

## Preventing Homelessness for System-Involved Youth

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### Keyona's story\*

*"I entered care at age 8 and became a ward of the court at age 10. When I entered care at age 8, I remained with my biological mother; however, the environment did not improve, so I was placed in foster care at age 10. I experienced several types of placements while in care including: emergency shelters, foster homes, group homes, residential facilities, and independent living. I remember being very persistent about not being placed in a foster home setting when I was 16. It was very uncomfortable for me to live and be a part of someone else's family, especially since I maintained a close relationship with my biological family. From 16 -18, I stayed in group home and independent living settings. I graduated high school at 18 and attended college out of state in North Carolina. The transition from care to college was unexpectedly difficult. I was overwhelmed. I didn't expect it to all be so hard – emotionally – and I felt like I wasn't supposed to be there. I abruptly decided to leave college during the spring semester of my freshmen year. They placed me in another transitional living placement, but I was depressed for a long time. Within 30 days of leaving school, I was placed in inpatient psychiatric care. At that point, things are a bit of a blur. I took off a year from school and went back when I was 20, after a lot of encouragement from friends.*

*During a school break before my 21<sup>st</sup> birthday, I attended my last court hearing. We talked about how school was going and how I was feeling about turning 21, but we never discussed a real plan for after I turned 21. Up until that point, when I came home on school breaks I was placed in a group home or independent living setting. I didn't have a plan for what I would do during school breaks after turning 21. Between 18 and 21, the focus of most court hearings and meetings was me attending college. I didn't have a detailed plan for what things would look like, and I definitely didn't have any backup plans.*

*I became homeless 2 years after aging out of care. My mother passed away the summer before my senior year, which was extremely difficult. During the break before my last semester, I made poor decisions that led to my arrest. I got caught up in a financial scam as I struggled to support myself, and those felony charges led the school to give me a choice: face a discipline board and possibly be expelled or accept a suspension. I thought I was doing myself a favor and chose the suspension. What I didn't understand was that this decision meant I had to also leave campus immediately. I had nowhere to go, and the school was no help.*

*The only place I knew was a fairly safe area near the farmer's market, and I slept that night on a bench in the park. I spent a week living on the street. I finally called the counseling office, and they referred me to a shelter. The shelter had a terrific social worker, who supported me and encouraged me to re-enroll in college (at a different university). Eventually I reached the maximum stay allowed in the shelter and had to leave but I was unable to find a job due to the recent criminal*

*charges. While at the shelter I had reconnected with my former CASA worker, who paid for me to stay in a motel until I found a temp job, and my former family teachers from BoysTown (one of my placements while in foster care), who sent me money for food whenever they could. I am extremely thankful for their support during that time. I was also very fortunate to have awesome public defenders who looked at my life outside of the incidents and really worked to get me the outcome that would be most helpful in my future. Through their advocacy, and the court's consideration of my academic achievements, I was able to have my charges reduced and get a suspended conviction.*

*Ultimately, I was able to find multiple jobs to support myself and complete my Bachelor's in Social Work, and I went straight into the MSW program and earned my Master's degree in this year. Despite all odds, my story has a happy ending. For most foster youth aging out of care and for most young people who touch the criminal justice system at any point, the outcomes are not so great."*

\*These are a condensed version of remarks made by Keyona Cooper, MSW, at the National Council of Juvenile and Family Court Judges 2017 Annual Conference. The authors thank Keyona for her generosity in sharing these experiences and insights.

## **Many system-involved youth experience homelessness**

While many of Keyona's experiences are not unusual--as she notes-- the stories of other young people in similar circumstances do not always have such happy endings. Keyona remained in extended foster care until age 21 and yet she aged out without sufficient transition planning and in a very fragile environment that ultimately led to homelessness. She is not alone.

Each year, 100,000 youth exit the juvenile justice system, often with little or no discharge planning. Many are released from locked facilities without any supports, even though secure confinement can cause severe trauma and has been linked to clinical depression and suicidal ideation, as well as poorer educational and vocational achievement.<sup>1</sup> At the same time, over 25,000 youth age out of the foster care system at 18, and an unknown number of youth move out of homes from failed adoptions.<sup>2</sup> In addition, there are youth who leave home because of family conflict, unreported abuse and neglect, or other problems. Every year, as many as 550,000 young people under age 24 are homeless and on their own for more than a week, according to estimates by the National Alliance to End Homelessness. According to statistics shared by Covenant House:

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<sup>1</sup> Holman, B., et al., (2007) The Dangers of Detention: The Impact of Incarcerating Youth in Detention and Other Secure Facilities. Justice Policy Institute, Annie E. Casey Foundation.

