Promising Practices for Preventing Youth and Young Adult Homelessness

May 2014

Youth who are involved in the foster care and juvenile justice systems are at increased risk of homelessness. Over one third of all youth aging out of foster care and one fourth of youth exiting juvenile justice facilities experience homelessness within one year of leaving those systems. And, these numbers don’t include those youth in the truancy system or those exiting county detention facilities. Society needs to do a better job of addressing the needs of these youth, many of whom have experienced significant trauma in their home lives. Services that focus on the education, mental health, employment, and other needs of these youth will help prevent homelessness and help these youth transition to productive adult lives.

Drawing on national, state, and local resources, as well as community input, the Children and Youth Project at Columbia Legal Services has developed a series of Promising Practices to help identify programs and policies that have potential to help these youth. It is our hope this will spark a broader discussion concerning systemic and public policy improvements for addressing homelessness and the risk of homelessness for youth involved with foster care, juvenile justice, and status offense systems. The Promising Practices Series contains five documents. The first three identify practices for preventing youth and young adult homelessness for three populations of youth respectively. These are: foster youth, juvenile justice-involved youth, and status offender youth. Two additional documents address issues specific to American Indian and Alaska Native youth and immigrant youth, both of which are populations present in Washington State.

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Preventing Youth and Young Adult Homelessness:

Promising Practices for Public Systems that Serve

Foster Care Youth

May 2014

This document was prepared under a grant from the Children's Justice Task Force
I. Introduction

This document is a collection of promising practices to better serve foster youth who are or may be at risk of homelessness. It draws on national, state and local resources, and community input. It is designed to help those who serve these youth, as well as to spark a broader discussion concerning systemic and public policy improvements for addressing homelessness and the risk of homelessness for youth exiting foster care.

Current and former foster youth are at a high risk for homelessness, and are disproportionately represented in the homeless youth population. A recent Washington State study found that about 35% of youth aging out of foster care experience homelessness within one year of leaving care. The Midwest study found that, by age 23 or 24, almost 40% of former foster care youth reported they had been homeless or had “couch-surfed” at some point since exiting care. Every year, approximately 550 youth in Washington State age out of foster care, and 1,700 youth ages 14-17 are in out-of-home care. Statewide, 5,986 “unaccompanied youth” and young adults received homeless housing and services. It is unknown how many Washington homeless youth are or have been in foster care, but we do know that in 2012, of the 12,708 children in care, there were 415 youth who ran from care. A recent study in Alameda County, California, found 75% of the homeless youth studied had been in a juvenile dependency or wardship.

Local experts describe key factors defining the overlapping systems of child welfare and youth homelessness in King County as: 1) family problems, 2) disproportionality of youth and young adults of color and LGBTQ youth, 3) economic problems, and 4) residential instability. Youth who have aged out of foster care, run from care, or spent time during their childhood in the child welfare system have greater difficulty than their peers transitioning successfully to independence. Foster youth disproportionately lack resources, education, and life skills for success. In addition, they disproportionately lack family support, and often have been exposed to family violence, substance abuse, and other trauma, the effects of which can impact their development. They are disproportionately more likely to engage in risky behavior, including

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2 DSHS, Research and Data Analysis Division, *The Housing Status and Well-Being of Youth Aging Out of Foster Care in Washington State*, No. 11.195, September 2013.
4 Unaccompanied youth are homeless minors, who are not in the physical custody of a parent or guardian.
5 WA DSHS Missing From Care Workgroup.
6 *Youth Homelessness in the Era of AB12: Findings from the Alameda County AB 12 Homeless Youth Demonstration Project*, (May, 103).
8 WA foster care youth who graduate from high school are less likely than their peers to enroll in higher education, regardless of their GPA, WA Department of Social and Health Services, *Postsecondary enrollment patterns among recent graduates who received social and health services during high school*, (August, 2013).
substance abuse and criminal behavior. Foster youth make up the vast majority of youth who are commercially sexually exploited. When foster youth turn eighteen, many are on their own with few, if any, supports or family connections. Many of the risks associated with foster care are also characteristics of youth at risk of homelessness. Best practices for systems that work with these youth must focus on developing skills and supports necessary for foster care youth to successfully transition to independence, and address housing and other service needs of these youth as they age out of care.

