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ARTICLES

Proving I Exist: Strategies for Assisting Youth in Obtaining Identification Documents

By Laura Kolb and Jenny Pokempner – October 2, 2017

The Importance of Identification to Transition Aged Youth

In today's world, identification is needed to move around, to access services and benefits, and to take advantage of all opportunities for education and employment. Identification is often needed to enter buildings, prove eligibility for public benefits and services, and enroll in school or get hired for a job.

When you cannot prove who you are in an official way, it is hard to establish yourself in the world as an adult who can live on your own, work, pay your bills, and complete the daily tasks required to take care of yourself, much less build a future. While identification—state-issued identification, Social Security cards, and birth certificates—is vital to a youth's success as an adult, it can be extremely challenging to obtain when the person who needs the identification is homeless and is a youth or young adult who does not have a parent or family to provide assistance.

Because identification is so important to accessing benefits, services, and opportunities, states establish requirements that seek to ensure that the person requesting proof of identification is truly the person who is the subject of the document. These requirements have become progressively more stringent in federal and state law. For example, in the area of state identification, to align with the REAL ID Act of 2005, states must require the following: proof of identity, including full legal name and date of birth; proof of lawful immigration status; proof of Social Security number or verification that the person is not eligible for one; and proof of residence that includes the person's full legal name and address. More restrictive voter identification laws have had an impact as well. These requirements can often stand in the way of youth accessing the vital records they need to take steps out of or prevent homelessness.

Most youth and young adults have their identification documents (ID) because their parents or family members got them and kept them safe, or helped the youth obtain these documents as they got older. For many youth who are system involved or homeless and on their own, this may not be the case. There may not be an adult to help them navigate a complicated system, and they may not have access to any of the information or documents needed to successfully make a request. They also may not have any safe place to store their ID. For these youth and young adults, the challenge of obtaining an ID can be almost as daunting as trying to navigate in today’s world without it.
In this article, we will focus on the particular challenges that youth and young adults between the ages of 16–26 who are on their own or are aging out of the juvenile justice and/or child welfare systems face in obtaining and maintaining their vital documents. We will focus on birth certificates and state identification and will outline some of the key barriers youth face in obtaining their vital documents and then suggest strategies for individual and policy advocacy to address these barriers.

**Barriers to Accessing ID for Homeless Youth and Young Adults**

There are multiple barriers for youth in obtaining their ID. This article relies on and builds on the conversations started by two excellent resources: the National Network for Youth's *State-by-State Guide to Obtaining ID Cards* (2017) and the Center for American Progress's *Expanding ID Card Access for LGBT Homeless Youth* (2015). These publications provide a wealth of information about the laws in each state for obtaining state identification. They also identify key barriers to access for youth and make recommendations for policy and law reform. We agree with the barriers they identify for state identification and use this opportunity to add to the list. Many of the barriers identified below are shared by adults, especially those who are poor or are homeless. However, the element of youth and young adulthood adds additional challenges and barriers that we think are unique and warrant special attention and strategies.

**Identification verification problems—the catch-22.** In most states, for each vital document a young person seeks to obtain—state identification, birth certificate, and Social Security card—other vital identification documents are required to "prove" things such as identity, citizenship, age, and residency. Commonly accepted forms of verification include birth certificates, utility bills, and driver's licenses. For many homeless youth, these items do not exist or are not accessible. Birth records may have been lost, or a young person may never have had a residence of his or her own to establish utility service. And when attempts are made to replace missing records, those without any ID quickly find themselves caught in a classic catch-22: in Pennsylvania, as in most other jurisdictions, an applicant cannot obtain photo ID without a birth certificate, and yet a birth certificate will not be issued without photo ID. Often youth and young adults who are not connected to family do not have any of these documents and find it difficult to reach a starting point where they can obtain one document that will assist them in getting the others.

**Residency verification problems.** For homeless and unstably housed youth, strict requirements on residency that do not permit alternatives can block access to vital documents based on the instability of their living situation and their lack of history of living on their own. In addition, policies that lack clear guidance that youth in state care (such as foster care or a juvenile justice facility) can use the address of a placement or the agency that has responsibility for them can also be a barrier.
Cost. Many of these documents have costs that young people cannot afford and provide no avenue for a fee waiver.

Limitations on the type and age of requestors. In some states, youth need to be a certain age to request their vital documents, and some require parental consent. In states that allow other individuals to request vital documents on a youth's behalf—either because of age or because the youth does not have proof of his or her identification and needs the requestor to present that information—the class of individuals allowed is usually narrow. In many states, only a parent, guardian, or legal representative can request a vital document for a youth. For youth who do not have or want a relationship with a parent or guardian, such a requirement can block access.

Lack of places to keep documents safe. Some youth do not have their vital documents because they did not have a safe place to keep them in the midst of episodes of housing instability, placement change, or being in a placement that did not permit safekeeping of property or documents. Without locations or practices that increase the odds that youth have a safe place to store, and also access, their vital documents, youth are at high risk for not having these documents when they need them.

Lack of a youth-friendly and understandable process. Most states have a complicated patchwork of laws and policies on obtaining vital records. They can be complicated even for a lawyer to understand. Amending complicated policies that block youth from obtaining vital documents is advisable. However, until policies are changed, existing policies should be communicated in clear and easy to understand formats for youth and young adults.

Not having appropriate and accessible policies for gender marker changes. Youth and young adults who are transgender face the additional challenge of receiving state identification with a gender marker they do not identify with. The publication Expanding ID Card Access for LGBT Homeless Youth provides detail on the potential risks to youth of having identification documents that do not match a youth’s chosen name and identity. The publication reports that many states require proof of transition-related surgery, court order, or an amended birth certificate, or do not provide a clear policy. Such policies stand in the way of youth obtaining identification that can help them access services, benefits, and opportunities in a way that is consistent with their identity and plans for their future. Identification that does not allow this makes youth vulnerable to abuse and may limit their opportunities.

Advocacy Strategies
Laws and policies should be changed to make it easier for youth and young adults to obtain and keep safe their vital identification documents. If we want transition aged youth, especially
those who are homeless or who are "disconnected," commonly defined as neither in school nor working, to have a fair shot at success as adults, simplifying these processes and making them more responsive to the realities of youth and young adults must be a priority. Setting the expectation that youth become "connected" through employment, going to college or training, saving money, and securing housing is unrealistic if we do not have a system that ensures that they have their vital documents. Below we share some strategies for individual and system advocacy. We end with a discussion of litigation opportunities. As with the barriers section of this article, these suggestions support and build upon those presented by the Center for American Progress and the National Network for Youth.