<sup>2</sup> Covenant House Int'l, Homelessness in America, <https://www.covenanthouse.org/homeless-teen-issues/juvenile-justice>; U.S. Dept of Health and Human Services, U.S. Dept. of Housing and Urban Development, Housing for Youth Aging Out of Foster Care, <https://www.mathematica-mpr.com/our-publications-and-findings/projects/housing-for-youth-aging-out-of-foster-care>;

- “More than 25% of former foster children become homeless within two to four years of leaving the system.”
- “50% of adolescents aging out of foster care and juvenile justice systems will be homeless within six months because they are unprepared to live independently and have limited education and no social support.”
- “In case after case, the main cause of youth homelessness is physical, sexual, and/or emotional abuse from parents or guardians”.<sup>3</sup>

The overlap between homeless youth, the child welfare system and juvenile justice is significant. A recent study that interviewed runaway and homeless youth in 11 U.S. cities found that nearly 44% had stayed in a jail, prison or juvenile detention center, nearly 78% had at least one interaction with the police, and nearly 62% had been arrested at some point in their lives.<sup>4</sup> Youth of color and youth who identify as LGBTQ are disproportionately represented among youth who experience homelessness and are system-involved.<sup>5</sup>

A 2016 study focused on interviews with 654 youth ages 14 to 21 in 11 cities; some youth were receiving services and others were not. The study found that:

- The average youth spent nearly two years living on the streets;
- More than 60% of youth were raped, beaten up, robbed or assaulted;
- Nearly 30% of youth were gay, lesbian or bisexual and 7% identified as transgender;
- About half of youth had been in foster care, and those youth with a foster care history had been homeless longer than youth who had not experienced foster care placements (27.5 months vs. 19.3 months on average).
- More than half of the youth also needed a safe place to stay, help with education, access to laundry facilities, a place to study, rest, or spend time during the day, and a phone.<sup>6</sup>

## **NCJFCJ Resolution: Courts can help prevent youth homelessness**

Allowing youth to leave either or both legal systems without a home places them in enormous jeopardy, and requires a lot of resources and expense to resolve. As noted in the NCJFCJ Resolution Addressing the Needs of Homeless Youth and

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<sup>3</sup> National Alliance to End Homelessness, *Youth and Young Adults*, <https://endhomelessness.org/homelessness-in-america/who-experiences-homelessness/youth/>; Covenant House Int'l, *Teen Homelessness Statistics*, <https://www.covenanthouse.org/homeless-teen-issues/statistics>

<sup>4</sup> Street Outreach Program Data Collection Study, ACF Family and Youth Services Bureau, April 12, 2016. The study was conducted by researchers at the University of Nebraska – Lincoln.

<sup>5</sup> Coalition for Juvenile Justice, *Youth Homelessness and Juvenile Justice: Opportunities for Collaboration and Impact*, June 2016.

<sup>6</sup> See, fn. 4, *supra*.

Families in Juvenile and Family Courts<sup>7</sup>, homelessness is disruptive to the maturation processes for both children and adolescents and profoundly impacts their cognitive, social, and emotional development. Youth experiencing homelessness are more likely to have mental health and substance abuse issues, more likely to become victims of crime, more likely to incur sexually transmitted diseases and unplanned pregnancies, and are faced with huge educational and employment challenges.

Being homeless subjects youth to deeper entry into the juvenile and criminal justice systems because they are placed in positions where they may be punished for skipping school, being in a park after hours, breaking curfew, and committing survival offenses, like theft and engaging in sex for money, food or a place to sleep. Many youth end up in juvenile detention or other locked facilities because they simply have nowhere else to go.

Becoming homeless is also too often the result of courts that do not ensure that foster children and juveniles who are placed outside their home have transition and re-entry planning that is expected from federal child welfare legislation and national juvenile justice policies. Appropriate transition and re-entry planning includes life skills, job training, education, identification, access to benefits, sealing or expunging records, and most important, a place to live.

Appropriate planning also necessitates continued and effective legal representation in both dependency and delinquency cases so the myriad of legal issues can be resolved before youth encounter barriers to education, employment and housing that lead to homelessness.

