

A Judicial Guide: Identifying and Serving Youth Experiencing Homelessness

WHEN IS A YOUTH CONSIDERED HOMELESS?

Per the McKinney-Vento Homeless Assistance Act (42 USC 11302), youth are considered homeless if they “lack a fixed, regular, and adequate nighttime residence,” including:

- Sharing the housing of other persons due to loss of housing, economic hardship, or similar reasons;
- Living in motels, hotels, trailer parks, or campgrounds due to lack of alternative accommodations;
- Living in emergency or transitional shelters; and
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar places.

Youth may also experience episodic-homelessness, which may manifest in more unconventional ways like couch-surfing.

Judges should be informed of the actual availability of community housing resources, and the local and regional data on homeless youth and those at risk of being homeless.

RED FLAGS FOR HOMELESSNESS

- Truancy
- Shoplifting
- Curfew violations
- Running away from home
- Family/relationship breakup
- Loitering in outdoor places
- Human trafficking, including exchanging sex for basic life needs
- Hoarding and carrying personal belongings
- Multiple addresses in a short time frame
- Domestic violence & family violence
- Unemployment/Evictions within the family

DIVERSION PROGRAMS

Court personnel should ensure that youth experiencing homelessness are not excluded from community-based programs and other diversion opportunities because of their housing status, inability to pay for fees, or lack of other resources necessary to participate in alternatives to detention (e.g., a phone).

Diversion programs should connect youth with services that address a variety of specific needs and legal rights, including:

- Immediate enrollment in school, transportation, and other services through the McKinney-Vento Homeless Assistance Act;
- Family preservation or independent living services through Title IV-E;
- Behavioral or physical health services through Medicaid, if eligible; and
- Relevant protections afforded by Title IX, which guarantees equal education rights regardless of gender.



Administration on Children, Youth and Families, Family and Youth Services Bureau: Street Outreach Program Data Collection Project Final Report (April 2016).

POST-DISPOSITION/RE-ENTRY

Reentry plans should address the provision of safe and stable housing, education, and employment services. Homelessness is not an acceptable reason to extend residential placements. Instead, youth should be connected with appropriate service agencies to assist with housing, health care, education, and employment as necessary.

Court personnel should consider where youth are going when leaving court and help them secure safe and stable housing.

Youth may be wary of self-identifying as homeless due to shortages of developmentally, gender responsive, and trauma informed services in the community.

QUESTIONS TO HELP UNDERSTAND IF A YOUNG PERSON MAY BE EXPERIENCING HOMELESSNESS

- How long have you lived at your current address?
- Do you have a key to the place where you are living?
- Within the past year, how many times have you moved?
- Where do you live now, and how long will you be able to stay?
- Do you feel safe and secure in that environment?
- How are you paying for your housing and food?
- What happened to bring you to court today?

GENERAL RECOMENDATIONS

- Divert youth who commit “survival crimes” from the justice system; provide services and follow-up to ensure basic needs are met.
- Use alternate housing, e.g. placements with relatives, friends, foster placements, or a runaway and homeless youth program.
- Understand the availability of local emergency housing, host homes, respite care, independent or shared rapid-housing, and permanent supportive housing options.
- Avoid the use of fines and the application of other monetary costs for youth, such as fees to participate in a diversion program. Unpaid debts from court cases make it even harder for youth to obtain jobs and stable housing.
- Minimize educational disruption by keeping youth in their schools; when changes are unavoidable, ensure records and other information transfer smoothly.
- Fully explain terms of probation; ensure that they are not overly prohibitive to youth experiencing homelessness. For example, transportation can be especially challenging for homeless youth.
- **Detention should never be used as a solution to homelessness.**

For more information on addressing the intersection of youth homelessness and juvenile justice, see NCJFCJ's [Homeless Youth Resolution](#) and CJJ's [“Key Elements of Transition Planning to Prevent Youth Homelessness”](#).



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For more information, contact the Coalition for Juvenile Justice.

Phone: 202-467-0864

Email: info@juvjustice.org

Web: www.juvjustice.org

Address: 1319 F Street NW, Suite 402, Washington, DC 20004