**Individual Advocacy**

**Enforce existing child welfare law.** Under the federal Fostering Connections to Success and Increasing Adoptions Act, the child welfare agency must provide youth who leave the child welfare system at age 18 or older the original or certified copy of the following documents: birth certificate; Social Security card; state identification card or driver's license; health insurance information, including any cards needed to access care; and medical records. 42 U.S.C. § 675(5)(I). While federal law requires that this be part of the transition/discharge planning process, it is recommended that these documents be obtained well before discharge, ideally around age 16 or 17, to make sure they are available when a youth discharges and to facilitate effective discharge planning, which may include application for benefits, housing, and other crucial services that require ID.

Attorneys for youth should ask that the court make findings that the youth has these documents in his or her possession before discharge and ask for orders for documents to be obtained if they have not satisfied the requirement. Attorneys should challenge discharges that are made without the provision of these vital documents. Some states have enacted laws or court rules that prohibit discharges without an acceptable transition plan, including the provision of vital documents. For example, Pennsylvania's juvenile court rules require that a transition plan be developed and approved by the court before jurisdiction over a child can be terminated. The plan must include verification that the required vital documents have been provided to the youth. 237 Pa. Code R. 1631(E).

**Include securing vital documents in the reentry plan for youth in the juvenile justice system.** Securing vital documents is essential to the reentry process so that a young person can get a job, enroll in school, and access benefits, if needed. For young people who do not have a family or strong support system to go home to, securing identification before they discharge from the system is vital.
Attorneys for youth should include obtaining a youth's documents in a client's reentry plan as early as possible so that the processes to obtain the documents can be followed in a timely fashion and be carried out while the youth's team can provide assistance in the process.

**Develop vital documents legal clinics.** Lawyers can play a powerful role in assisting youth in obtaining ID because they can help youth navigate the complicated requirements for each form of identification. Lawyers can also reduce barriers to accessing ID by being the requestor of the document. Some states, such as Pennsylvania, allow a "legal representative" to request vital documents, like a birth certificate, on the youth's behalf. This provision makes it possible for an attorney to apply for a birth certificate on behalf of a client, without the documentary proof of the client's identity or address. Instead, the attorney-applicant provides a copy of his or her valid photo ID, along with the application paperwork and requisite fee. Once the birth certificate is secured, the client can begin to assemble the other documents needed to secure photo ID.

The "attorney as applicant" method of securing birth certificates for those without proof of identity and address can easily be implemented in a legal clinic setting. The Homeless Advocacy Project (HAP) is a legal services organization offering representation in a wide range of civil matters for individuals and families experiencing homelessness in Philadelphia. Utilizing an outreach model, HAP conducts client intake at regularly scheduled legal clinics staffed by HAP attorneys and pro bono partners from area law firms, corporations, and law schools. To increase access to services, clinics are held on-site at shelters, soup kitchens, youth day programs, and overnight cafes—locations where HAP clients eat, sleep, and get their mail. During the past several years, HAP noted significant increases in the number of clients presenting with no ID. When the demand for birth certificates eventually outpaced capacity at regular clinics, HAP began to conduct semimonthly clinics devoted solely to obtaining in-state and out-of-state birth certificates. Birth certificate clinics have proven to be an extremely efficient way to provide services to large numbers of clients within a short time frame. For example, at one two-hour-long clinic, 28 volunteers prepared birth certificate applications for 197 clients from Pennsylvania and 16 other states. In addition, requesting birth certificates and assisting with acquiring other vital documents is a great pro bono project because it is a very discrete task that can be completed in a short period of time.

Clinics for youth and young adults can be scheduled in locations easily accessible and familiar to them, such as schools, drop-in centers, health centers, and young adult housing programs. While efforts to effect policy changes should be encouraged, in the interim, the clinic model can be a useful strategy to meet the immediate needs of youth.
Identify locations where youth can store vital documents. Some youth do not have their identification because they did not have a safe place to keep it and it was lost or misplaced. If a youth is homeless or housing insecure, it can be difficult to keep important items like identification safe. Some youth in foster care also report not having safe places to store their documents. Identifying locations or service providers that would allow youth to store their identification is one way to increase the odds that youth will have access to their ID when it is needed. Clear policies that youth in foster care must have both access to their vital documents and safe places to store these and other property are also essential.

Some jurisdictions are piloting electronic storage solutions, especially for youth aging out of foster care. My JumpVault in Florida and the platform HealthShack provide models for electronic storing of identification and other important documents. While these resources do not allow for the storage of original documents, they can help youth keep secure documents that may be valuable in obtaining their ID so that they can avoid the catch-22 verification problem.

Policy Advocacy
The following are recommended practices that could be enacted through law, regulation, or other form of policy.

- Require that vital documents are obtained as soon as any child enters the child welfare system and that an additional verification that these documents are in the case file occurs at age 16 for youth in the child welfare and juvenile justice systems.

- Ensure that your state has a clear policy that reflects the federal requirement that youth in the child welfare system receive their vital documents before they discharge from care.

Policy highlight. New York City has a municipal regulation that requires that the child welfare agency annually report the number of youth who have their vital documents at age 17 and in their possession upon discharge from care. N.Y. City Admin. Code § 21-908.

Practice highlight. To streamline birth certificate requests, New York City's child welfare agency has entered into a memorandum of understanding with the Department of Health. Private agencies, which are responsible for the bulk of the delivery of child welfare services in New York City, make the request to a designated unit at the child welfare agency. The agency, as the requestor, must attest that the child is in placement with the child welfare agency, and provides the court document in addition to the
information requested on the birth certificate request form. Requests are made by the designated unit, which makes sure the applications are complete. The child welfare agency usually requests three birth certificates for each youth. Once the direct service provider agencies receive the birth certificate, they assist the youth in obtaining state identification.

- Amend state laws and policies to clarify that a child welfare worker or juvenile justice professional can request vital documents on behalf of a youth as long as the requestor can provide his or her identity along with verification of the youth’s system relationship.

- Amend state laws and policies to reduce identification verification requirements for youth who are in the care of the child welfare and juvenile justice systems, including allowing child welfare and juvenile justice records to serve as proof of identity.