Legal systems also need to recognize the impact of a juvenile adjudication on a family's ability to remain in public housing, as well as the impact of family homelessness on a child's ability to be reunited with his or her family in both the child welfare and juvenile justice systems. Domestic violence and family conflict are the most significant drivers of family homelessness and runaway and homeless youth.<sup>8</sup>

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<sup>7</sup> Available at

[http://www.ncjfcj.org/sites/default/files/Fnl\\_Adopted%20Homelessness%20Resolution\\_7-2017.pdf](http://www.ncjfcj.org/sites/default/files/Fnl_Adopted%20Homelessness%20Resolution_7-2017.pdf)

<sup>8</sup> In 2005, "50 percent of U.S. cities surveyed reported that domestic violence is a primary cause of homelessness." American Civil Liberties Union, *Domestic Violence and Homelessness*, <https://www.aclu.org/sites/default/files/pdfs/dvhomelessness032106.pdf> The Family and Youth Services Bureau, *Street Outreach Program Data Collection Project Executive Summary*, also stated "The most highly endorsed reason for becoming homeless the first time was being asked to leave by a parent or caregiver (51.2%), followed by being unable to find a job (24.7%), being physically abused or beaten (23.8%), or problems in the home due to a caretaker's drug or alcohol abuse." (October 2014, [https://www.acf.hhs.gov/sites/default/files/fysb/fysb\\_sop\\_summary\\_final.pdf](https://www.acf.hhs.gov/sites/default/files/fysb/fysb_sop_summary_final.pdf))

This Resolution comes at an opportune time when many governmental agencies, foundations, and non-governmental organizations are reassessing their responsibilities to prevent and end youth homelessness.

In 2016, the Coalition for Juvenile Justice (“CJJ”) launched *Collaborating for Change: Addressing Youth Homelessness and Juvenile Justice* with partners the National Network for Youth and the National League of Cities' Institute for Youth, Education, and Families. The initiative has two main goals: (1) to decrease the likelihood that homeless youth become involved with the juvenile justice system, and (2) to prevent youth homelessness among justice-involved youth.

In its first year, the Collaborating for Change initiative worked with an advisory committee of over 30 members with experience and expertise across a range of juvenile justice and homelessness issues to develop policy and practice guiding principles and action recommendations. *Addressing the Intersections of Juvenile Justice Involvement and Youth Homelessness: Principles for Change* (“CJJ Principles”) was published in February 2017 and includes a wealth of information and guidance for judges, lawyers, and other juvenile justice system stakeholders.<sup>9</sup> The project also developed other publications, and delivered training and technical assistance. During the project's second year, CJJ and partners will work with a number of communities across the country to implement the recommendations found in the CJJ Principles.

Three entities of the American Bar Association – the Commission on Homelessness and Poverty, the Commission on Youth at Risk, and the Section of Litigation Children’s Rights Litigation Committee, have partnered to initiate and expand legal services to youth and young adults experiencing homelessness, including those transitioning from the child welfare and juvenile justice systems. The initiative is called the Homeless Youth Legal Network (HYLN). HYLN has a web portal at [www.ambar.org/HYLN](http://www.ambar.org/HYLN), an advisory group of representatives from over 30 youth-focused organizations, and is working on a directory that maps existing legal services across the country. It selected twelve model sites that offer legal services to homeless youth in a variety of formats – from law school clinics, in-house legal services at youth shelters, pro bono services by lawyers, and specialized legal service programs – and will utilize those sites to build best practices and model principles, and to collect data on youth using those services.

HYLN is strengthened by ABA President Hilarie Bass’ ABA Legal Needs of Homeless Youth Initiative which aims to boost the delivery of legal services to homeless youth by matching law firms willing to offer pro bono services with youth shelters and agencies in their area.

The ABA projects seek to help youth experiencing homelessness resolve the many

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<sup>9</sup> The CJJ Principles and other resources from Collaborating for Change are available at <http://juvjustice.org/homelessness>

issues that create barriers to a successful transition to adulthood. However, the NCJFCJ Resolution allows courts in both the child welfare and juvenile justice systems to impact youth by preventing their entry into homelessness. The Resolution calls for coordination between systems so that youth are given the services that they need at the earliest stage possible and to provide services necessary for them. It urges judges to convene child welfare and juvenile justice system stakeholders to develop strategies to improve responses to youth without or in danger of losing safe and secure housing. It recognizes that these services include possible family reunification, case management, alternative or transitional housing, substance abuse and mental health services, life skills and counseling for both youth and their families.

