

# Alone Without A Home

*A National Review of State Laws Affecting  
Unaccompanied Youth*



NATIONAL LAW CENTER  
ON HOMELESSNESS & POVERTY



# **Who We Are:**

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# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

The only national organization dedicated solely to using the power of the law to end and prevent homelessness.

To achieve its mission, the organization pursues four main strategies:

- impact litigation
- policy advocacy
- public education
- advocacy training and support



The mission of the NN4Y is to mobilize the collective power and expertise of our national community to influence public policy and strengthen effective responses to youth homelessness.

We envision a future in which all young people have a safe place to call home.



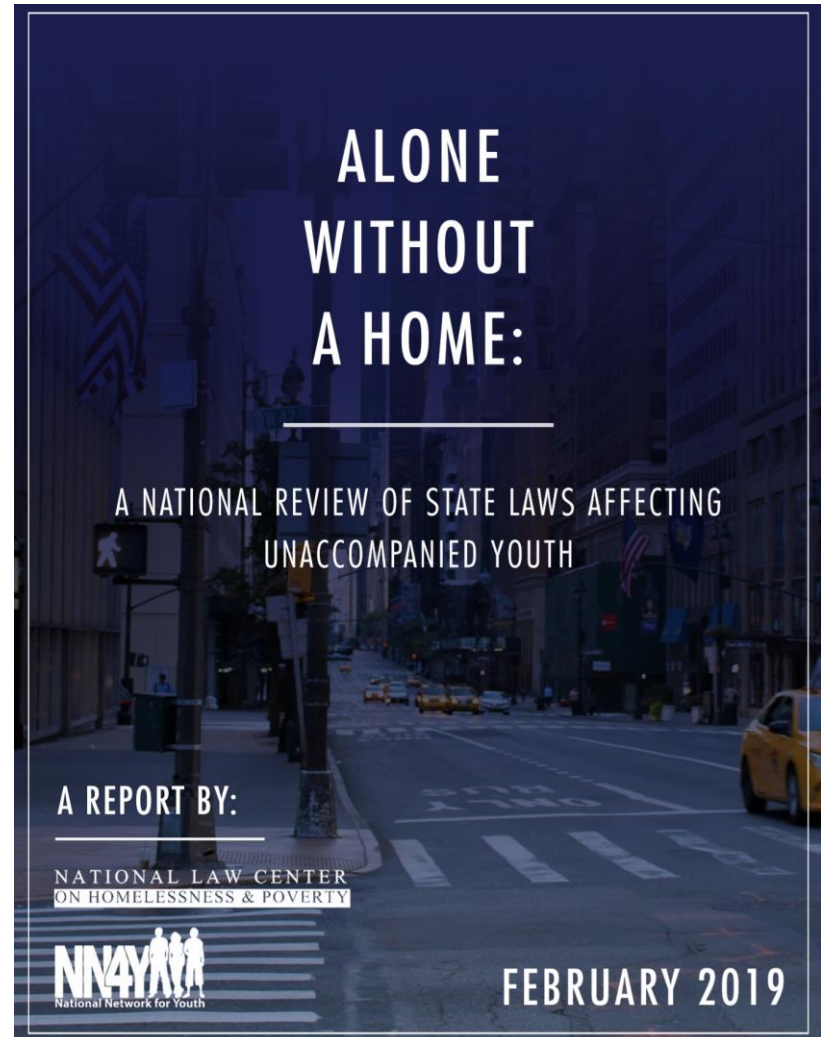
- NN4Y pursues collaborative strategies to decrease the number of youth who experience homelessness in the United States. In doing so, we protect young people from:
  - Criminal justice system ensnarement
  - Victimization, exploitation and trafficking
  - Chronic adult homelessness
  - Untreated physical and mental illnesses
  - Premature death
- We work collaboratively with government agencies, community organizations, the private sector and young people themselves to ensure federal, state and local policies are informed and effective.