- Amend state laws and policies to make clear that system-involved youth can use the address of their placement or of the child welfare or probation office to prove residency.

- Amend state laws and policies to allow fee waivers for system-involved youth for all ID.

- Amend state laws and policies to allow social service professionals providing services to homeless youth to request vital documents as long as they can provide verification of their identity and relationship to the youth.

**Policy highlight.** The [New York Department of Motor Vehicles](https://www.dmv.ny.gov) allows a government or government-approved facility representative to verify a "homeless or disenfranchised" youth’s identity for the purpose of securing state photo ID. Proof of date of birth and a Social Security card must still be presented.

- Amend state laws and policies to allow alternative verification processes for proof of identity. This should include:
  - Allowing school and medical records to serve as reasonable alternatives to more formal ID as these records always include the youth’s name and date of birth and in some instances would also include a Social Security number and/or parent names.
  - Ensuring that attorneys and individuals who are child welfare, juvenile justice, or homeless service providers are able to be requestors with appropriate verification of their relationship to the youth.
- Permitting self-attestation of a youth’s identity when all other alternatives have been exhausted.

- Amend state laws and policies to allow alternative verification processes for proof of residence, including allowing a service provider or mailing address to be used.

- Amend state laws and policies to allow fee waivers for homeless youth and create reasonable requirements for proof of homelessness that may include self-attestation.

- Amend state laws and policies to ensure that youth are permitted to have their chosen gender marker on their identification.

- Make information on how to request and obtain identification youth friendly and provide meaningful assistance for youth who need it.

- Provide youth and young adults safe places in the community to store their documents if they are not stably housed, and ensure that child welfare and juvenile justice systems also have policies that ensure a youth’s property and documents are protected.

**Litigation as a Strategy for Policy Improvement**

As discussed above, HAP has utilized the "attorney as applicant" method to secure large numbers of replacement birth certificates for clients from Pennsylvania and numerous other jurisdictions. However, the New York City Department of Health and Mental Hygiene (NYC DOHMH) proved to be the exception, with stringent and inflexible identification requirements that differed not only from other states, but also from the rest of New York. These requirements compelled applicants to provide a valid government-issued photo ID, or in the alternative two proofs of current address, and as a result the birth certificate applications for NYC-born residents of Philadelphia who were homeless and without conventional ID were repeatedly denied. After multiple attempts to negotiate a workable solution for HAP clients failed, a federal lawsuit against the NYC DOHMH was filed by HAP and two plaintiffs in September 2016. [Complaint, Homeless Advocacy Project v. City of New York, No. 1:16-cv-07439 (S.D.N.Y. Sept. 23, 2016)].

The plaintiffs asserted a substantive due process claim, arguing that they had a property interest in a birth record, as well as the social, economic, and other benefits for which a birth certificate is a necessary prerequisite. The plaintiffs contended that NYC vital records policies at the time created barriers that were impossible to overcome given their circumstances, leaving them without access to their own birth records. By extension, the plaintiffs were unable to obtain photo ID and were thus deprived of other benefits flowing from possession of a photo
ID, including access to housing, medical services, and employment opportunities. The plaintiffs argued that the NYC policy infringed on these liberty and property interests in a manner that was unconstitutional and further claimed that the policy deprived them of their procedural due process rights.

The case was settled in April 2017, establishing an attorney protocol for birth certificate requests for all individuals born in New York City. Stipulation and Order of Settlement and Discontinuance, Homeless Advocacy Project v. City of New York, No. 1:16-cv-07439 (S.D.N.Y. Apr. 27, 2017). The protocol allows an attorney to request a birth certificate on behalf of a client and provides alternatives, including submitting a signed statement by the attorney, to provide proof of identification when traditional means are not available.

Although this litigation resulted in a settlement, it provides ideas for legal strategies that advocates could present on behalf of youth to challenge burdensome requirements for obtaining ID. Advocates can argue that the status and realities of youth and young adulthood add even more barriers to access than do procedures for adults who may have more experience navigating systems and accumulated more documents and proof of their identity. Litigation could put pressure on states to make reforms that would improve access to vital documents for youth.

Conclusion
Individual advocacy that assists youth in obtaining their identification documents and systemic advocacy that results in policies to make obtaining identification easier for transition age youth are crucial to providing youth a fair shot at success as they enter adulthood. This advocacy is also a key homelessness prevention strategy and response to current housing instability. Without identification, youth will remain disconnected from school, work, and the institutions in our communities that we want them to connect with. Lawyers can play an important role in helping youth and young adults obtain their identification with our current laws and policies by offering legal clinics, enforcing transition planning requirements, and providing post-dispositional representation around reentry planning. Lawyers can also play a role in changing laws and policies through litigation and by advocating for new laws and policies.

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How Implicit Bias Impacts Our Children in Education

By Nicole Scialabba – October 2, 2017

Brown v. Board of Education is a landmark U.S. Supreme Court case from May 17, 1954, taught across the country. Known for ending the "separate but equal" doctrine of Plessy v. Ferguson, it began the long process of desegregation in our nation's public schools. This case has undoubtedly helped to eliminate some of the overt racial discrimination in our country.

But what if the historic ruling—rightfully lauded for terminating much of the overt discrimination of segregation—also had negative racial implications? What if, for example, integrating student populations of public schools also negatively impacted the racial makeup of the teacher workforce, the effects of which are still being felt in the 63 years since that ruling? According to best-selling author Malcolm Gladwell, critical examination of the impact of the Brown ruling and its aftereffect reveal a striking example of implicit bias, disproportionately affecting black schoolchildren in all aspects of their public education, including discipline, disabilities, and gifted program opportunities.

What Is Implicit Bias?

Implicit bias, also known as implicit social cognition, is influenced by attitudes and stereotypes that we all hold based on our experiences. Implicit bias influences how we act in a subconscious way, even if we renounce prejudices or stereotypes in our daily lives. The Kirwan Institute for the Study of Race and Ethnicity at Ohio State University explains that these biases are favorable and unfavorable assessments deep in our subconscious, and we tend to favor our own ingroup—the social group to which we psychologically identify as belonging—though some research indicates that we can disfavor our own ingroup instead.

Evelyn Carter, a social psychologist at the University of California, Los Angeles, describes bias as follows: "Bias is woven through culture like a silver cord woven through cloth. In some lights, it's brightly visible. In others, it's hard to distinguish. And your position relative to that glinting thread determines whether you see it at all." Jessica Nordell, "Is This How Discrimination Ends?," Atlantic (May 7, 2017).