In addition to the ABA and CJJ projects, several other national initiatives also exist that can provide support to judges who want to tackle these issues at the local level. A Way Home America (AWHA) is a national initiative to prevent and end homelessness among all youth and young adults by 2020. AWHA and the U.S. Department of Housing and Urban Development (HUD) have supported 100-Day Challenges in over a dozen communities to house as many young people as possible in a 100-day period.

A number of strategies are available to the Court to prevent youth from becoming homeless, and this article will focus on three key strategies: coordinated transition and re-entry planning, improved legal representation and sound judicial leadership, including supporting and prioritizing pre-court diversion from juvenile justice involvement as a systemic practice.

## **Strategy 1: Prevention with Coordinated Transition/Re-entry Planning**

Courts must ensure that youth in both systems are given the same transition planning. All too often, young people become involved in multiple legal systems, but even when that has not happened, youth in the juvenile justice system have the same needs as youth in the child welfare system in order to successfully re-enter their communities and avoid the criminal justice system.

Federal legislation offers youth in foster care greater benefits than those solely in the juvenile justice system, although the pending re-authorization of the Juvenile Justice and Delinquency Prevention Act may add additional transition planning requirements.<sup>10</sup> As noted in the newly-enacted ABA Standards for Dual-Status

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<sup>10</sup> As of this writing, the bill requires "an assessment of living arrangements for juveniles who, upon release from confinement in a State correctional facility, cannot return to the residence they occupied prior to such confinement." It also says that "State three year plans must (31) describe how reentry planning by the State for juveniles will include— (A) a written case plan based on an assessment of needs that includes—(i) the pre-release and post-release plans for the juveniles; (ii) the living arrangement to which the juveniles are to be discharged; and (iii) any other plans developed for the

Youth<sup>11</sup>, child welfare cases should not be closed when youth enter the juvenile justice system; rather, those cases should remain open and coordinated with the juvenile court case, under the leadership of the juvenile court judge so that youth receive access to all available services.

Courts offer the best opportunity for all parties to gather and work together on either transition or re-entry planning. Regular court appearances ensure that all parties and agencies are meeting their obligations to the youth in their care. Planning must be initiated well before a youth ages out of foster care or is discharged from the juvenile justice system. The ABA Standards and CJJ Principles both recommend that, for juveniles adjudicated of delinquent behavior, planning begin at disposition. Planning and service provision should continue throughout justice system involvement, and the plan should be updated as the youth's life circumstances change. Youth in the juvenile justice system should never spend a night in detention because they lack housing.

The court's oversight role includes asking tough questions of the child welfare or juvenile justice agency at each hearing, to ensure they are taking all possible steps to prevent youth from experiencing homelessness. The CJJ Principles state that:

*Transition plans should specifically address long-term housing stability. Agencies should not simply ask if each youth has a place to sleep the night or week they are released, but instead ensure that the youth is positioned to safely return to their homes until adulthood and/or find and keep a new place to live. This could include providing family counseling to address high-conflict relationships and/or offering educational and vocational services. It could also include ensuring that the youth's behavioral health needs are met and planning for behavioral health care after system involvement.*

*In addition to a "first-choice" long-term housing plan, transition planning should include one or more backup plan(s) in case the planned living arrangements do not work out...Youth should also have a crisis plan, meaning that they know what they would do, and who to call, if they find themselves facing homelessness despite the efforts detailed above.*

Keyona's story illustrates why it is so important that courts and other child welfare and juvenile justice stakeholders ask tough questions and set a high bar for transition planning: Keyona had a more fortunate child welfare experience than most, but she still left foster care without a good plan for housing, inadequate financial resources, and without all of the skills she needed to live independently. Once she experienced the additional challenges posed by justice involvement, all of

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juveniles based on an individualized assessment; and (B) review processes;" and requires a plan to support timely record transfer, and credit transfer and recognition.

<sup>11</sup> ABA Criminal Justice Standards Relating to Dual Jurisdiction Youth (August 2017), available at [http://www.americanbar.org/content/dam/aba/directories/policy/2017\\_am\\_112A.docx](http://www.americanbar.org/content/dam/aba/directories/policy/2017_am_112A.docx).

the advances she'd made, including her educational successes, were seriously jeopardized.