Most youth homelessness programs assist youth after they become homeless, as opposed to providing homelessness prevention strategies. The protocols below are targeted at preventing runaway behavior for at-risk foster youth, preparing foster youth to age out of the system successfully to independence, and addressing the needs of youth who have aged out of care.

The protocols in Sections II and III can be implemented without legislative, administrative or court action. Protocols in Section IV are recommendations for systemic change, which either require new forms of cooperation among agencies or new laws (legislation, administrative rules, or court action) to implement.

II. Recommendations for Systems Serving Foster Care Youth

The protocols in this section are primarily applicable to foster care social workers and schools. In some cases, housing and other service providers, youth’s attorneys, court-appointed special advocates (CASAs), guardians ad litem (GALs), and courts play a role in helping youth obtain best practice services. New laws are not required for agencies to have the authority to implement most of these protocols, although in some cases, adequate funding may be a barrier, or a court order may be necessary to ensure the youth is getting services.

A. Education Advocacy. Education is fundamental to homelessness prevention. Data from the Midwest Study show former foster care youth with a high school diploma or GED are almost twice as likely to find a job as those without, and youth with some college or an associate’s degree are more than three times as likely to be employed. Emphasis on education is paramount throughout a youth’s time in care. Best practices include:

1. Identify an “educational liaison” for dependent youth whose parents cannot serve as educational advocates (as youth enter the child welfare system under new

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9 See, e.g., http://jimcaseyyouth.org/about-0.
10 National Alliance to End Homelessness, Ending Youth Homelessness Before It Begins: Prevention and Early Intervention Services for Older Adolescents, Solutions Brief (August 3, 2009) at 2.
Washington law). The liaison is appointed as early as appropriate, and is to provide consistent oversight of the child’s education throughout the dependency. Lack of attention to educational needs of foster children is an obstacle to success for these children.

2. Expect and identify unmet educational needs or “gaps” in learning and provide supports to address gaps. Foster youth may miss parts of the school year or have academic gaps due to placement changes. Schools need to pay close attention to the educational progress of any student who is in foster care, to make sure they are working to their potential and have appropriate support.

3. The education liaison, along with the social worker, should work to minimize school placement changes. If the youth is “awaiting foster care” and thus McKinney-Vento eligible, the education liaison and social worker should work with the local school district’s homeless youth liaison to ensure the youth’s rights under McKinney-Vento are enforced (e.g., school is not disrupted when entering care and transportation is provided to school of origin, if staying there is in the child’s best interest).

4. When foster youth who run from care return to school, priority must be made to quickly re-enroll these youth and re-engage them in school. A recent study found that missed school in sixth grade was predictive of high school graduation. “Sixth graders who missed 20 days had, at best, a 20% chance of graduating from high school on time.” Students should not be unenrolled from school if their absence was, in part due to foster care/placement issues.

5. School staff, services providers, foster parents, and the youth’s attorney/GAL should communicate often and consistently, in particular when changes occur in the youth’s behavior or home life. The school needs to know about changes that occur in foster care cases (e.g., placement, termination of parental rights, etc.) which may put the youth at greater risk of having trouble with studies or running from care.

6. Normalcy of youth experience should be supported so that the youth’s emotion and social needs are addressed. Age-appropriate activities identified by the youth, such as extra-curricular activities, sports, and healthy friendships should be supported.

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12 In 2003, the WA legislature passed HB 1566, which, among other things, assigns an educational liaison to youth in shelter care, and for youth who are legally free.

13 In California, a person with a “conflict of interest” cannot be an education advocate – this includes the social worker, probation officer, group home staff or child’s attorney. A foster parent does not have a conflict of interest. WIC §6 361(a), 726(b).

