp-content/uploads/IssueBrief_Pregnancy_and_parenting.pdf)

If your client is a parent, also review the information in the Public Benefits section of this guide on Temporary Assistance for Needy Families (TANF) & other Financial Benefits and the Special Supplemental Food Program for Women, Infants, and Children (commonly known as WIC).

## Reproductive Health

Depending on your state law your client may be able to receive health services without parental consent for reproductive health services, including birth control, emergency contraception, abortion, care for sexually transmitted infections and HIV/AIDS, pregnancy care, labor and delivery care, and rape crisis care. If parental consent is required in your state, research how this consent requirement may be able to be waived. If your state does not require consent, but does require parental notification, counsel your client on this as needed.

*Tips: Resources!*

*Guttmacher Institute's Overview of Minors' Consent Law: <https://www.guttmacher.org/state-policy/explore/overview-minors-consent-law>*

*Center for Adolescent Health and the Law: <http://www.cahl.org/>*

### FOR DISCUSSION WITH YOUR PARTNER ORGANIZATION

Here is a list of other kinds of questions homeless youth may have about pregnancy, parenting, or reproductive rights:

- *Where can I get birth control?*
- *Do I need my parents' consent to receive birth control?*
- *If I think I am pregnant, where can I get a pregnancy test?*
- *Can my parents tell me what to do about my pregnancy?*
- *If I am a minor, do I need my parents' permission to get an abortion?*
- *Do I need my parents' consent for medical treatment, such as prenatal care or an abortion?*
- *If I see a doctor while I am pregnant, will he/she report me to my parents or law enforcement?*
- *Who will pay for the doctor visits/treatments? What happens if I have to stay in the hospital? Who pays for the delivery?*
- *What kind of medical treatment can I receive during pregnancy?*
- *How do I qualify for medical coverage and what do I do if I don't qualify?*
- *How do I get health insurance for my baby?*
- *Can my parents make me leave home because I am pregnant or have a child?*
- *Am I automatically emancipated if I have a child?*
- *Can my parents or the state take away my child?*
- *If I am in Foster Care, will my baby go into Foster Care?*
- *If I am in a Detention Center or jail, can I see my child?*
- *Can my child live with me while I am in Detention or jail?*
- *If I am in Detention or jail, will I lose my parental rights to my child?*

- *What kind of financial assistance can I get while I am pregnant? And after my child is born?*
- *Do Both Parents Have to Care for Their Child?*
- *What is a Legal/Presumed Father?*
- *What kind of support can I expect from the other parent?*
- *What exactly is a child support obligation?*
- *How can I get child support?*
- *If the other parent is a minor, will they have to pay child support?*
- *Could I be deported if I go to court to ask for child support?*
- *How can I establish paternity?*
- *Can I stop going to school because I am pregnant or raising a child?*
- *Do I have to be living with my parents to enroll in school?*
- *Can I breastfeed my child in school?*
- *Can I make up schoolwork I miss when my child or I get sick?*
- *What are my child care options?*

These may be good discussion points for you to have with the shelter to help you determine what kind of legal information or advice your volunteers want to have to be prepared to answer questions for youth.

### **Mental Health**

In addition to the effects of past or recent traumatic experiences (see above), youth may be suffering from diagnosed or undiagnosed mental health issues, and may need help accessing treatment or medication. Protecting your client's confidentiality around issues of mental (or physical) health is essential for protecting him or her from discrimination, and unintended consequences. If you know or suspect your client has mental health issues, research HIPAA and other federal and state laws to ensure that you and the service providers the client works with are taking the necessary steps.

*Tips: Resources!*

*Mental Health Treatment Locator: <https://www.mentalhealth.gov/>*

*Health Insurance and Mental Health: <https://www.mentalhealth.gov/get-help/health-insurance/index.html>*

### **Health Care and Health Insurance**

Medicaid is a publicly funded insurance program that covers most medical services, including abortion and birth control, for minors who meet income and immigration eligibility requirements. Generally, minors on Medicaid receive Medicaid services through a parent's Medicaid budget. However, if a minor lives on his or her own or is married, pregnant or parenting, they may apply on their own for Medicaid. To find out if your client is eligible for Medicaid coverage visit <https://www.healthcare.gov/medicaid-chip/>

If your client has a child, both the child and mother may be eligible for Medicaid.

Depending on your state law your client may be able to receive health services without parental consent for reproductive health services, including birth control, emergency contraception, abortion, care for sexually transmitted infections and HIV/AIDS, pregnancy care, labor and delivery care, and rape crisis care. If parental consent is required in your state, research how this consent requirement may be able to be waived. If your state does not require consent, but does require parental notification, counsel your client on this as needed.