There are many ways to test your implicit bias as it relates to race, gender, disability, or sexual preference. The Implicit Association Test (IAT) is a common tool that is available on Harvard University's website, created by Project Implicit. There are many different tests available on the website to assist you in determining what implicit biases you hold.

The problem does not lie in the fact that we all have implicit biases. Rather, as Jessica Nordell explains in an article in the Atlantic, the struggle lies in how one overcomes and prevents
discrimination or discriminatory practices. Nordell cites Patricia Devine, psychology professor and director of Prejudice Lab:

    Trying to ignore these differences, Devine says, makes discrimination worse. Humans see age and gender and skin color: That's vision. Humans have associations about these categories: That's culture. And humans use these associations to make judgments: That, Devine believes, is habit—something you can engage in without knowing it, the way a person might nibble fingernails down to the bloody quick before realizing they are even doing so.

**How Does Implicit Bias Impact Our Schoolchildren?**

The term "school-to-prison pipeline" is a key issue facing many school districts, and implicit bias plays a large role.

In an episode of Gladwell's *Revisionist History* podcast, "**Miss Buchanan's Period of Adjustment**," he explores the implications of *Brown v. Board of Education*. Gladwell suggests that while *Brown* 's decision was significant in terms of starting the long process of desegregation in public schools and, arguably, setting off the civil rights movement, there was a major unintended consequence that has largely remained underexplored. As student populations merged, the teaching workforce did as well. When administrators were tasked with staffing the newly integrated schools from a newly integrated workforce, white teachers were routinely kept on at the expense of African American teachers. As such, nearly an entire workforce of black teachers who had previously staffed the segregated black schools lost their jobs in large part due to discriminatory reasons.

Rosemarie Allen, lecturer of Early Childhood Education at the Metropolitan State University of Denver, explains that many black educators were discriminated against as a result of white parents voicing concern over black educators teaching their children in the newly desegregated schools. Black educators were largely replaced by white, middle-class educators who did not necessarily understand the students of color in the classroom. As a result, Allen theorizes that this has caused the current trends we see now, where black schoolchildren are disproportionately impacted negatively in the education system. Bryan Dewan, "**New Research Shows Connection Between Race and Early Childhood Suspensions**," *ThinkProgress* (Mar. 24, 2016).

Not only has the ripple effect of black educators leaving impacted school discipline, as Allen's dissertation "Preschool-to-Prison Pipeline" suggests, but it also has impacted other areas of education. It has negatively impacted black schoolchildren receiving assistance or services for disabilities as well as getting screened for or referred to gifted programs.
Discipline. In March 2014, the U.S. Department of Education Office for Civil Rights published data and statistics about school discipline, based on information collected from the 2011–2012 academic year of public schools across the nation. Here is a snapshot of some of the most startling statistics:

- Black children represent 18 percent of preschool enrollment but 48 percent receive more than one out-of-school suspension, while white students represent 43 percent of preschool enrollment and only 26 percent of out-of-school suspensions.
- Black students are suspended and expelled three times more than white students.
- Students with disabilities are more than twice as likely to receive an out-of-school suspension at 13 percent versus students without disabilities at 6 percent.
- Black students represent 16 percent of student enrollment but account for 27 percent referred to law enforcement and 31 percent subjected to a school-related arrest.

In 2014, the Kirwan Institute evaluated disparities in discipline in Ohio's public schools by analyzing data from 2005–2013. One of the findings is that there is a predominantly white teacher workforce that does not match the more diverse schoolchildren population. As a result, implicit bias is activated, impacting differences in discipline being applied to schoolchildren. It is worth noting here that while many studies and data show that white teachers more harshly discipline black students, studies are beginning to look at whether black teachers sometimes disfavor their own ingroup. While that research is still new, there is at least one recent study from the Yale Child Study Center that evaluated black and white preschool teachers and found that black teachers also have implicit biases that influence administering discipline.

Many schools developed zero-tolerance policies after a spike in juvenile crime in the 1990s. These zero-tolerance policies began adding law enforcement in schools on a daily basis and ended up doubling suspensions and expulsions. Black schoolchildren are disproportionately affected as they are three times as likely as their white counterparts to be suspended or expelled from school for the same infractions. Karen Dolan, "How the Assault at Spring Valley High Brutally Demonstrates the 'School-to-Prison Pipeline,'" Alternet (Oct. 29, 2015). Additionally, over 70 percent of schoolchildren referred to law enforcement agencies for school-related incidents are black or Latino.
The impact that school discipline has on schoolchildren is devastating. A single suspension in the first year of high school doubles the dropout chance for that child. Children who are expelled are three times more likely to end up in the juvenile justice system. Once caught within the juvenile justice system, the psychological and economic consequences can have a lasting and burdensome impact on children while simultaneously decreasing their educational and financial opportunities, and increasing the chances of reincarceration. Incarcerated youth are nearly 70 percent more likely to be in jail again by age 25 than youth who were not referred to juvenile detention. Dolan, supra.

Disabilities. The U.S. Department of Education Office for Civil Rights 2014 snapshot regarding students with disabilities summarizes its findings:

The [Civil Rights Data Collection] reveals that students with disabilities are subject to physical and mechanical restraint and seclusion at rates that far exceed that of other students, and black students with disabilities are subject to mechanical restraints at even higher rates than other students with disabilities. Mechanical restraint is the use of any device or equipment to restrict a student’s freedom of movement. Physical restraint is a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. Seclusion is the involuntary confinement of a student alone in a room or area that the student is physically prevented from leaving.

This snapshot shows that black students represent 19 percent of students with disabilities served by the Individuals with Disabilities Education Act, but 36 percent of these students who are subject to mechanical restraint.

Gifted programs. An article published in January 2016 in the American Educational Research Association’s AERA Open journal evaluated voluminous data from the National Center for Educational Statistics showing that black and Latino schoolchildren are less likely to be screened for gifted programs in public schools than white and Asian schoolchildren. The study suggests that the race of the teacher could be impacting the racial composition of students in gifted programs, mainly because teachers can identify students to be screened for the gifted program. For black schoolchildren, they are three times more likely to be assigned to gifted services if they have a black teacher.

The study acknowledges that there could be many different factors impacting the referral of a child to a gifted program. These factors include students behaving or performing differently depending on whether their teacher is their own race; students/parents actively engaging with the gifted process depending on whether the teacher is their own race or
not; and teacher implicit bias impacting their subjective decisions to refer students for screenings for gifted programs.