14 Pecora, P.J., Kessler, R.C., et al., Improving Family Foster Care, Findings from the Northwest Foster Care Alumni Study, (Revised March 14, 2005).

15 RCW 28.A.225.330(7) provides that “A school may not prevent a student who is dependent pursuant to RCW 13.34 from enrolling if there is incomplete information as enumerated in subsection (1) of this section during the ten business days that the department of social and health services has to obtain that information under RCW 74.13.631. In addition, upon enrollment of a student who is dependent pursuant to RCW 13.34, the school district must make reasonable efforts to obtain and assess that child's educational history in order to meet the child's unique needs within two business days.”

These activities help build healthy connections to adults and youth outside of the foster care system, which can serve as long-term supports.\(^{17}\)

7. Academic support resources, such as Treehouse,\(^{18}\) should be used.

8. School needs to be a “trauma sensitive” environment for children who have experience abuse and neglect in their home lives.\(^ {19}\) All foster youth should receive special attention from school counselors, who should be trained on recognizing and addressing trauma.

9. When youth are not placed with siblings, every effort should be made to put youth in the same school/school district as siblings.

10. School staff/teachers should be recruited to be foster parents.

B. Identifying and Addressing Youth At-Risk of Running.

1. The Washington Children’s Administration (CA) has identified these run risk factors for dependent youth:\(^{20}\)
   - Entered care as an adolescent
   - Recent change in legal status (parental rights terminated)
   - In care 1-2 years, or 5+ years (these statuses together are 95% of all runs)
   - Placement was a result of neglect
   - Multiple placements (higher number of placements, higher risk)
   - Age 12 or older (highest risk are 15-17 year olds)
   - Disconnected from positive relationships
   - Prior run history
   - History of alcohol, substance abuse, mental health, behavior issues, delinquency, impulsiveness, or other troubled behaviors

2. Case plans should address at risk factors\(^ {21}\) and prevention factors (see section D below).
   - If reunification is not the plan, then a strong focus should be placed on connecting the youth with extended family and other community supports, if safe to do so.\(^ {22}\)
   - If reunification is a goal, evidence based practices focused on improving family functioning, decreasing the risk of abuse and neglect, and avoiding out-of-home placement may be helpful.\(^ {23}\)

\(^{17}\) Human Rights Watch, *op cit.* at 66.
\(^{19}\) ABA Commission on Homelessness and Poverty, *Educating Children without Housing*, (2009) at 56.
\(^{20}\) WA Department of Social & Health Services, *Youth at Risk for Running Away: Tips for Caregivers and Staff*, DSHS 22-1528 (June 2013).
\(^{21}\) WA Department of Social & Health Services, *Run Prevention: Tips for Staff*, DSHS 22-1523 (June, 2013).
\(^{23}\) National Alliance to End Homelessness, *Ending Youth Homelessness Before It Begins: Prevention and Early Intervention Services for Older Adolescents*, Solutions Brief (August 3, 2009) at 2. This resource identifies multisystem therapy, intensive family preservation services, functional family therapy, and family group conferencing as potential practices.
3. A run prevention plan\(^24\) should be developed with youth, service providers, attorney, school, caretaker, and family, which addresses youth’s concerns as well as those of the adults.

4. For youth who have run:
   - Involved adults (e.g., case workers, attorneys, school) should talk to the youth on reason for run, so that interventions may be targeted to address the reason.\(^25\)
   - The run prevention plan and services in case plan should be revisited by those involved in its development (and others, if appropriate).
   - CA policy is to request counsel to be appointed for all youth who run from care for more than one night.\(^26\) This best practice should occur as soon as the youth runs, and contact details for youth, foster family, and other family members must be provided immediately to the youth’s attorney, as soon as one is appointed. While the best practice would be to appoint attorneys for all youth, this is not currently the law or practice in Washington. At a minimum, the DSHS policy should be fully implemented.
   - The CA Locator program should be expanded, as it is a promising practice. Six locators statewide are insufficient to cover 400+ youth running from care. At the same time, it should be closely evaluated to determine whether changes in the program might lead to better outcomes (e.g., more staff, assigning staff as soon as a youth runs, etc.). The longer the run, the more likely youth will become entrenched in risky behaviors and detach from school. Homeless youth providers (including drop-in shelter staff and outreach providers) should be trained to identify and address the needs of youth who run from the child welfare system.
   - Foster parents should be trained to recognize risks for running, and given special training on how to address the needs of youth who run. CA’s “Missing From Care Toolkit” is a useful resource for foster parents and others working with youth who have run from care.\(^27\)