The ABA Model Statutes on Runaway and Homeless Youth, and the ABA Standards on Dual-Status Youth require that transition and re-entry plans include participation by all agencies responsible to the youth and address the following areas:

- Discharge coordination
- Housing, education and employment training
- All documents necessary for youth to transition to independence
- Health care
- Continued services and benefits
- Identification of case manager for extended child welfare services
- Expungement/sealing procedures for the delinquency case

Youth must be present at planning hearings and their families should be engaged in this process as well. Services offered should be *developmentally appropriate and culturally competent*, to ensure youth can fully benefit from them. As discussed below, it's essential that counsel for the youth continue until the youth reaches age 18 or is discharged from juvenile jurisdiction.

## **Strategy 2: Prevention with Effective Legal Representation**

All jurisdictions should address legal representation for youth regardless of whether youth are in the child welfare system, the juvenile justice system, or both systems. The Resolution urges judges to ensure that youth in their courts and communities receive high quality juvenile defense and dependency representation and have civil legal assistance available to prevent or resolve issues that can lead to homelessness.

For youth in the child welfare system, it's critical that, especially as youth fail to find permanency and are more likely to age out of foster care, counsel for youth continue representation and become client-directed in their representation of older youth. It can never be in the child's best interest to age out of foster care with nowhere to go, no life skills, and no one to turn to; youth should be present at review hearings and counsel for foster youth should ensure that the youth's current and future needs and goals are being met. Likewise, youth in the juvenile justice system require "competent, loyal and zealous" counsel legal representation post-disposition to assure effective re-entry planning.<sup>12</sup> The goal of attorneys who represent youth in both systems is the same: to keep youth safe and help them find stability.

Counsel for dependent youth should ensure that, if lack of housing is preventing family reunification and if family reunification is the youth's goal, that he or she is

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<sup>12</sup> ABA Criminal Justice *Standards Relating to Dual Jurisdiction Youth* (August 2017), available at [http://www.americanbar.org/content/dam/aba/directories/policy/2017\\_am\\_112A.docx](http://www.americanbar.org/content/dam/aba/directories/policy/2017_am_112A.docx).

working with other stakeholders to coordinate supports and services to locate transitional housing programs.

For many youth experiencing homelessness, records that document contact or involvement with the juvenile justice system become barriers to educational programs, public housing, and employment training and opportunities. Effective counsel should ensure that prior to discharge, steps are taken to seal or expunge juvenile records. However, the most significant service legal counsel can provide to youth who have been arrested is to prevent their entry into the juvenile justice system through diversion programs that provide needed services to youth in their community.

Improved advocacy at detention hearings should ensure that youth are not held because of lack of housing; at disposition hearings, that more youth remain in their communities because that is the least restrictive alternative. The ABA Standards, Standard 12, sets out specific responsibilities for counsel in the juvenile justice system so that the legal needs of multi-system youth are resolved before discharge.<sup>13</sup> The CJJ Principles assert that “all youth [should] have access to counsel and legal resources for any court involvement, as early in the process as possible,” and encourage juvenile defenders and civil legal service providers to partner with homelessness advocates and service providers. Together, these advocates should identify appropriate services, including meeting legal needs common to youth experiencing (or at risk of) homelessness, such as record sealing or expungement, applications (or appeals) for public benefits, access to identification documents, or emancipation. Keyona’s story illustrates that strong legal advocacy and thoughtful court decisions can resolve or prevent employment barriers that can lead to or lengthen homelessness.

**TEXT BOX:** Courts and counsel for youth in the child welfare and/or juvenile justice systems must be alert to the increased risk of system-involved youth becoming homeless, especially for those youth of color or who identify as LGBTQ, and to the wide spectrum of legal issues that are present with youth who are homeless.<sup>14</sup> These lawyers have a unique capacity to address the legal needs that interfere with housing, employment and self-sufficiency, such as identification and identity theft,<sup>15</sup>

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<sup>13</sup> ABA Criminal Justice *Standards Relating to Dual Jurisdiction Youth* (August 2017), available at [http://www.americanbar.org/content/dam/aba/directories/policy/2017\\_am\\_112A.docx](http://www.americanbar.org/content/dam/aba/directories/policy/2017_am_112A.docx).