*Tips: Resources!*

*Guttmacher Institute's Overview of Minors' Consent Law:* <https://www.guttmacher.org/state-policy/explore/overview-minors-consent-law>

*Center for Adolescent Health and the Law:* <http://www.cahl.org/>

*"Alone Without a Home: A State by State Review of Laws Affecting Unaccompanied Youth" visit:* [https://www.nlchp.org/documents/Alone\\_Without\\_a\\_Home](https://www.nlchp.org/documents/Alone_Without_a_Home)

## Dating and Domestic Violence

Domestic violence is abusive behavior-- economic (money), emotional, physical, psychological (mental), or sexual- that one person in an intimate relationship uses in order to control the other person.

For general information and to find local resources such as domestic violence shelters, you can call the National Domestic Violence hotline: <http://www.thehotline.org/>

If your client chooses, she or he might need an order of protection from their abuser. State laws on orders of protection can be found at: <http://www.womenslaw.org/>

## LGBTQ

If your client is Lesbian, Gay, Bisexual, Transgender (LGBTQ) or questioning, they might face harassment or abuse, even within homeless service settings. Research has found that between 20-40% percent of homeless youth identify as LGBTQ and this population face heightened risks compared to their non-LGBTQ peers, so it is important to ensure that your client is receiving services and/or placement from organizations that respect their sexual orientation, gender identity and gender expression. It might feel uncomfortable to ask whether your client is LGBTQ, but you will not be able to serve them well unless you ask.

For more information and resources, see <http://nationalhomeless.org/factsheets/lgbtq.html>

Tips on working with LGBTQ youth can be found here: <http://www.lambdalegal.org/know-your-rights/article/youth-homeless>

## Safety in homelessness programs

LGBTQ individuals are protected from housing discrimination under certain circumstances and HUD-funded placements (visit [https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/LGBT\\_Housing\\_Discrimination](https://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/LGBT_Housing_Discrimination) to learn more). Nevertheless, youth might face harassment or even violence in programs and placements. Be sure to ask your LGBTQ client if they are safe in their living arrangement.

## How to change a gender marker on an ID for transgender clients:

Ensuring that your client's ID has the correct gender marker can be an issue of safety. Information on name and gender changes by state can be found here: <http://www.transequality.org/documents>

Commented [B&1]: Currey may have more input, but given the current HUD climate, I softened this language a bit.

## How to change your name on your Social Security Card?

If your client needs to change their name on their social security card visit:

<https://faq.ssa.gov/link/portal/34011/34019/Article/3749/How-do-I-change-or-correct-my-name-on-my-Social-Security-number-card>

## LGBTQ Scholarships:

The Human Rights Campaign (HRC) maintains an online LGBT student scholarship database at <http://www.hrc.org/resources/scholarship-database>. All 50 states are covered. College Scholarships.org also has an online directory of LGBT scholarships at <http://www.collegescholarships.org/scholarships/lgbt-students.htm>.

## More Resources:

Lambda Legal maintains a help desk that provides information and resources regarding discrimination related to sexual orientation, gender identity and expression and HIV Status. If you have questions regarding the needs of your LGBTQ client visit: <https://www.lambdalegal.org/helpdesk>

## Immigration issues

Homeless youth might be affected by the immigration laws of the US in a variety of ways. Youth might be an undocumented immigrant without legal status in the US; they might have lawful immigration status; or they might have become homeless due to the deportation of their parents. If they do not have legal status, there are a variety of options that might be open to them to secure legal status.

**Special Immigrant Juvenile Status ("SIJS")** is a type of immigration status that allows neglected, abused or abandoned children to gain lawful permanent residence (i.e. a **Green Card**) in the U.S.A. To be eligible for SIJS, youth should be 21 years or younger, unmarried, and have a Family Court Order which confirms that they are a dependent of the court or legally placed with a state agency, a private agency or a private person, it is not in their best interest to return to their home country (or the country you last lived in); and they cannot be reunited with a parent because of abuse, abandonment, neglect or a similar reason. To learn more about SIJS visit: <https://www.uscis.gov/green-card/special-immigrant-juveniles/special-immigrant-juveniles-sij-status>

## Deferred Action Childhood Arrivals (DACA)

Youth might be eligible for DACA if they were brought into the United States by their parents prior to the age of 16. To learn more about this program, including eligibility, visit: <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>

## Victims of crime or abuse

The US provides several paths to become legal residents if someone has been the victim of a crime or abuse.