C. Special Sub-populations of Dependent Youth at Risk. Certain sub-populations of dependent youth are at high risk of homelessness once their dependency is dismissed. They need special attention during their dependency and in their transition to independence planning process. All public systems that work with dependent youth should learn to recognize and address, as appropriate, the unique situations and needs of youth in the populations below.

1. Undocumented Dependent Youth: Youth who do not have a legal immigration status may be eligible for a Special Immigrant Juvenile Status visa (must be obtained while

\(^{24}\) See WA Department of Social & Health Services, Run Prevention: Tips for Staff, DSHS 22-1523 (June 2013) and Resource Information for Youth at Risk to Run: Prevention Tips for Staff and Caregivers, DSHS 22-1525 (June 2013).

\(^{25}\) WA Department of Social & Health Services, When a Youth Returns: Tips for Staff, DSHS 22-1527 (June 2013).

\(^{26}\) WA DSHS, Practices and Procedures Guide, Policy 4550E.

\(^{27}\) The Missing From Care Toolkit can be found at: http://www.dshs.wa.gov/ca/fosterparents/ongoingmfc.asp.
dependent) or U-Visa status (for victims of crimes). Youth should be referred to an attorney who can assist with this.


3. LGBTQ Youth: Lambda Legal and others have developed best practices for LGBT homeless youth.

4. Youth with Developmental Disabilities: The Developmental Disabilities Administration (DDA) provides services for developmentally disabled adults. Youth may need assistance to evaluate whether it is in their best interest to be served by CA through extended foster care or through DDA when they turn 18, or to transition at some point from one program to the other. The transition from foster care to extended foster care or DDA for these youth should be seamless.

5. Youth with Mental Health Disorders: Untreated mental health disorders are often a barrier to finishing education, or to employment. In addition, homelessness is highly correlated to mental illness. Mental illness can onset at different times in a youth’s development; caretakers and social workers need to be attuned to this, so that issues can be addressed as they arise. Youth undergoing mental health treatment should be encouraged to transition to extended foster care, so that treatment can continue.

6. Youth in Behavioral Rehabilitation Services (BRS): Youth who have had a BRS placement are at high risk of homelessness once their foster care status/placement ends. Some of these youth may have difficulty qualifying for extended foster care. Even if a youth is eligible for extended foster care, some BRS placements do not accept youth who are age 18 or over.

7. Juvenile Justice System-Involved Youth: Best practice calls for courts to appoint a dependency attorney for any dependent youth in the delinquency system or adult criminal system. These youth are at high risk of future homelessness, and their rights against self-incrimination may be jeopardized in dependency proceedings. An attorney can counsel a youth during a dependency proceeding with respect to these

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28 Columbia Legal Services, Preventing Youth and Young Adult Homelessness: Promising Practices for Public Systems that Serve Undocumented Youth.

29 Columbia Legal Services, Preventing Youth and Young Adult Homelessness: Promising Practices for Public Systems that Serve American Indian and Native Alaskan Youth.


31 Twenty-five percent of foster youth may have mental health and behavioral problems so significant that they are unable to successfully meet the employment or education requirements for eligibility in EFC. This underscores the importance of adequately addressing the mental and behavioral health needs of children and youth while in care. Courtney, Hook & Lee (2010).

32 See section on dual-system youth in Columbia Legal Services, Preventing Youth and Young Adult Homelessness: Promising Practices for Public Systems that Serve Juvenile Justice-Involved Youth.