<sup>14</sup> A recent survey of youth experiencing homelessness in 11 U.S. cities found that 41% identified as Black or African-American and almost 26% identified as Hispanic or Latino/Latina. Note that these categories were not mutually exclusive. The survey respondents also reported extremely high rates of past child welfare and/or juvenile justice system involvement, as well as high levels of victimization before and while experiencing homelessness. Family and Youth Services Bureau; Administration for Children and Families; U.S. Department of Health and Human Services. Street Outreach Program Data Collection Study Final Report (April 2016).

<sup>15</sup> Under federal law, child welfare agencies must “ensure that youth in foster care receive a copy of [their credit report] annually until discharged from care, and that they be assisted in interpreting the credit report and resolving any inaccuracies.” Additional guidance on meeting these requirements is available at [https://www.acf.hhs.gov/sites/default/files/cb/cw\\_directors\\_credit\\_letter.pdf](https://www.acf.hhs.gov/sites/default/files/cb/cw_directors_credit_letter.pdf), and

credit issues, family conflict, citations and arrests arising from homelessness, immigration, and record expungement or sealing. Addressing these legal issues, as well as preserving young people’s rights to education, benefits, and other entitlements can prevent, alleviate or end a youth’s homelessness.

### **Strategy 3: Prevention with Sound Judicial Leadership**

Judges have historically played an important role as conveners of opposing interests and as community leaders, and their leadership has been a critical element of reform in both the child welfare and juvenile justice system. Most important, judges help the public understand the nature of youth in legal systems. In many jurisdictions, there is a public perception that delinquent youth are “bad kids” and don’t deserve the benefits that are given to foster youth, but the truth is these are all the same kids. Judges are aware that there is little distinction between foster youth and delinquent youth and can help the public alter that perception.

Too often, foster youth are arrested or referred to the juvenile justice system for behavior that typifies adolescence. Typical teenagers living with their parents would not be arrested for single incidents of disruptive behavior, leaving home without permission, breaking curfew, or skipping school, and youth who are in foster care should not be arrested and locked up in detention for the same conduct. To reduce entry into the juvenile justice system, child welfare agencies and foster placements must differentiate between normal adolescent behavior and conduct that warrants intervention. Court systems should develop protocols to screen referrals to keep youth out of the juvenile justice system.<sup>16</sup>

Juvenile and family courts can improve outcomes for youth experiencing homelessness in a number of ways:

- thoughtful reconsideration of the practices<sup>17</sup> in the child welfare and educational system that result in the unnecessary referral of youth to juvenile courts;
- expanded use of diversion programs so that youth have multiple opportunities – through police departments, juvenile probation, prosecutors and court – to receive needed services and keep them from deeper entry into

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judges should require agency representatives to show that this obligation is being fulfilled in each case before the court.

<sup>16</sup> In the Standards, “minor delinquent behavior” is defined as “conduct that does not rise to the level of significant or repeated harm to others, significant or repeated property loss or damage, or a threat of significant harm to others.” Standard 1.1(t)

The Standards advise that minor delinquent behavior should be addressed without law enforcement, and that stakeholders create a presumption against arresting youth in the child welfare system for minor delinquent behavior.

the juvenile justice system; this includes supporting/offering services specific to homelessness or related needs that are not attached to court supervision;

- refusing to use secure confinement for status offenses and non-violent acts, as the trauma and other impacts of incarceration can contribute to homelessness
- stopping the use of fines and fees or court costs in juvenile courts;
- ensuring that youth who are appropriately before the juvenile court receive services from other systems, including services normally provided by the child welfare system;
- ensuring that each youth involved in a child welfare or juvenile justice case receives early, continuous and effective transition or re-entry planning;
- judicial advocacy to eliminate statutes that criminalize homelessness and for community-wide investments in affordable housing and services to prevent and address homelessness;
- ensuring that all stakeholders in the child welfare and juvenile justice system are trained to better understand the implications of homelessness and the youth who lack safe and secure housing;
- instituting systemic changes to make the juvenile justice system and courts trauma-informed, gender responsive, and developmentally appropriate;
- engaging youth in the process of practice and policy change, so their experiences and expertise can inform court and system improvements.

The NCJFCJ Resolution affirms that juvenile judges have a responsibility to protect youth within their jurisdiction and therefore support policies that give appropriate and adequate services to youth who lack stable and secure housing, and that both juvenile and family court judges must address the housing status of youth and families by connecting them to appropriate services to improve outcomes.

