This workshop was held at the 2018 Equal Justice Conference in San Diego, California.

Title:

Creating And Funding Legal Services For Youth Experiencing Homelessness

Presenters:
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Learn about the emerging national Homeless Youth Legal Network and how to develop and fund new projects through existing civil legal services or pro bono projects. HYLN pilot sites will highlight their models and discuss innovative funding streams as well as data and talking points that resonate with funders.
CREATING & FUNDING LEGAL SERVICES FOR YOUTH EXPERIENCING HOMELESSNESS

Practical strategies for providers
ABA HOMELESS YOUTH LEGAL NETWORK

The American Bar Association has committed funds to support the development and implementation of a national Homeless Youth Legal Network (HYLN)—a new initiative aimed at increasing legal services for youth and young adults experiencing homelessness by fostering greater capacity and connectivity. As a catalyst and convener to address the legal issues of homeless youth and improve outcomes for those transitioning from the child welfare system and exiting the juvenile justice system through direct representation, the ABA invites federal partners and national, state and local organizations to join the effort to develop the Homeless Youth Legal Network.

- Clearinghouse of legal resources
- Triage and connect to appropriate legal resources
- Lawyer-to-Lawyer connection for interstate/multistate issues
- Identify high risk youth and connect them with local service providers

- Compile existing legal resources, research, and services
- Create a web-based portal tailored to meet the needs of youth, providers, lawyers and advocates
- Promote holistic models and best practices (including cultural competency) through trainings
- Develop and maintain a digital CLE law library

The ABA Commission on Homelessness & Poverty invites your participation as we begin developing a road map to design and implement the HYLN.

For more information, please contact:
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2017-18 MODEL PROGRAMS

- Arizona Legal Women and Youth Services (ALWAYS), Arizona, Alwaysaz.org
- Bay Area Legal Aid, California, Baylegal.org
- Community Legal Services of Philadelphia, Pennsylvania, Clsphila.org
- Family & Youth Law Center at Capital University School of Law, Ohio, Familyyouthlaw.org
- Homeless Persons Representation Project Homeless Youth Initiative, Maryland, Hprplaw.org
- Homeless Youth Legal Clinic, Utah, https://www.voaut.org/homeless-teen-services
- Center for Children’s Advocacy, Connecticut, Cca-ct.org
- Legal Counsel for Youth and Children (LCYC), Washington, Lcycwa.com
- Mid-Minnesota Legal Aid, Youth Law Project, Minnesota, Mylegalaid.org
- Pegasus Legal Services for Children, New Mexico, Pegasuslaw.org/youth-law-project
- The Door, New York, door.org
- Urban Justice, Peter Cicchino Youth Project, New York, Pcyp.urbanjustice.org
RESOLVED, That the American Bar Association supports the development of integrated, systemic approaches within administrative, civil, and criminal court contexts to address the special needs of youth and young adults experiencing homelessness.

FURTHER RESOLVED, That the American Bar Association urges lawmakers at federal, state, local, territorial and tribal levels to work with the legal profession to:

1. promote and support efforts to identify and address the unmet legal needs of unaccompanied minors and young adults experiencing or at risk of experiencing homelessness, including ensuring that all youth experiencing homelessness have access to a lawyer;
2. encourage the development of specialized legal services programs, pro bono projects and law school legal clinics;
3. collaborate in the identification and removal of legal barriers for homeless children and youth to benefits, education, employment, housing, identification, treatment and other services;
4. review and revise laws, regulations, policies, practices and systems of care that may act as legal barriers; and
5. implement preventive strategies such as pre-booking diversion programs, expungement and/or sealing of juvenile and criminal records, and alternatives to the criminalization of child and youth homelessness.

FURTHER RESOLVED, That youth and young adults experiencing or at risk of experiencing homelessness should have input where appropriate, in efforts to increase access to justice; and

FURTHER RESOLVED, That the American Bar Association urges federal, state, local, territorial and tribal governments as well as the legal community and public and private funders to financially support these efforts.
Destiny is a 17 year old girl who was dropped off at a homeless shelter by her grandmother 1 month ago. Her grandmother said she could no longer take care of Destiny. Destiny hasn’t been in school regularly for 2 years. She disclosed to you that sometimes she cuts herself when she’s feeling really angry or depressed. There is a history of multiple CPS report against the family, but Destiny is not currently in foster care and she doesn’t know if she wants to be. Her mom is undocumented, and has another child, an 8 year old boy. Destiny herself is three months pregnant. She was recently arrested for shoplifting, but has no prior juvenile history. Destiny says she has an older boyfriend, but has not said how she met him or how much older he is.
Flags for possible legal issues

- Not Safe at Home
- Mental Health Needs
- Trauma
- CSEC/Domestic Violence?
- Running Away from What?
- Juvenile Justice
- Foster Care
SO MANY LEGAL ISSUES

- Access to justice
- Consumer Law
- Child Custody
- Child Welfare
- Civil Rights
- Criminalization / Fines & Fees / Status Offenses
- Credit Issues
- Disability
- Domestic violence
- Education
- Employment
- Eviction
- Expungement
- Family Law
- FEMA
- Housing/Shelter & Renters’ Rights – barriers to obtaining or maintaining housing
- Health & Other Economic Benefits
- ID and replacing documents
- Immigration
- Juvenile Justice
- Insurance
- LGBTQ
- Privacy and safety concerns
- Probate
- Public Benefits i.e. SSI – Supplemental Security Income
HOMELESS YOUTH LAW

Not safe at home?
- Restraining orders
- Permanency (e.g., Guardianships)

Homeless Youth

Disability?
- ADA Claims
- Fair Housing

Pregnant / Parenting
- Foster Care
- Entry
- Child Care
- Child Custody

Criminal issues?
- Warrant
- Court date
- Record Expungement
- Tickets, Fines

Special Education
- State Disability Programs

Medicaid / Access to healthcare
POSSIBLE LEGAL ISSUES FOR DESTINY?