33 WA DSHS, Impact of Homelessness on Youth Recently Released from Juvenile Rehabilitation Facilities (June 2013). See also B.1 risk factors above.
rights, can help the youth access needed services, can coordinate services with criminal counsel, and because an attorney has a confidential relationship with the youth, the attorney can work with the youth to address issues that the youth may not disclose to a social worker.  

8. Truant Youth: While all truant youth need to have the underlying reasons for their truancy addressed (e.g., drug abuse, school problems, family problems, etc.) those truant youth who are also foster youth lack a support system to help them get back on track, and may need more focused additional attention and services.

9. Pregnant Teens/Parents: Parenting is often a barrier to finishing school, or to employment. Youth should be referred to programs and supports for pregnant and parenting foster youth, including but not limited to housing assistance, such as family unifications program (FUP) vouchers.

10. Sexually exploited youth: Over 60% of sexually exploited youth come from the foster care system. Rep. Reichert (WA) and Sen. Hatch (UT) have introduced a Concurrent Resolution calling for, among other things, those children who are trafficked for sex to be treated as victims of child abuse, and for the child welfare system to provide services to these children or children at risk of being trafficked. In Washington, the Commercially Sexually Exploited Children Coordinating Committee has studied local practices and data and has issued a protocol to address how exploited youth are to be provided services. This protocol is being implemented in several counties across

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34 See also: Columbia Legal Services, Promising Practices for Systems that Serve Juvenile Justice Involved Youth (Section II on Protocols for Systems Serving Crossover Youth).

35 Columbia Legal Services, Preventing Youth and Young Adult Homelessness: Promising Practices for Public Systems that Serve Status-Offender Youth.

36 See also RCW 28A 225.023, which provides that, “A school district representative or school employee shall review unexpected or excessive absences with a youth who is dependent pursuant to RCW 13.34 and adults involved with that youth, to include the youth’s caseworker, educational liaison, attorney if one is appointed, parent or guardians, and foster parents or the person providing placement for the youth. The purpose of the review is to determine the cause of the absences, taking into account: Unplanned school transitions, periods of running from care, in-patient treatment, incarceration, school adjustment, educational gaps, psychosocial issues, and unavoidable appointments during the school day. A school district representative or a school employee must proactively support the youth’s school work so the student does not fall behind and to avoid suspension or expulsion based on truancy.”

37 By age 23 and 24, twenty-five percent of former foster youth are “struggling parents,” and 90.5% of these have at least one resident child. Seventy-five percent of these youth are unemployed, and 44% have less than a high school degree. Without programs designed for these young parents (most of whom are women), many will find it difficult to obtain or maintain the employment/education requirements of EFC. Courtney, M.E., Hook, J.L., and Lee, J.S. (2010) Distinct Subgroups of Former Foster Youth during the Transition to Adulthood: Implications for Policy and Practice. Chicago: Chapin Hall at the University of Chicago at 8.

38 Lemley, A. Policy & Practice Implications of California’s Most Vulnerable Parents, John Burton Foundation. This author also recommends including access to pregnancy prevention services through differential response.

39 See e.g., Stopping the Foster Care to Child Trafficking Pipeline, Huffington Post, 29 Oct. 2013.


the state. It is important that these exploited children are treated as victims, and not as criminals.

11. Foster youth Adjudicated as Sexually Aggressive or Adjudicated of a Sex Offense: There is a shortage of foster placements for these youth due to their status as a sex offender.

D. **Youth Homelessness Protective Factors.** Protective factors for unaccompanied youth should form the basis of case planning, run prevention planning, and transition planning for youth exiting foster care or extended foster care.

1. Family cohesion and support
2. School engagement and employment
3. Survival skills
4. Positive connections
5. Positive future expectations
6. Decision-making skills
7. Self-esteem and self-efficacy
8. Health

E. **Protective services.** Throughout their development and as appropriate, social workers should provide youth at risk with information or offer services that enhance protective factors in section D above, particular to a youth’s circumstances, such as domestic and sexual violence, anger management, and substance abuse. Transition planning should include how to access such services once independent.