The researchers conclude that all or none of these could be factors that explain why black schoolchildren are not referred to gifted programs; however, having a teacher of their same race clearly has the most positive impact on referrals to gifted programs. This is particularly concerning because 80 percent of black elementary schoolchildren are taught by teachers who are not their same race.

**How Do We, as Advocates, Help Children Overcome Implicit Bias They Face?**

The American Bar Association has been doing its part to combat implicit bias across all facets of the legal profession. There have been CLEs and materials published in recent years discussing implicit bias and its wide-ranging impacts on our profession. The trainings and materials assist lawyers in identifying implicit bias not only in hiring practices, retention, and advancement, but also in how we practice and represent our clients. Among these many materials, there are some key points that can be employed in our own advocacy.

The first step in overcoming implicit bias is to identify and acknowledge the bias. The next step is to stop the bias while it is occurring. The third step is taking action to change the bias. Studies have shown that we all have implicit bias as it is part of our subconscious and everyday life. We need to acknowledge that bias in ourselves through self-awareness. Next, we need to question ourselves when one of our own stereotypes manifests itself and replace it by asking ourselves to look at the situational circumstances that could have impacted a person's behavior rather than our stereotype that we hold. We need to change our prejudiced habits by asking questions and engaging with others who are different from us.

Practically speaking, when representing children, it is important to remember these tips:

1. Listen to understand.
2. Ask questions.
3. Show empathy.
4. Recognize your own bias, and question your assumptions.

The overwhelming data shows that black schoolchildren are disproportionally impacted in schools. As we represent schoolchildren, we should all be mindful that their race and the race of their teachers could be impacting what is happening to them in school—whether they are
getting a severe punishment for a seemingly innocuous infraction, being screened appropriately as disabled entitled to services, or being screened for gifted programs.

Regardless of the reason why the client came to you for services, attorneys should keep in mind that implicit bias may have impacted why the client seeks counsel in the first place. The attorney should conduct a thorough and complete investigation into the client's school experience to determine whether the child has been impacted negatively in any aspects of his or her schooling. Effective advocacy at the school level with the client's teachers and school personnel can have positive impacts on the client's schooling going forward. That advocacy can include being sure to humanize the client to the school staff to ensure they are truly seeing the child before them clearly, rather than through their own biases.

We have come a long way in the 63 years since Brown v. Board of Education was decided. Yet a critical examination reveals a bittersweet legacy. There is still much work to be done to achieve equality. One place to start is to make an explicit effort to confront implicit bias.

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Keeping Transgender and Gender-Expansive Youth Safe in Out-of-Home Care

By Christina Wilson Remlin – October 2, 2017

The Safe Havens report, coauthored by Christina Wilson Remlin from Children’s Rights, M. Currey Cook of Lambda Legal, and Rosalynd Erney from the Center for the Study of Social Policy, provides concrete recommendations to state policymakers, administrators, and providers about comprehensive and affirming policies and practices that can support transgender and gender nonconforming (TGNC) youth in their care. The report examines the federal and state laws and policies that enshrine youths' right to be safe from physical and psychological harm and to be treated equally and fairly while in state custody, and it identifies law and policy gaps and their impacts in the field. Most critically, the report highlights practical tips from providers serving these youth and insights from youth themselves about the positive impact of having their needs met. The authors anticipate that in response to this call to action, states will adopt comprehensive law and policy for TGNC youth, and that agencies and providers will follow models of appropriate TGNC youth treatment and incorporate constant and meaningful feedback from TGNC youth themselves.

Not Sleeping Safely at Night?
Could there be any need more fundamental than the need to sleep safely at night? Could anything be more critical to a young person's development than being accepted where he or she lives? When physical and psychological safety is protected, young people have the freedom to think creatively and optimistically about their futures. For far too many lesbian, gay, bisexual, transgender, and queer or questioning (LGBTQ+) youth in out-of-home care, these needs are unmet and they are living in danger.

At a minimum, all youth need to be safe, have food and appropriate shelter, and be supported and affirmed by others, including their families and communities. For youth in out-of-home care these needs are especially critical, and states must ensure that they are met. Many LGBTQ+ youth in out-of-home care systems, like child welfare and juvenile justice, have been rejected by their families of origin and kicked out of their homes, only to be rejected again based on who they are when placed in other settings. These issues are particularly acute for TGNC youth, because so much of their treatment in out-of-home care systems is governed by the way those systems define and segregate youth on the basis of sex or gender.

LGBTQ+ Youth Are Overrepresented in Out-of-Home Care Systems
Child advocates and experts from a host of disciplines have documented for over a decade the overrepresentation of LGBTQ+ youth in child welfare, juvenile justice, and runaway and
homeless youth systems (out-of-home care systems) compared to the general population. Further, TGNC youth, who may identify across the sexual orientation spectrum, are overrepresented in these systems at even higher rates than youth who identify as LGBQ.

Comprehensive data on the number of LGBTQ+ youth in out-of-home care are difficult to find, and data specific to TGNC youth even more so. Available research using representative samples has shown that while young people who identify as LGBTQ+ comprise about 5–7 percent of the overall youth population, they make up almost one-fourth of those in the foster care system, one-sixth of those in the juvenile justice system, and almost one-half of young people experiencing homelessness. Moreover, sexual orientation and gender identity are important, but not singular, aspects of a young person's identity. Data disaggregated by race and ethnicity show that LGBQ and TGNC youth in out-of-home care are disproportionately youth of color, thus exposed to overlapping inequalities associated with that intersectionality. For TGNC youth in out-of-home care systems, the combination of societal stigma and discrimination and sex-specific regulations presents a veritable minefield of challenges. While youth are in out-of-home care, nearly all aspects of their life—from the doctor they see to the place they sleep, the clothes they wear, and who searches their bodies—are controlled by out-of-home care professionals who in most cases lack training and guidance on how to properly serve this population.

