



RESOLUTION ADDRESSING THE NEEDS OF HOMELESS YOUTH AND FAMILIES IN JUVENILE AND FAMILY COURTS

WHEREAS, an estimated 200,000 were families with children were homeless on a single night in 2016, of which 35,000 were unaccompanied youth younger than 24. Other estimates indicate 380,000 youth younger than 18 experienced a period of homelessness of 1 week or more during the year and nearly 90,000 students in public schools are homeless;

WHEREAS, identifying and recognizing homeless youth and families within juvenile and family courts is challenging given the sensitive nature of the topic, various definitions of the term “homeless,” and the current lack of data collection on the topic;

WHEREAS, adolescence is a period of rapid development and events such as running away or being homeless have the potential to disrupt social and developmental trajectories and profoundly impact social development;

WHEREAS, youth experiencing homelessness are more likely to experience mental health and substance abuse issues, victimization, sexually transmitted infections and unplanned pregnancies, and education and employment challenges;

WHEREAS, youth experiencing homelessness are more likely than other to come to the attention of the juvenile justice and/or child welfare systems because they engage in minor offenses such as missing school; breaking curfew; loitering; and survival crimes, such as theft and engaging in sex for money, food, or a place to sleep.

WHEREAS, some jurisdictions have documented the phenomenon of youth staying longer than necessary in justice system custody because they “have nowhere else to go;”

WHEREAS, research has found that 44% of homeless youth said they had had a stay in jail, prison, or a detention center, 78% said they had at least one interaction with police, and 62% said they had been arrested. Approximately 50% said they had been in foster care, and experienced homelessness for longer periods of time than youth not in foster care. Homeless youth are also disproportionately African-American, Hispanic, or LGBTQ;

WHEREAS, youth leaving out-of-home placements or aging out of foster care often lack the life skills, job training, education, and needs-based case management necessary to successfully transition to adulthood, which can contribute to youth homelessness;

WHEREAS, in addition to high quality juvenile defense and dependency representation, legal services, such as assistance obtaining identification documents and/or public benefits, addressing identity theft or credit issues, resolving landlord/tenant disputes, sealing or expunging juvenile or criminal records, educational advocacy, and other legal assistance can help youth resolve many of the barriers to education, employment and housing that can lead to homelessness,

WHEREAS, youth and families residing in government subsidized housing (section 8) can lose their housing benefits as a result of an adjudication and families with youth in temporary foster care can lose benefits, resulting in homelessness;

WHEREAS, a families' lack of appropriate housing may influence the decision to remove a child from a family or lead to a delay in the return of a child to a family;

WHEREAS, victims of domestic violence and their children are at risk of becoming homeless due to isolation from support networks and financial resources by their abuser. Over 40,000 victims of domestic violence seek emergency shelter in a given day. Nearly 65% of homeless women have experienced domestic violence during their adult lives. For many women, domestic violence is the immediate cause of homelessness;

NOW, THEREFORE, BE IT RESOLVED:

The NCJFCJ recognizes that juvenile court judges have a responsibility to care for and protect youth within their jurisdiction and therefore supports policies that ensure that youth who lack stable and secure housing are provided with appropriate and adequate services when they come to the attention of the juvenile justice system.

The NCJFCJ calls for juvenile and family courts to address the housing status of youth and families served by juvenile and family courts by connecting them to appropriate services to improve overall outcomes.

The NCJFCJ opposes the criminalization of youth for behaviors that result from (or are associated with) their lack of safe and stable housing; and instead supports policies such as those that divert youth who commit "survival crimes" from the justice system to services that meet their basic needs.

The NCJFCJ supports policies that ensure that youth *never* spend a single extra day in juvenile justice system custody because there are no housing options in the community.

The NCJFCJ supports policies that ensure that proper planning begins immediately after—and continues throughout—juvenile confinement or probation supervision so that each young person has safe and permanent housing when their system involvement ends.

The NCJFCJ recommends homeless services that include family reunification (where possible), case management, alternative housing, substance abuse and mental health services, life skills and counseling to provide opportunities for stability for homeless youth and families;

The NCJFCJ calls for judges to provide strong leadership on this issue to convene child welfare and juvenile justice system stakeholders to develop strategies to improve responses to youth experiencing or who have experienced homelessness.

The NCJFCJ calls for a coordinated response to increase the effectiveness of all justice and child-serving systems, in identifying youth who lack stable and secure housing at the earliest stage possible and to provide services necessary for them.

The NCJFCJ calls for judges to ensure that youth in their courts and communities are receiving high quality juvenile defense and dependency representation and civil legal assistance in order to prevent or resolve issues that could lead to homelessness.

The NCJFCJ encourages judges to be aware of the policies and procedures that impact youth and families who lack stable and secure housing.

The NCJFCJ supports policies that ensure that communities have both long and short term safe housing options available for youth who are (or have been) involved with the juvenile justice system to prevent youth from staying longer than necessary in juvenile justice system custody because they “have nowhere else to go.”