F. **Emotional Well-being/Community Connections.** Throughout their development, social workers and schools should encourage foster youth to develop and assist them in developing caring relationships with peers and adults (e.g., long term mentor, pastor) for advice and emotional support that will extend beyond emancipation. Developing stable family or other adult connections in the community where youth can turn for help is vital. The existence of these relationships can help prevent homelessness.

1. The Mockingbird Family Model is a promising model that provides youth with deeper connections, so that youth have a stable person in the community to turn to when having difficulties in their foster home. In every MFM 'constellation,' six to ten foster families live in close proximity to a “Hub Home,” which is an experienced

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43 U.S. Council on Homelessness, “Opening Doors: Federal Strategic Plan to Prevent and End Homelessness,” (Amendment 2012) at 13 (Figure 3).
44 Human Rights Watch, *op cit.*, at 65.
licensed foster care family that can provide respite care, assistance in navigating bureaucracy, peer support, and social activities.

2. Children’s Administration should minimize placement changes so that youth can develop a deeper, long-lasting social support network.\(^{47}\) Improved background check policies so youth can be placed with relatives directly upon removal will lead to fewer placement changes.

3. Studies show that most youth who run, run to someone they know. Youth in foster care often run to see their parents or other relatives. Making sure that foster youth have sufficient visits with nuclear and extended family will promote social and emotional well-being.

4. Youth who can develop stable connections while in care are less likely to run from care, and also will have a stronger support network after they leave care.

G. Transition Planning and Extended Foster Care.

1. Foster parents/caregivers should receive training from CA to teach youth in their care everyday life, decision-making, and survival skills beginning at an early age. CA should also train foster parents on how to provide youth with opportunities throughout adolescence to practice tasks and skills that will prepare them for adulthood.\(^ {48}\)

2. Beginning at age 14, social workers should encourage the youth to begin planning for his or her future and thinking about an education or vocation plan. This plan should be revisited at least every six months. Youth entering high school need to be reminded of the importance of their education for their future. A Washington State ID card should be obtained for youth at age 14 (or earlier), so that it is available to the youth as he/she engages in the community.

3. Best practice is for the Casey Life Skills Assessment to be completed by the youth beginning at age 14, and updated annually.\(^ {49}\) Current DSHS procedure is to inform youth and their caregivers of Independent Living Services at age 15,\(^ {50}\) at which age the youth is to have an “Independent Living Plan” that identifies the youth’s strengths and weaknesses and targets how to gain needed skills, and to update this plan annually.\(^ {51}\)

\(^{47}\) Pecora, P.J., Kessler, R.C., et al., *Improving Family Foster Care, Findings from the Northwest Foster Care Alumni Study*, (Revised March 14, 2005).

\(^{48}\) Human Rights Watch, *op cit.*, at 64.

\(^{49}\) The Casey Life Skills Assessment and Learning Plan are found at [http://caseylifeskills.force.com/](http://caseylifeskills.force.com/). The CLS Assessment is designed for youth ages 14-21.

\(^{50}\) WA DSHS *Practices and Procedures Guide*, 43101, procedure A, B and D.

4. Beginning at age 15, CA should refer youth to Independent Living programs. Independent Living should be expanded so it is available and consistent across the state. Courts and Youth’s Attorney/CASA should raise this issue with the youth. Judges can raise the issue in the courtroom.

5. Beginning at age 16, housing, emotional well-being supports, and money management, should be added to the Plan. Federal law requires that during permanency hearings courts “shall determine...in the case of a child who has turned 16, the services needed to assist the child to make the transition from foster care to independence.” The Independent Living Plan should be provided to and reviewed by the court.