**LGBTQ+ Youth Are Exposed to Abusive Treatment**

Out-of-home care systems are often ill-equipped to serve LGBTQ+ youth adequately. Research has shown that once in out-of-home care, LGBTQ+ youth face higher rates of victimization and discrimination and worse life outcomes than their non-LGBTQ+ peers. In New York City, studies show that 78 percent of LGBTQ+ youth experiencing homelessness were removed or ran away from foster homes because of abuse or discrimination, and 56 percent chose to live on the street—rather than in a foster care placement—because they felt safer there. Findings show that, when compared to their heterosexual and cisgender peers, LGBTQ+ youth in the juvenile justice system are twice as likely to have experienced child abuse, out-of-home placement, or homelessness. The U.S. National Alliance to End Homelessness reports that LGBTQ+ youth experiencing homelessness are roughly 7.4 times more likely to suffer acts of sexual violence than their non-LGBTQ+ peers, and are more than twice as likely to attempt suicide (62 percent) than their peers (29 percent). Research specific to TGNC youth has shown that transgender youth in New York City have been found eight times as likely as nontransgender youth to trade sex for a place to stay. This bleak picture is, of course, not inherent to being TGNC, but certainly indicative of intense misunderstanding, stigma, and prejudice in general society. These factors fuel horrifyingly high rates of suicide, self-harm, and physical and sexual victimization among TGNC youth.
Data are scarce regarding the particular experiences of TGNC youth in out-of-home care. However, extraordinarily high rates of family rejection, societal discrimination, and victimization of TGNC people—including staggering rates of violence against transgender women of color—and anecdotal evidence suggest that TGNC youth in out-of-home care are exposed to even harsher and more abusive treatment than LGBQ youth in these systems. Most out-of-home care placements and facilities are sex-specific, and many aspects of youth supervision and care are governed by regulations that reference a youth’s sex or gender. This makes it particularly important to ensure that out-of-home care practices are accepting and affirming for TGNC young people. For example, placing a young woman who is transgender on the boys’ floor in a child welfare group home, juvenile justice facility, or shelter for youth experiencing homelessness can be dangerous, exposing her to bullying, physical assaults, and even sexual abuse. At its core, such a placement constitutes a refusal to fully affirm the youth’s identity and may contribute to suicidal ideation and depression and exacerbate gender dysmorphia, among other undesirable health outcomes. Lack of affirmation for TGNC youth in care is, too frequently, accompanied by discrimination and mistreatment in school, at work, and within their communities. Stigma, conflicts around gender nonconformity, and racial identity also contribute to the criminalization of TGNC young people, particularly TGNC youth of color, at higher rates than their cisgender and gender conforming peers. Without assistance and support from out-of-home care providers, these issues may remain unaddressed, leading to disparately poor life outcomes for these young people.

In light of the challenges that TGNC youth face and the weighty obligations of out-of-home care providers, experts have produced a body of professional standards that identify how to serve LGBTQ+ youth appropriately and reduce disparities in outcomes. Some federal and state laws and policies specific to child welfare, juvenile justice, and runaway and homeless youth systems of care have likewise evolved and, consistent with youths’ constitutional rights, provide explicit protection from discrimination and harassment on account of sexual orientation, gender identity, or gender expression (SOGIE). Flowing from professional standards and law and policy protections, a handful of jurisdictions have provided training for staff working with young people on affirming and supporting LGBTQ+ youth and have developed pilot programs or "best practice" models. At the same time, policies and practices that affirmatively hurt LGBTQ+ children and youth also persist.

While I was in the facilities, I wasn't able to focus on my classes and what I needed to learn. I was always more focused on who was out to fight me and who was going to jump me today. I was so busy paying attention to my surroundings that I couldn't pay attention to my work. Once I knew my parole officer was
going to respect me and treat me fairly, I was able to focus on what I needed to do and working on positive things.

—Lydia, transgender youth in care

The Findings of the Report Constitute a Call to Action

The Safe Havens report identifies barriers to affirming treatment for youth in out-of-home care and suggests steps to eliminate these barriers. The report provides first-of-its-kind live national maps of specific child welfare and juvenile justice statutes, policies, and licensing regulations related to sexual orientation, gender identity, and gender expression and out-of-home care, providing a resource to help users understand the explicit protections that exist (or do not exist) in all 50 states and the District of Columbia. The report also provides concrete law and policy reform recommendations and practical tips to better protect and serve TGNC youth involved in intervening public systems. These recommendations were developed with significant input from both TGNC youth who reported affirming experiences during their placement in out-of-home care and providers who have made recommended practices a reality for the youth they serve.

The first-of-its-kind 50-state analysis of state statutes, regulations, and policy found that:

- Despite the fundamental need for protection against discrimination, only 27 states and the District of Columbia explicitly include sexual orientation and gender identity in nondiscrimination protections specific to the child welfare system; only 21 states and the District of Columbia do so in their juvenile justice systems; and only 12 states and the District of Columbia do so in their facilities serving runaway and homeless youth.

- Despite the near-ubiquitous use of the term sex (or gender) in regulations governing placement, clothing, searches, and other critical aspects of systems of care, only three states in the nation define sex (or gender) to include gender identity, and only one of those does so in a regulation specific to out-of-home care.

- Despite the critical need for placement decisions that respect identity and keep TGNC youth safe, only four states have statutory or regulatory guidance regarding placement of transgender youth in out-of-home care in accordance with their gender identities.

- Even though professional standards dictate that the well-being of TGNC youth requires they be allowed to dress and express themselves in accordance with who they are, 24 states provide no such explicit allowance in statutes or regulations in
their child welfare systems, 40 states provide no such allowance in their juvenile justice systems, and 34 states provide no such allowance in their homeless and runaway youth facilities.

New York and California are the only states to have comprehensive protections in place to protect these young people across all of their out-of-home care systems. Both enacted SOGIE-inclusive antidiscrimination statutes and regulations specific to out-of-home care systems as well as definitions of sex (or gender) that include gender identity. On the other end of the spectrum, the states of Alaska and North Carolina provide no explicit protections for LGBQ or TGNC youth in any of their out-of-home care systems. Most states fall somewhere in between these extremes.

Law and policy protections are essential for ensuring the health and well-being of TGNC youth, but they are not sufficient. Of utmost importance is the responsibility of caregivers to turn recommended practice into reality. Based on concrete tips from providers featured in the report who are bridging that gap, the authors call for solid legal and policy protections that are connected to staffing, hiring, training, and ongoing coaching and development; better support for families of origin and foster and adoptive parents; increased community collaboration; intentional engagement with LGBTQ+ young people to ensure that they are affirmed in care; and a commitment to agency-wide culture change.