# Poll #1

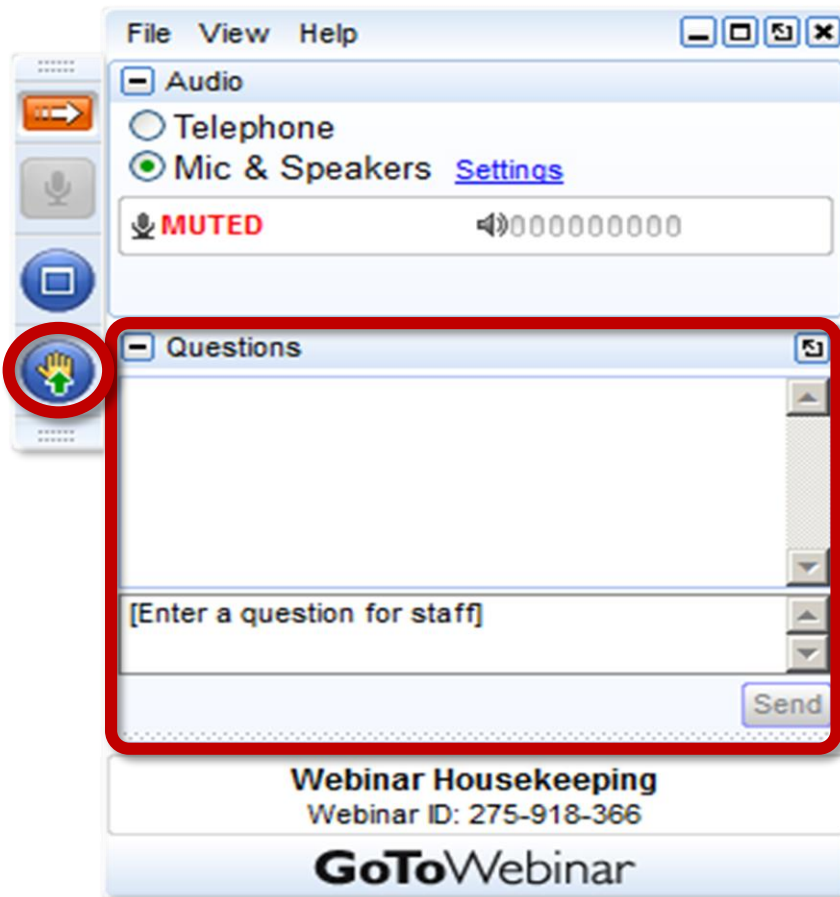
- If you are a service provider, approximately how many homeless youth does your agency work with annually?

# Overview

- Background
- Findings
- Recommendations
- Q&A



# Webinar Housekeeping



## Your Participation

- Please submit your text questions and comments using the Questions panel
- Please raise your hand to be unmuted for verbal questions.

**Note:** Today's presentation is being recorded and may be posted as a resource.



# Youth Perspective

- Why is it important for providers to understand their jurisdiction's laws?
  - To better assist/advocate for youth they work with
  - To ensure youth's rights are respected
  - To help youth obtain the assistance that is available
- What happens when providers don't have the full picture?

# Background

## Homeless Youth: Who Are They?

- 4.2 million homeless youth, 700,000 unaccompanied
- 29% report having substance abuse problems
- 69% have mental health difficulties

# Background

## Homeless Youth: Who Are They?

- 33% had interacted with the foster care system
- 50% had been in juvenile detention, jail or prison
- 27% of LGBTQ had exchanged sex to meet basic needs
- 62% of LGBTQ reported being physically harmed

# Background

## Homeless Youth: What Challenges?

- Inability to obtain basic necessities
- High risk of involvement with justice system
- Fearful avoidance of intervention
- Lack of wrap-around services
- No knowledge of or misinformed of the services available