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- Child Custody
- Child Welfare
- Civil Rights
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Minor offenses such as truancy, curfew violation, nuisance offenses, survival crimes, theft, etc. lead to big problems—such as more frequent and longer detention.

- 62% of homeless youth have been arrested at some point.
- Approximately 100,000 youth exit the juvenile justice system with little or no discharge planning.

The courts can play a leadership role in preventing youth homelessness.

- Sound judicial leadership
- Effective representation
- Systems coordination
- Reentry planning
IMPROVED SYSTEMS COORDINATION:
ABA JJ STANDARDS RELATING TO DUAL-STATUS YOUTH

- Encourage reconsideration of practices that result in unnecessary referral of youth to juvenile courts
- If referred, maximize diversion from juvenile court
- Ensure youth receive services from all systems
- Ensure that youth discharged from JJ facilities have a re-entry plan when returning to their communities
SSI AND THE JUVENILE JUSTICE SYSTEM

- High rates of mental health disorders and exposure to trauma. 65-70% have a diagnosable mental health disorder.

- 93% report exposure to at least one Adverse Childhood Experience (ACE). Majority of those youth have at least 6 ACE events.
CONSEQUENCES OF SYSTEM INVOLVEMENT

Bench Warrants

- Many youth have bench warrants—typically for minor (and older) offenses
- Bench warrants affect housing—some shelters won’t house clients as it constitutes housing a fugitive
- Youth turn themselves in and are locked up and traumatized unnecessarily
- Partnerships with the Courts and the DA to quash warrants or withdraw prosecution yield positive results
In most states (including PA), at least some juvenile records are available to the public, employers, etc.

Youth are rarely informed about the right to expungement/sealing, and must affirmatively file a petition. Expungement is rarely a guarantee.

This leads to young people being denied jobs, education, housing, and more.
HOW TO FIND LEGAL SERVICES

- Criminal – Public Defender
- Civil Legal Services/Legal Aid – lsc.gov
- Bar Associations: ABA, State and Local – FindLegalHelp.org
- Law School Clinical Programs
- Law Firm Pro Bono Programs – ABA HYLN Pro Bono
- Courts
- Other Service Providers
- Policy Advocates/National Campaigns

Directory of Legal Services: ambar.org/HYLN
BAY AREA LEGAL AID’S YOUTH JUSTICE PROJECT

Legal assistance to TAY experiencing homelessness in the Bay Area:

- Public Benefits
- Healthcare Access
- Housing
- Foster Care
- Family Law
- Education
- Consumer Law
- Tickets and Record Sealing
BAYLEGAL’S APPROACH

• Meeting youth where they are

• Develop access points and build a net of referral sources – homeless shelters, mental health clinicians, case managers, McKinney-Vento liaisons, etc.

• Legal assistance follows a STATED interest model—youth voice drives representation.

• Build the eyes and arms of the system – community trainings with government agencies, court appointed attorneys, youth centers, youth providers.
COMMUNITY LEGAL SERVICES OF PHILADELPHIA
YOUTH JUSTICE PROJECT

HISTORY

- Created in 2016
- Recognized high number of opportunity youth in Philadelphia with a variety of legal issues in need of youth friendly, holistic representation
- Attorney will, small grants, fellowships, large foundation grants

MODEL

- Develop a model for holistic representation of youth.
- Build a coalition to facilitate information sharing and referrals.
- Collaborate to achieve policy reforms.
LEVERAGING OPPORTUNITIES FOR PARTNERSHIPS AND FUNDING

- **Initial Pilots**
  - Foundations, Fellowships
  - Track data, show impact and aligned interests

- **State and federal funds**
  - OJJDP, OVC, VAWA, OES...

- **County funding**
  - SSI Advocacy Trusts
  - Medicaid (MAA, TCM, Whole Person Care)

- **Building internal capacity**
  - Staff prioritization
HOW TO ENGAGE WITH ABA HYLN

- Visit our website: [www.ambar.org/HYLN](http://www.ambar.org/HYLN)
- Follow us on Twitter: [@ABAHYLN](https://twitter.com/ABAHYLN); and Facebook [www.facebook.com/ABAHYLN/](http://www.facebook.com/ABAHYLN/)
- Join our listserv by e-mailing [hyln@americanbar.org](mailto:hyln@americanbar.org)
- Help us map existing programs and unmet legal needs by taking our survey: [http://bit.ly/2jwUWme](http://bit.ly/2jwUWme)
- Request free Technical Assistance: [Amy.HortonNewell@americanbar.org](mailto:Amy.HortonNewell@americanbar.org)
HOW TO FIND LEGAL SERVICES

- Criminal – Public Defender
- Civil Legal Services/Legal Aid – lsc.gov
- Bar Associations: ABA, State and Local – FindLegalHelp.org
- Law School Clinical Programs
- Law Firm Pro Bono Programs – ABA HYLN Pro Bono
- Courts
- Other Service Providers
- Policy Advocates/National Campaigns

Directory of Legal Services: ambar.org/HYLN
RESOURCES

**Homeless Youth Handbooks**, A Pro Bono Project of Baker McKenzie, [homelessyouth.org](http://homelessyouth.org)


For more information on the ABA Homeless Youth Legal Network, please visit ambar.org/HYLN or email HYLN@americanbar.org.