6. Youth should be given information on extended foster care beginning at age 16 and reminded how extended foster care might be relevant to achieving the youth’s education/vocation goals. Youth who leave the foster care system at age 18 are more likely to experience homelessness, unemployment, unplanned pregnancy, justice system involvement, substance abuse, and lack of health care than those who stay in past age 18. Also, youth who leave foster care at age 18 are also less likely to have a high school diploma, earn enough to support themselves, or participate in post-secondary education or training than youth who stay in foster care.

7. The 17½ year Shared Planning Meeting should be scheduled well in advance by the social worker, so that the youth’s Independent Living contractor, all of the youth’s services providers, the youth’s attorney, CASA or GAL, biological or extended family members, education liaison, guidance counselor or school representative, and any other community members identified by the youth can attend. The focus of this meeting should be on implementing the youth’s Transition Plan toward independence. The Independent Living Check-list in section I should be reviewed and any gaps addressed.

8. The federal Fostering Connections Act requires transition planning before an extended foster care youth’s 21st birthday. The best practice is for the youth in extended foster care to revisit their Transition Plan on an ongoing basis, but no less than at each six month review hearing to make sure the youth stays on track and to keep the plan relevant.

52 42 U.S.C. sec. 675(5)(C).
53 Youth who leave foster care at 18 are more likely to experience homelessness, unemployment, unplanned pregnancy, justice system involvement, substance abuse, and lack of health care than those youth who are allowed to stay in foster care past age 18ABA Center on Children and the Law and Commission on Youth at Risk, Charting a Better Future for Youth; A National Summit on Effective Implementation of the Fostering Connections to Success Act, (April 15-16, 2010) at 37- 41. Courtney, citing Mark E., et al, Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 19, Chapin Hall Center for Children (2005).
54 Transition planning and the 17.5 Shared Planning Meeting is required to address education, employment, housing, health insurance, local opportunities for mentors and continuing support, and work force supports and employment services. 42 U.S.C. sec. 677; See also WA DSHS Policy 43104.
H. **Stable housing for Youth Leaving Care.** California’s Department of Social Services found that 65% of emancipating foster youth lack safe and affordable housing at the time of emancipation.\(^{56}\) In Washington State, within one year of exiting care, 35% of foster youth experience homelessness.\(^{57}\) Care needs to be taken that youth do not age out of the child welfare system (at age 18 or 21) into homelessness or near homelessness.\(^{58}\)

1. Youth aging out of care should know where they will live upon dismissal of a dependency and into the future.\(^{59}\) Young people aging out of the child welfare system should have safe, stable and affordable housing available to them.\(^{60}\)

2. Advance planning is necessary so youth have time to apply to and secure available housing programs before a dependency is dismissed (e.g., independent living/extended foster care programs for youth aging out.)

3. If, at the 17 ½ year meeting, it appears that the youth may lack housing at the time of the dependency dismissal, the youth should be immediately referred to their local agency or consolidated entry point for housing transition planning, so that housing is in place \(^{61}\) when the youth is discharged from foster care.

4. Tools such as a Permanency Pact can be used to help commit adults to ongoing specific supportive roles in a youth’s life. A Permanency Pact is a pledge by a supportive adult to provide lifelong kin-like connection for the youth.\(^{62}\)

I. **Independence Check-list.**\(^{63}\) Before the Court dismisses a dependency of any youth age 16 to 18, or upon entering extended foster care, CA should provide or make available to youth training or assistance, if applicable, regarding:

1. Housing: How to find safe housing, rent an apartment, landlord/tenant rights, local housing assistance programs, how to choose a responsible roommate. Youth should

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\(^{57}\) DSHS, Research and Data Analysis Division, *The Housing Status and Well-Being of Youth Aging Out of Foster Care in Washington State*, No. 11.195, September 2013

\(^{58}\) In no county nationwide can an individual work 40 hours per week at the minimum wage and afford a one-bedroom apartment at the local fair market rate. National Low Income Housing Coalition, *Out of Reach*, 2007-2008, cited in Torrico, Roxana and Bhat, Soumya *Connected by 25: Financing Housing Supports for Youth Transitioning Out of Foster Care* (May, 2009) at 5.