The NCJFCJ supports policies that ensure efforts prioritize LGBT/GNC youth, youth of color and other over-represented populations to address and reduce the disproportionalities that exist in the homeless youth and juvenile justice populations.

The NCJFCJ encourages training for judges and other juvenile justice and child welfare professionals about implicit and explicit racial bias in the juvenile justice system, racial and ethnic disparities among the juvenile justice and homeless youth population, and effective strategies to reduce and eliminate bias and disparities.

The NCJFCJ encourages judges to support/promote the following strategies to better serve youth experiencing homelessness, including unaccompanied homeless youth:

- Courts, juvenile justice agencies, schools, community-based service providers (including runaway and homeless youth programs) all have a role to play in ensuring that youth are not criminalized for their lack of stable, secure, and permanent housing.
- Child welfare systems working closely with justice systems and the courts to resolve any alleged offenses by youth in their care without justice involvement (e.g., through diversion/services). In addition, reducing the risk of running away and/or behaviors that could lead to justice involvement by ensuring that youth under their care are in safe, supportive placements and are receiving developmentally appropriate services.
- Child welfare systems evaluating their practices regarding adolescents, to make sure this population is receiving the same quality and level of prevention efforts and services as younger children who experience abuse or neglect.
- Child welfare agencies providing housing, or assistance obtaining and paying for housing, to any youth eligible for their services, in addition to providing assistance with record expungement, enrollment in public benefits, employment, and other matters that can decrease barriers to housing.
- Providing additional supports and services to youth who have been involved with the child welfare system, particularly those close to aging out of foster care, as they may not have sufficient supportive connections and social capital.
- Fully educate youth who lack stable and secure housing about their rights and entitlements (such as education funding, extended foster care and Medicaid eligibility), which varies by state.

- Law enforcement and juvenile court intake considering whether youth are eligible for diversion/community-based services, and prioritize programs that offer case management and/or specific services related to homelessness.
- Establish policies that ensure that law enforcement, courts, schools, and service providers implement gender-responsive and culturally-appropriate trauma-informed responses when working with youth who are experiencing, or who have experienced, homelessness.
- Avoiding use of fines and the application of other monetary costs for youth (e.g., fees to participate in a diversion program) as this may be a burden that not all youth may be able to afford, regardless of how small the fees may be. (Minors are often unable to work, and their parents may be unable or unwilling to pay these costs; unpaid debts from court cases can make it even harder for youth to obtain jobs and stable housing.)
- Avoiding citations and summons that are delivered by mail, as they may not reach transient youth, leading to warrants for failure to appear or pay. To the extent fines and fees are used generally, they should be waived for any minor, and for any older young person who is considered indigent under the jurisdiction's standards. Pretrial money bail should be avoided for similar reasons.
- Establish policies that prohibit confinement as a solution; no matter how limited alternate housing options may be, a young person should not be placed in a detention facility or other secure or locked facility.
- Residential placement agencies recognizing that youth in non-secure residential placements or programs as part of their juvenile justice involvement, may run away from these settings for a number of reasons, but may be able to successfully return and complete programming if they are given the chance. This behavior is often normal and community-based programs can expect and plan for it—giving youth these second (or third) chances rather than automatically classifying them as “violations” and moving to higher levels of supervision may result in better outcomes.
- Planning for the youth's transition out of the juvenile justice system from the day they enter juvenile justice supervision. This includes case planning/management so that youth who are in custody (or under probation supervision) are receiving needed services throughout their involvement with the juvenile justice system, and must also include a concrete transition (exit) plan.
- Planning that includes intake assessments to identify risks or concerns related to housing and other needs (e.g. mental health, substance abuse, disability), as well as ongoing, research-informed, assessment, planning, and service provision that is prioritized immediately and throughout system involvement. Transition plans that are individualized and address the particular needs and circumstances of each young person.
- Development of strict accountability mechanisms to ensure that youth receive transition planning and are released from juvenile justice custody at the earliest possible date.
- Planning in partnership with families (as defined by youth), and needs to reflect the realities of young people's lives, such as where and with whom they feel most safe. Services offered to families, as appropriate (e.g., helping a parent or potential guardian

find stable housing or employment may lead to a young person having a safe home after system involvement).

- Development of specialized services and resources for youth and families faced with housing uncertainty.
- Policymakers and funders advocate for and make funding available to provide services without requiring that a youth be involved in the justice system, diagnosed with a mental illness, identified as homeless, or otherwise given a label or record that may follow them and impact their future. This includes making it easier for different agencies and service providers to blend or braid funding to better serve youth.
- Policymakers and public funders/agencies should also make it easier for different agencies (e.g., juvenile justice, behavioral health) to combine/coordinate funding for services.
- Policies that ensure that youth (and their families) are not kicked out of their homes or denied housing because they have been arrested or adjudicated for a delinquency offense.

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