The Resolution, along with ABA Standards<sup>18</sup>, and the CJJ Principles, opposes the criminalization of youth for behavior that results from lack of stable and secure housing and supports policies that divert youth who commit “survival crimes” from the justice system to services that can meet their basic needs. (As Keyona experienced, many young people end up breaking the law because they are struggling to support themselves.) It supports policies that stop the practice of placing youth in locked facilities because of lack of housing. It supports transition and re-entry planning from the point of disposition so that each young person has safe and permanent housing when system involvement ends.

In recognition of the disproportionate percentage of LGBTQ youth and youth of color in homeless populations, the Resolution supports policies that prioritize those over-represented populations in order to reduce their numbers in homeless youth and youth legal systems. The Resolution affirms the need for all stakeholders to be

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<sup>18</sup> See, Standards 1.2(b) (c); 2.3(b)(ii); 3.2(a); 4.1; 4.2.

trained and informed about implicit and explicit bias and effective strategies to reduce bias and disparities. The CJJ Principles also focus on the need to “ensure efforts prioritize LGBTQ/GNC youth, youth of color, and other over-represented populations to address and reduce the disproportionalities that exist in the populations of youth experiencing homelessness and/or involved with the juvenile justice system.”

Finally, the Resolution encourages judges to support specific policies that can better serve youth experiencing homelessness. These include:

1. A recognition that all systems that serve youth have a role to play in making certain that youth are not criminalized for lack of housing;
2. Child welfare practices can keep youth from entering the juvenile justice system;
3. Child welfare services can do more to serve adolescents so that they receive the same quality and level of prevention efforts and services as younger children who experience abuse or neglect;
4. Child welfare services must provide housing and assist with record sealing or expungement, enrollment in public benefits, and employment;
5. Child welfare services must ensure that youth aging out of foster care are given necessary supports and services;
6. Youth must be educated about their rights and entitlements;
7. *Diversion and community-based services are essential, and programs should prioritize case management and services related to homelessness;*
8. Build services that provide gender-responsive and culturally appropriate trauma-informed responses for youth who experience or have experienced homelessness;
9. An end to use of fines, application of monetary costs, or pretrial cash bail for youth;
10. An end to use of citations and summons that are delivered by mail and may not reach youth who have insecure housing;
11. Prohibit youth detention or incarceration as a solution for housing;
12. Positive development strategies are essential in youth community-based programs, and must include opportunities to learn from mistakes;
13. Concrete, individualized transition plans for all youth in the juvenile justice system from the day they enter court supervision.
14. Ongoing research-informed assessments, planning and services throughout system involvement, including those that identify risks related to housing, mental health, disabilities, substance abuse or other needs, should be used;
15. Strict accountability mechanisms should be developed to ensure juveniles receive transition planning and exit from the juvenile justice system at the earliest possible date;
16. Partner with families in transition planning for youth and assist families with services that can provide safe and stable housing for youth;
17. Advocate for specialized services and resources for youth and families in danger of homelessness;
18. Advocacy of improved services for youth in the justice system;

19. Coordinate funding for youth services across all systems; and
20. Families should not lose housing as a result of a youth's arrest or adjudication for a delinquency offense.<sup>19</sup>

The NCJFJC Resolution is bold and, “commits the judiciary to play a pivotal role in seeing and addressing the risk of homelessness that so many court-involved youth face.”<sup>20</sup> The resolution acknowledges the role of homelessness faced by youth in both the child welfare and juvenile justice systems and obligates judges to be leaders and reduce the impact of homelessness on these children and young people.

**Text Box:** Keyona's recommendations:

Based on her experiences, Keyona suggests the following to judges and other professionals who work with court-involved youth:

-Youth should be educated on exactly what aging out of care means. They need to understand what support will no longer be there so that they can start to identify alternative sources for that support. For example, when you're in care, social workers or placement staff make all your medical appointments and you automatically get Medicaid. Once you age out, you have to apply for insurance and make your own appointments. That's something I did not know how to do when I aged out.

-When you have transition meetings, they should include having youth identify their housing options for after 21. More than one option should be discussed in this meeting. The housing option I identified was to stay with family, and that worked until my mom passed.

-I would also recommend that youth that are working are strongly encouraged to start a savings account specifically for expenses once they age out. I started working at 16 and held a job throughout high school, but I was never required to save. The system should also help youth obtain their driver's license before aging out because this can help with getting a job and living independently.