# Background

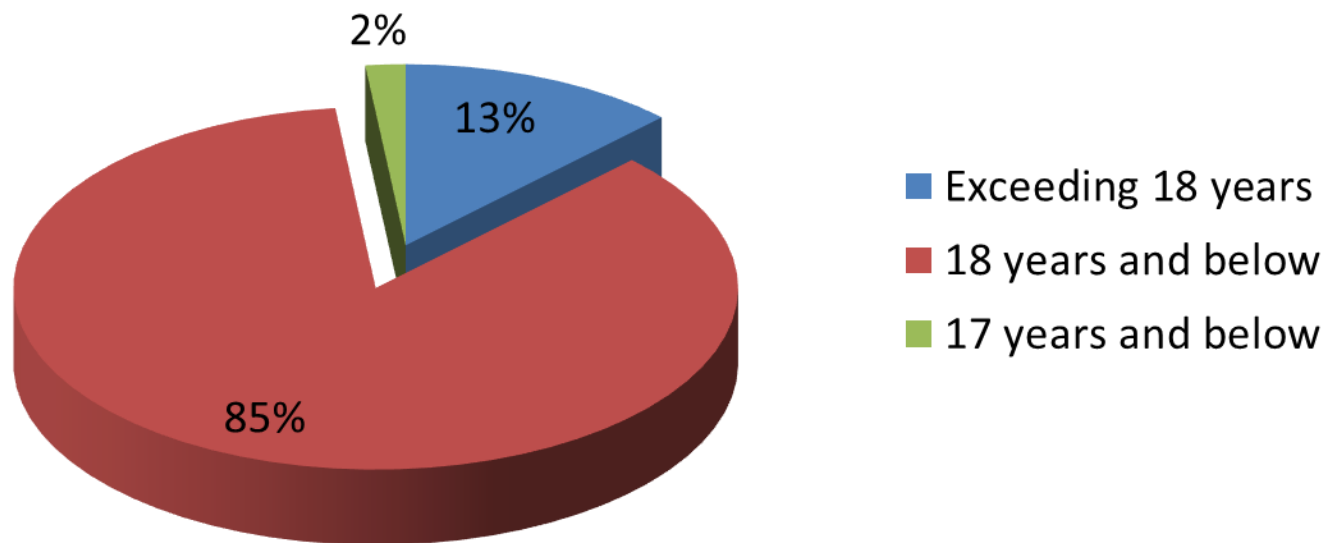
## Snapshot: Alone Without A Home

- Identification
- Status Offenses
- Discharge from Juvenile Justice
- Interstate Compact for Juveniles
- Shelters and Services
- Harboring Statutes
- Supervision
- Right to Enter Into Contracts
- Federal Public Benefits
- Right to Education
- Healthcare Access
- Terminology & Labels
- Emancipations



## Who Is A “Youth?”

### Statutory Age of Children or Youth



# Findings

## Definitions and Terminology

- 12 jurisdictions include a definition of the term “youth”
- 20 jurisdictions explicitly define “homeless child,” “homeless youth,” “homeless minor” or “homeless student”
- 19 jurisdictions explicitly define “runaway,” “habitual runaway,” and “chronic runaway”

# Findings

## Best Practices re Definitions: New Jersey

- Includes persons 21 years of age or younger
- Acknowledges that even these older young people are in need of “appropriate care and supervision.”



# Findings

## Identification

- 14 states waive or reduce fees for non-driver identification for individuals experiencing homelessness
- 30 states require a parent or guardian to be present to apply or sign the application for non-driver ID for applicants under 18.

# Findings

## Best Practices re Identification: New York

- New York accepts a “Statement of Identity” form MV-45B certified by a state employee for “disenfranchised, homeless youth,” to prove identity if they cannot meet other identification requirements

# Findings

## Status Offenses: Running Away

- 50 jurisdictions authorize police to take youth into custody
- 11 classify as status offense or delinquent act
- Almost all allow police to return youth home w/o considering their wishes

# Findings

## Status Offenses: Curfews

39 jurisdictions authorize curfews.