**Recommendations for Affirming Treatment**
Youth with experience in out-of-home care systems who contributed to the report had the following recommendations for providers: provide affirming health care and use qualified and trusted providers; screen existing placements and develop affirming ones; don’t replicate the harm youth experienced at home; respect youth to build trust with them; give non-TGNC youth and adults time to learn about and understand TGNC youth; affirm identity in all aspects and promote well-being; don’t blame youth for being victimized; use resources to help youth and avoid unnecessary grievances; provide safe environments to allow youth to focus on positive development; don’t gender things; and if you see bullying, stop it and connect youth to LGBT supports. As this important work progresses, TGNC youth must be engaged to ensure that their voices are part of policy development and that their positive experiences can serve as examples to guide life-changing system improvements.

Explicit protection from discrimination and training for providers on how best to work with LGBTQ+ youth are critical precursors to safe and supportive participation by youth in system reform efforts. These precursors also allow for safe collection of much-needed SOGIE demographic data on system-involved youth and families in order to inform and improve practice. Unfortunately, the vast majority of states have no statutory or regulatory
requirements for LGBTQ+-specific ongoing training and coaching in any of their out-of-home care systems.

The Safe Havens report highlights gaps in law and policy that must be filled in order to protect youth from discrimination and seeks to improve practice by sharing insights from the experiences of TGNC youth and from affirming and supportive providers. This information will enable policymakers and practitioners to drive change in the systems where they work, in line with professional commitments and legal obligations that require them to provide for the safety and well-being of all youth.

The authors hope this report will constitute a call to action for states, agencies, advocates, and stakeholders across the country to require their out-of-home care systems to provide affirming treatment for TGNC youth.

Even though your clients are children, they still need to be treated with respect. Especially in this setting, the trans kids you work with are there for a reason and it's often because their identities were rejected by their parents. When the system is supposed to be there to help, it's critical that it doesn't replicate the situation that [a youth] is trying to get away from.

—Savannah, transgender youth in care

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Can Pro Bono Legal Services Help to End Youth Homelessness?

By Cathy Krebs and Shannon Prown – October 2, 2017

Every year, more than two million children and youth in America will face a period of homelessness. Almost 40 percent of the homeless in the United States are under age 18. Many more are between the ages of 18 and 26. Fifty percent of adolescents aging out of foster care and juvenile justice systems will be homeless within six months because the state has not prepared them to live independently, nor have they ensured that the youth have the supports they need to be successful. According to a study of youth in shelters, nearly 50 percent reported intense conflict or physical harm by a family member as a major contributing factor to their homelessness. Multiple studies have found that approximately 40 percent of the youth homeless population are lesbian, gay, bisexual, or transgender (LGBT), a far higher percentage than the general population. One study found that 32 percent of homeless youth are black, more than double their representation in the general population. Once on the streets, homeless youth are at serious risk of violence. In the United States, as many as 20,000 kids are forced into prostitution by human trafficking networks every year.

These are hard truths to confront. Yet, while these numbers are overwhelming, there is real opportunity for the legal community to make a difference. Providing legal services can make a dramatic impact on the life trajectory of a homeless youth and can literally make the difference between life on the streets and a life of stability and success. The American Bar Association (ABA) has launched a project to make it easy for any lawyer and law firm to get involved.

How Can Legal Services Help?
Homeless youth include children or minors under the age of 18 as well as young adults who are age 18–26 and lack permanent reliable shelter, including those who couch surf, stay with friends, try to secure beds in a homelessness program, or otherwise have unstable shelter. Youth who are "unaccompanied," meaning they are not with their family, come to homelessness due to a variety of factors, including family violence and rejection and/or aging out of the foster care or juvenile justice system.

Youth experiencing homelessness may have a variety of factors that make it challenging to remedy their situation.

- If a youth does not have identification, he or she may not be able to enroll in school, apply for benefits, or even enter certain buildings.
In the United States, life-sustaining activities like sleeping and eating are often criminalized for the homeless, meaning that homeless youth often have arrests, tickets, or convictions on their record that can seriously impact a youth's ability to secure housing or employment.

Legal services that address the above and other issues can literally change the direction in a youth's life by giving him or her access to things like health care, education, housing, benefits, and employment. Whether in the short term or long term, legal services can literally make the difference between a youth living on the street and securing safety, stability, and a path forward for the future.

**But I Don't Know Anything about Representing Homeless Youth!**

Like any broad demographic, the legal needs of homeless youth can be diverse depending on what brought them to that state. They have often experienced (or are still experiencing) trauma that can make forming a trusting lawyer-client relationship challenging. Many youth may have no access to telephones or other reliable means of communication, and they can likely not afford to get to your office. Given these many challenges, how can a lawyer who does not work with homeless youth full time provide legal representation for this population? The ABA’s [Homeless Youth Legal Network (HYLN) Pro Bono](https://www.abanet.org/homelessness-and-poverty/hylnprobono/index.html) project has an answer to that question.

The ABA through its [Commission on Homelessness & Poverty](https://www.abanet.org/homelessness-and-poverty), [Commission on Youth at Risk](https://www.abanet.org/cyaf/index.html), and [Section of Litigation Children's Rights Litigation Committee](https://www.abanet.org/litigation/childrens-rights/index.html) has created the HYLN as the result of an ABA Enterprise Fund grant. HYLN is focused on increasing legal services for youth and young adults experiencing homelessness, and it provides information and fosters collaboration in order to help lawyers and other advocates address existing gaps in legal services. So far HYLN has launched a website, surveyed more than 300 individuals and groups regarding the legal needs of youth in their community, identified 12 model programs across the country to highlight promising practices, and launched a listserv for attorneys and other advocates for homeless youth with more than 250 members. HYLN is also equipped to provide training and technical assistance to legal service providers and homelessness programs.

ABA President Hilarie Bass has built on that network to launch HYLN Pro Bono, a project through which lawyers, law firms, bar associations, and in-house counsel will be matched with homeless youth shelters and drop-in centers around the country. Once connected, volunteer lawyers will work with shelter staff to determine the best approach to providing legal assistance. Some of the options include: direct representation of individual youth; live legal clinics to represent groups of youth who all have similar legal needs, for example obtaining identification documents; and live legal education or "Know Your Rights" presentations to teach youth about important issues such as rights as employees and job applicants.
You do not have to do this work alone! The ABA stands ready to support your work:

- You will have access to a primer for volunteers with more information about the legal issues that you might encounter, as well as good information on communicating with youth who might have experienced a great deal of trauma; and

- Through HYLN, the ABA will be able to provide support to volunteer lawyers as they take on this critical work.