*DAVIDSON COUNTY, TENNESSEE: HOW ONE JUVENILE COURT IS WORKING TO DECRIMINALIZE AND ADDRESS YOUTH HOMELESSNESS*

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<sup>19</sup> Nat'l Council of Juvenile and Family Court Judges, Resolution Addressing the Needs of Homeless Youth and Families in Juvenile and Family Court, adopted July 15, 2017.

<sup>20</sup> Jennifer Pokempner, Pursuing Justice: A Juvenile Law Center Blog, August 11, 2017, <http://jlc.org/blog/ncjfcj%E2%80%99s-resolution-commits-judiciary-play-pivotal-role-seeing-and-addressing-risk-homelessness>

Davidson County Juvenile Court, which serves metropolitan Nashville, TN, is currently putting into practice many of the recommendations shared throughout [the CJJ Principles]. Juvenile Court Administrator Kathryn Sinback explains that under the leadership of Judge Sheila Calloway, “our Court has taken the position that it is wrong to permanently stigmatize children as ‘delinquent’ if they simply need services and assistance to deal with problems such as family crisis and homelessness.”

Some examples of their policies and practices include:

- Decriminalizing all juvenile status offenses and most non-violent misdemeanor delinquent offenses<sup>21</sup> by handling them as “informal adjustment” cases. (Informal adjustments in their court do not result in a juvenile petition, court costs, or a permanent Juvenile Court record).
- Developing a process for other misdemeanor offenses often related to homelessness<sup>22</sup> to be informally adjusted as well. Sinback says “[b]y handling these cases as informal adjustment cases, we can address the underlying issues without causing more trauma or unnecessary negative consequences for the child.”
- Identifying the individualized needs of each child and linking them with appropriate services, including services to address housing needs. This happens through referral to an Assessment Team, which determines an individualized plan of services and interventions for the child. Although this process is voluntary for informal adjustment cases, Sinback explains that “staff are highly trained to engage with families and to explain the importance of working together to help the child avoid future delinquency.”
- Following up on assessments with identification of resources, case management, and service linkage. Services can include assistance with housing, job services for parents, and other issues that can lead to risk of homelessness.
- Protecting youth from self-incrimination and encouraging openness and cooperation by having Assessment Reports be statutorily confidential, protected from subpoena, and unavailable to the District Attorney, Judge, Department of Children’s Services, or police.
- Training staff on ACEs, trauma-informed care, crisis prevention and intervention, issues relevant to lesbian, gay, bisexual, transgender, questioning and intersex youth, non-violent communication, motivational interviewing, and poverty, which Sinback says, “enables our staff to effectively work with homeless youth and to assist families with preventing homelessness.”

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<sup>21</sup> Charges included: Criminal Trespassing, Curfew, Disorderly Conduct, Evading Arrest (Misdemeanor—not in a vehicle), False Information, Gambling (Misdemeanor), Loitering During School Hours, No Driver’s License/Revoked/Suspended, Obstructing a Passageway, Runaway, Smoking Paraphernalia and Possession, Tobacco, and Traffic Tickets.

<sup>22</sup> The following misdemeanor offenses are staffed by D.A., Public Defender, and Court staff to determine if they can be informally adjusted instead of being placed on a court docket: Criminal Impersonation, Domestic Assault, Drugs (Possession or Paraphernalia), Harassment, Indecent Exposure, Joyriding, Leaving the scene of an accident, Possession/Consumption of Alcohol, Resisting Arrest, Simple Assault, Theft (Property, Merchandise) \$500 or less, and Vandalism (under \$500).

The court also devotes staff time to partner on larger efforts to address and prevent youth homelessness, including serving on the Steering Committee of the Nashville Youth Homelessness Task Force, which developed the city's Key Action Plan to End Youth Homelessness, and assisting the Metro Development and Housing Agency with an application to be part of U.S. Department of Housing and Urban Development's Youth Homeless Demonstration Program. Sinback adds that they are also currently in the planning process for construction of a new youth complex that will house the Juvenile Court, community partners, and a youth employment hub. It will also feature a respite center to accept youth beyond the capacity of the current respite provider (Oasis Center), and a 24 hour assessment center where non-detainable youth can be processed without having to go to the secure detention facility.

Source: Davidson County Juvenile Court Administrator Kathryn Sinback