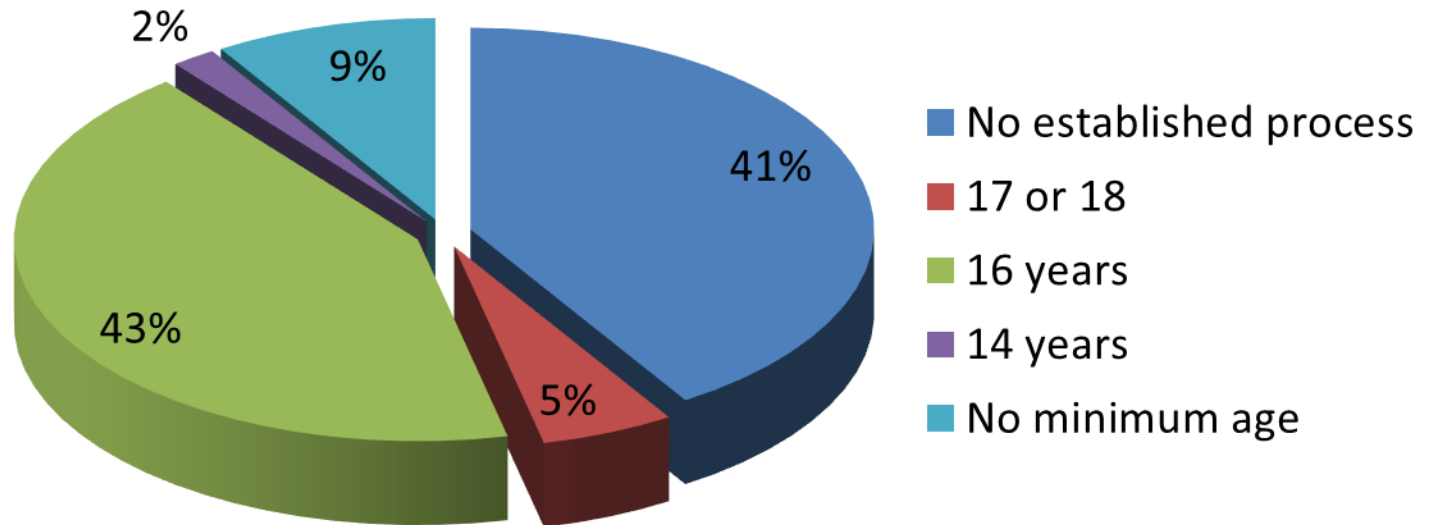
# Findings

## Status Offenses: Truancy

- 11 jurisdictions classify truancy as a status offense or truants as delinquent.
- Some states penalize youth who are truant in counter-productive ways.

## Emancipation

Minimum Age Requirements For Emancipation





# Findings

## Best Practices re Emancipation: Indiana

- No minimum age
- No requirement of parental consent
- Youth must show ability to support self
- Youth must show acceptable living arrangements

## Best Practices re Emancipation: Virgin Islands

Protections maintained after emancipation:

- Cannot enter into any contract that would obligate them to pay a sum greater than their annual income
- Cannot appear in a lawsuit without a guardian ad litem
- Cannot sell real property without the court's approval



# Findings

## Federal Right to Education

- Several states adopted statutes that either run parallel to or expand the federal protections to ensure stable and continuous access to education
- Only 14 states have updated their dispute resolution procedures to account for the Every Student Succeeds Act (ESSA)
- None of the 14 explicitly protect privacy rights of students

# Findings

## Access to Healthcare

- 36 jurisdictions allow unaccompanied youth under 18 to apply for health insurance coverage without parental consent.
- 14 states require a parent or guardian to apply.

# Findings

## Access to Healthcare

Appendix 12- Health Care Access For Unaccompanied Youth Chart Summary

	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	At what age may an unaccompanied minor consent to [voluntary] mental health treatment?	At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?	At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?	At what age may an unemancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])	At what age may an unaccompanied minor consent to examination relating to a sexual assault?
AL	14		Yes	12; provider may notify	WPC or PJC	
AK	Yes if living apart from parents and managing own financial affairs or parent unwilling to grant or withhold consent	18		Yes	WPC or PJC	
AZ	Yes if "homeless"		12 if emergency	Yes	WPC unless FM, PJC, or emergency	12; if parents cannot be located
AR	Yes if of sufficient intelligence to understand and appreciate consequences of proposed treatment			Yes; provider may notify parent	WPC or PJC	
CA	15 and living apart	12 for outpatient or	12, except	12	WPC, PJC or	12; shall notify

# Findings

## Access to Federal Benefits

- 47 states provide exemption from living with parent requirement
- 17 require minor live in “adult-supervised” home
- 17 provide work or education exemptions
- Only 9 provide childcare to minor parents when work or school is required.

# Findings

## Best Practices re TANF: California

- “Good cause” exemption
- Adult-supervised environment not required
- Payments for childcare
- Education incentives



# Findings

## Best Practices re TANF: Arkansas

- Adult-supervised environment not required
- No education requirements if child under 3 months
- Provides transportation, child care, case management, and mentoring while minor parent is participating in education-related activities

# Findings

## Shelters & Services

- Many regulate shelters and services for unaccompanied youth.
- Only 15 explicitly authorize the use of funds for runaway and homeless youth.

# Findings

## Shelters & Services

- Adaptation and Growth
- Basic Shelter, Street Outreach & Independent Living
- Many programs have added other long term housing alternatives
- Age appropriate services/ service enriched