A lawyer can make a huge impact on the trajectory of a young person's life and help address the tragedy of homelessness in the United States. To learn more about volunteering, email HYLNprobono@americanbar.org or visit the HYLN Pro Bono website.

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PRACTICE POINTS

The End of DACA: What You Need to Know for Your Clients
By Jessalyn Schwartz – September 11, 2017

On September 5, 2017, the Trump administration rescinded the June 15, 2012 memorandum entitled "Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children," which established the program known as Deferred Action for Childhood Arrivals (DACA). A timeline of how we got to this point since DACA’s creation is summarized in the Department of Homeland Security (DHS) statement linked above.

DHS has announced the following decisions and steps that will be taken to execute the rescindment of DACA:

1. DHS will adjudicate, on an individualized basis, pending, properly-filed DACA applications and requests for employment authorizations accepted by September 5, 2017;

2. DHS will reject any applications and requests for new employment authorizations filed after September 5, 2017;

3. All renewal requests for DACA and employment authorizations from current DACA beneficiaries who have been previously accepted or whose benefits expire between September 5, 2017, and March 5, 2018, will be adjudicated on a case-by-case basis AS LONG AS they are/were filed before October 5, 2017 (meaning there is no opportunity to apply for renewal if DACA benefits expire after 3/5/2018);

4. DHS will not terminate or revoke any current benefits during remaining period of validity for DACA recipients;

5. DHS will not approve Form I-131 applications for advanced parole (to travel abroad). United States Citizenship and Immigration Services (USCIS) retains their authority to revoke or terminate advanced parole authorizations at any time. Customs and Border Protection (CBP) will maintain discretion to determine admissibility and grant of parole to anyone at the US border;

6. DHS will honor continued validity of previously-granted advanced parole documents;
7. All pending Form I-131 applications filed under DACA will be administratively closed and fees will be refunded to applicants;

8. DHS may exercise discretionary authority to terminate or deny deferred action to any individual when immigration officials deem denial to be appropriate.

Numerous legal and advocacy organizations have developed useful tools for current DACA recipients, applicants, and activists. All of these organizations encourage vigilance in following the news and staying aware of updates and other changes that may come as the immigration debate continues.

The National Immigration Law Center (NILC) encourages individuals to speak with an immigration attorney or to a representative accredited by the Board of Immigration Appeals before filing for DACA renewal. They further suggest that any person filing for renewal should be represented by counsel or a representative and to file a proper G-28 form with the application. DACA recipients should be reminded that employers should not be asking to verify permits before their expiration dates. Employees may ask for a leave of absence to attempt to show their authorization, but no employer is obligated to allow such a leave. More specific answers are also provided addressing issues surrounding driver’s licenses/identification, healthcare coverage, access to pregnancy/maternal care, access to higher education, and tax and financial concerns.

The Immigration Legal Resource Center provides useful information sheets in English, Spanish, Traditional Chinese, and Simplified Chinese. The Resource Center expects to have this document in more languages soon. Their advisory offers a simplified summary of the DHS actions and specific information on a number of relevant subjects facing current DACA recipients. The document reminds that Social Security Numbers (SSN) are valid for life, regardless of DACA and work permits expiring, and advises DACA recipients to apply for a SSN while DACA is still valid to ensure access to education, housing, banking and other services. Advanced Parole is also discussed here, suggesting that recipients speak to an experienced immigration professional before leaving the country, even with proper documentation, due to the discretion USCIS maintains for denying reentry to the United States. Recipients are further encouraged to avoid contact with law enforcement that may result in any criminal charge and are advised of their constitutional rights to decline to open the door to any immigration agent and refuse to sign documents without speaking to counsel. Printable cards asserting these rights and others are available on the information sheets for individuals to provide to immigration agents who approach them or their homes.
Here to Stay is another organization that has compiled a number of incredibly helpful tools for recipients and advocates. These resources include "Top 5 Things to Know" following the DACA announcement, termination FAQs, workplace rights, mental health resources, updated guidance advisories, educator toolkits, and specific documents for immigrant entrepreneurs. The site also helps to locate events to support and protect immigration communities and provides a number of other opportunities for interested persons to join the fight.

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Senate Seeks Reauthorization of Juvenile Justice and Delinquency Prevention Act

By Jessalyn Schwartz – September 7, 2017

In August 2017, the U.S. Senate collectively passed S.860, a bill to update the Juvenile Justice and Delinquency Prevention Act (JJDPA) of 1974 and provide reauthorization for the law, which is ten years overdue. The last reauthorization of this legislation was in 2002, and it serves as the sole federal statute providing national standards for the care and custody of youth in the juvenile justice system and provides guidance on improving the system’s operation. Similarly, the House of Representatives passed H.R. 1809 in May, and Congress will need to come to an agreement before the changes are implemented.

The bill, sponsored by Chuck Grassley (R-IA), was co-sponsored by a bipartisan group of five democrats and three republicans. It focuses on expanding the authority of the government to provide grants to states, updating the legislation to reflect the latest research into best practices, and financially providing for implementation. To receive grants, states must show that they are adhering to the four "core protections" enumerated in the original law. States must work to: 1) deinstitutionalize status offenders, those charged with violations such as truancy, running away, disobeying parents, and underage drinking or smoking; 2) abide by the "sight and sound separation" rules, insuring that no juvenile inmates are housed in adult facilities where they would have extensive contact with an adult inmate; 3) avoid putting juveniles in adult facilities whenever possible; and 4) demonstrate that the state is working to identify and reduce disproportionate minority contact among youth, without resorting to numerical standards or quotas.

Updates to the legislation include improved responses to youth who have been victims of trafficking or who suffer from mental illness and/or substance abuse disorders, encouraging
states to use alternatives to detention, and identifying evidence-based programs and practices to improve state compliance with the core protections. Additionally, the bill looks to phase out shackling of pregnant minors, improve continued education of incarcerated juveniles, increase officer/guard training, and fund research into promising practices. The bill hopes to promote transparency and oversight of the juvenile justice system and to enforce noncompliance penalties on states.

The bill provides $159 million in funding for these efforts in 2017, with 1.5 percent increases each year from 2018–2021.

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ABA Section of Litigation Children’s Rights Litigation Committee
http://www.americanbar.org/publications/litigation-committees/childrens-rights