- **T Visa:** The T Visa allows victims of human trafficking to temporarily stay and work in the US. For more information visit: <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-human-trafficking-t-nonimmigrant-status>
- **U Visa:** The U Visa allows victims of certain crimes to temporarily stay and work in the US. For more information visit: <https://www.uscis.gov/humanitarian/victims-human-trafficking-other-crimes/victims-criminal-activity-u-nonimmigrant-status/victims-criminal-activity-u-nonimmigrant-status>
- Violence Against Women Act (VAWA) allows an abused family member to stay in the US, apply for work authorization and eventually apply for lawful permanent residence. To learn more visit: <https://www.uscis.gov/humanitarian/battered-spouse-children-parents>

For more information on representing youth in immigration proceedings, visit:  
[https://www.immigrationadvocates.org/probono/newsletter/item.3470-Representing\\_Children\\_in\\_Immigration\\_Proceedings](https://www.immigrationadvocates.org/probono/newsletter/item.3470-Representing_Children_in_Immigration_Proceedings)

**Additional resources:**

"Getting Off the Assembly Line: Overcoming Immigration Court Obstacles in Individual Cases,"  
<http://www.appleseednetwork.org/immigrationcollaborative/>

## Trafficking

Homeless youth are at significant risk of being trafficked. Human trafficking includes both sex and labor trafficking. Trafficking is human slavery and is a very complex issue. Your client might be trafficked if they are not free to come and go as they please, they are providing commercial sex acts, they are not paid for their work (or paid very little), is not in control of their own money or documents, is fearful and is not allowed to speak for him or herself.

The ABA publication "Meeting the Legal Needs of Child Trafficking Victims: An Introduction for Children's Attorneys & Advocates," discusses how to identify clients who may be victims of trafficking, as well as the legal protections and remedies they may be entitled to:  
<https://humantraffickinghotline.org/sites/default/files/Meeting%20the%20Legal%20Needs%20of%20Child%20Trafficking%20Victims%20-%20ABA.pdf>

**Tips: Resources!**

- To see some of the signs of trafficking visit: <https://polarisproject.org/recognize-signs>
- For questions to ask if you suspect your client is being trafficked, visit: <https://www.state.gov/j/tip/id/>
- Meeting the Legal Needs of Human Trafficking Victims, [http://apps.americanbar.org/humanrights/docs/project\\_docs/DV\\_Trafficking.pdf](http://apps.americanbar.org/humanrights/docs/project_docs/DV_Trafficking.pdf)

Remember, the rules of confidentiality and lawyer-client relationship do not change just because your client has been a victim of human trafficking. Your client may need additional referrals but the rules of your relationship do not bend or soften due to these difficult circumstances.

## Youth of Color

As discussed earlier, youth of color experience homelessness at higher rates than other youth: In the most recent major survey of youth experiencing homelessness 41% identified as Black or African-American, and almost 26% identified as Hispanic or Latino/Latina. Of course, these categories are not mutually exclusive. Youth may experience discrimination based on their race and ethnicity when accessing services, applying for housing or employment, or in other areas of their lives. Familiarize yourself with your state and federal laws that protect youth of color from discrimination and advocate zealously on behalf of your client to ensure their rights are protected.

**Tips: Resources!**

- Urban Institute resources on housing discrimination: <http://www.urban.org/features/exposing-housing-discrimination>
- U.S. Department of Labor on race and ethnicity/national origin: <https://www.dol.gov/general/topic/discrimination/ethnicdisc>

- State governments may also provide useful guidance. For example, this collection on enforcing civil rights laws in Oregon: [https://www.oregon.gov/boli/CRD/Pages/C\\_Crprotoc.aspx](https://www.oregon.gov/boli/CRD/Pages/C_Crprotoc.aspx)

### **Native Americans, American Indians and Alaska Natives**

American Indians and Alaska Natives are protected from discrimination in housing, employment and other areas by federal law. There are additional federal and state laws that apply to tribal youth, such as the Indian Child Welfare Act, which applies to youth in the child welfare system and those charged with status offenses.

#### *Tips: Resources!*

- A guide to protecting the civil rights of American Indians and Alaska Natives is available from the Department of Justice Civil Rights Division at <https://www.justice.gov/sites/default/files/crt/legacy/2014/06/19/protect.pdf>.
- The Tribal Law and Policy Institute offers tribal law-specific guidance on many of the issues addressed in this document, including child welfare, juvenile justice and trafficking: <http://www.home.tlpi.org/publications>

#### **Appendix:**

Project Street Youth Toolkit – includes forms and sample agreements for a legal clinic:  
[https://www.americanbar.org/groups/young\\_lawyers/initiatives/project\\_street\\_youth/toolkit.html](https://www.americanbar.org/groups/young_lawyers/initiatives/project_street_youth/toolkit.html)

Sample limited representation agreement

*This toolkit is not meant to be a comprehensive guide to providing legal representation to youth experiencing homelessness. Instead, it is an overview of the legal and personal issues you may encounter, with references to additional resources on each. The materials contained herein represent the opinions of the authors and editors and should not be construed to be those of the American Bar Association unless adopted pursuant to the bylaws of the Association. Nothing contained herein is to be considered as the rendering of legal advice for specific cases, and readers are responsible for obtaining such advice from their own legal counsel. These materials are intended for educational and informational purposes only.*