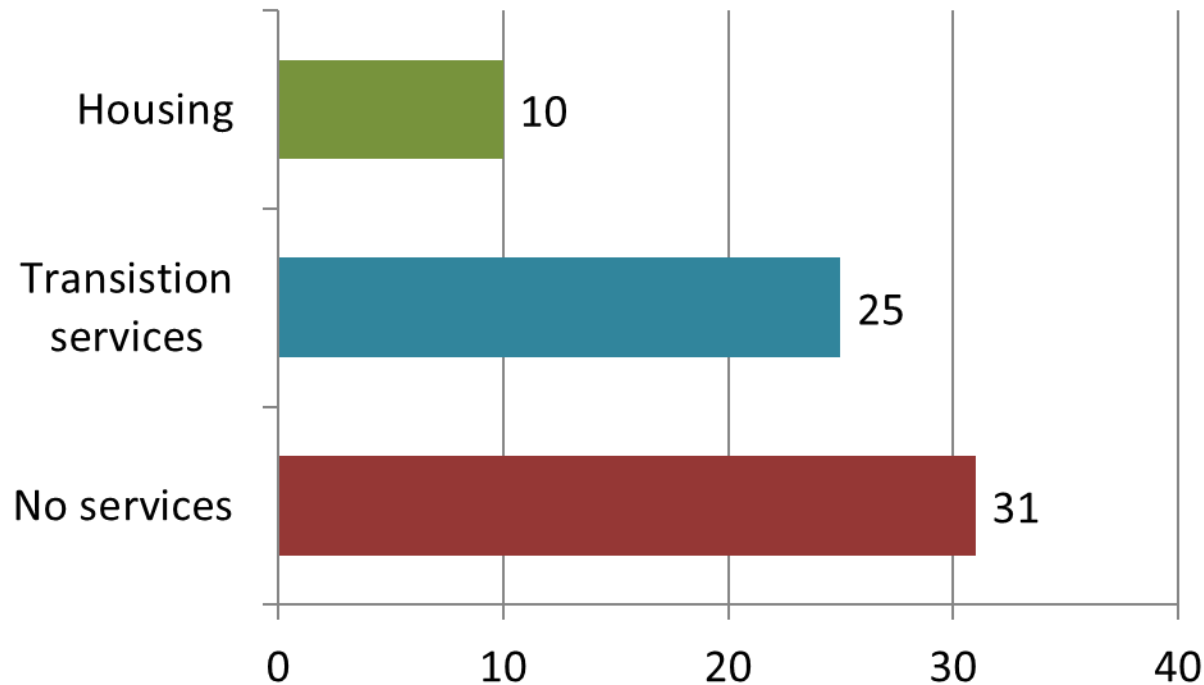
# Findings

## DISCHARGE FROM JUVENILE JUSTICE

- At least 12 jurisdictions have statutes addressing custody upon discharge
- Only 8 jurisdictions have statutes requiring permanency planning for committed, adjudicated youth

# Discharge from Juvenile Justice

## Findings



# Findings

## Best Practices re Discharge: Maine

- Requires permanency hearings, allowing for youth's wishes
- Does not force youth to return home if it is not in the best interest
- Permanency plan for youth 14 and above requires plan for transition to independent living

# Findings

## Anti-Harboring

- 17 states it is a crime to harbor runaway
- 15 states it is a crime to contribute to delinquency
- 10 states it is a crime to interfere with parental rights
- 12 states it is a crime to conceal a minor

# Findings

## Best Practices re Harboring: Alaska

Exemption to anti-harboring liability:

- Necessary to protect child from danger
- Child needed shelter
- Reported location of child within 12 hours



# Recommendations

## Supportive Services Not Punishment

- Definitions of unaccompanied youth should be inclusive and non-judgmental
- End the punishment of unaccompanied youth based on status offenses
- Prioritize support and assistance, not punishment
- Extend eligibility for cash assistance to youth

# Recommendations

## Supportive Services Not Punishment

- Access to youth-appropriate shelter
- Scale up needs to include:
  - principals of youth development
  - family strengthening practices
  - emerging best practices such as Trauma Informed Care

# Recommendations

## Supportive Services Not Punishment

- Encourage collaborations with Child Welfare, Education, Police, Workforce Training on the local and federal level
- Encourage prevention services to families and youth development services
- Merge efforts aimed at PINS/CSEC and runaway/homeless youth



# Recommendations

## Remove Barriers to Support

- Provide youth the authority to act on their own behalf via emancipation
- Provide for “Good Samaritan” defenses and other exemptions to anti-harboring of youth statutes
- Authorize health and other services to youth without parental consent / notification
- Address barriers to obtaining identification and other documents

# Poll #2

- How will you primarily use Alone Without A Home?

# Poll #3

- Has today's webinar provided you with a better understanding of the laws affecting unaccompanied youth?

# Poll #4

- Are you likely to use the information you learned today or from the report in your work or advocacy going forward?

# Questions?

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