\(^{59}\) Evidence shows that housing (including but not limited to rent assistance, subsidies, supportive services coupled with permanent housing, housing court mediation, and rapid exit from shelters) is key to homelessness prevention. U.S. Dept. of Housing and Urban Development, *Strategies for Preventing Homelessness* (May 2005).

\(^{60}\) Youth who do not have housing available to them when they leave care are at high risk of homelessness. National Alliance to End Homelessness, *Fundamental Issues to Prevent and End Youth Homelessness*, Youth Homelessness Series Brief No. 1 (May 2006) at 2.


\(^{63}\) A well-defined and properly enforced “discharge checklist” can substantially advance the goal of independence. Buss, Emily, *et al.*, the University of Chicago Law School Foster Care Project’s Protocol for Reform, *From Foster Care to Adulthood* (2008) at 47.
be given information on Chafee independent living programs and other housing supports or programs (FUP, Section 8, etc.) for which the youth may need to access if planned housing becomes unstable.64 Youth also should be told about SafePlace.65

2. Financial Literacy: How to set up a bank account and direct deposit, budget and manage finances, read a bank statement, use and implications of ATM and credit cards.

3. Life Skills: How to access public transportation, how to apply and interview for a job, how to maintain a healthy and safe environment (basic grocery shopping, laundry, personal hygiene, household cleaning).

4. Education and Employment Planning: The education and employment portion of Transition Plan should be in place.

5. Health, Dental and Mental Health: How to obtain any health insurance for which the youth is eligible (e.g., Medicaid to 26), how to continue receiving any ongoing health, dental, and mental health services or obtain new services66, contact information for all medical providers and dates of any future appointments, how to safely take any prescription or over the counter medicine, and how to fill a prescription.

6. Other Public Benefits: How to apply for and access other public benefits, including food stamps, TANF, disability, SSI, or other benefits, so that there is a seamless transition.

7. Parenting Youth: How to access day care, how to continue education/vocational training while parenting, how to obtain a parenting plan. Youth should be given resources about parenting classes and pre-school.

8. Legal Services: Youth should be provided information on how to access civil and criminal legal aid, and how to obtain assistance sealing juvenile records.

9. Adult Support: Each youth exiting care should have at least one functional, caring adult they can call for advice.

10. Other After Care Supports: How to access any other “after care” supports that fit within the youth’s Transition Plan. How to access crisis intervention supports. How to access Independent Living Skills services which remain available to former foster youth up until age 21.67

J. Records Checklist: Before the Court dismisses a dependency of any youth age sixteen to eighteen, or upon entering extended foster care, CA should provide or assist the youth in obtaining (at DSHS cost):

64 See Torrico and Bhat, at 16-18.
65 http://nationalsafeplace.org/.
66 According to one study, 25% of foster care alumni or adults who had experience foster care later experience post-traumatic stress. The rate for the general population is 4%. Pecora, P.J., Kessler, Ronald, et al, Improving family foster care: Findings from the Northwest foster Care Alumni Study, (Revised March 14, 2005), Seattle, WA: Casey Family Programs.
67 RCW 74.031(15).
1. Government I.D. card or driver’s license (parent, guardian or court must approve a foster youth’s participation in driver’s education or to obtain a driver’s license).\(^{68}\)
2. Social security card.
4. Personal and Family medical history.
5. Names and contact details for all medical, dental, mental health, or other ongoing service providers, and the dates of any next scheduled appointments.
6. A credit report.\(^ {69}\)
7. Names and contact details for relatives and ongoing adult support system.

III. Recommendations for Courts, CASAs, GALs, and Children’s Attorneys

A. Protocols for All Dependent Youth.

1. At review hearings, the Court should:
   - Make an inquiry into the youth’s educational progress, and need for any education services.\(^ {70}\)
   - Ensure that check-lists (in Part II, sections I & J) are on track.
   - Subpoena service providers to court if youth is having difficulty accessing court ordered services. Courts can set deadlines and compel action and provide accountability.\(^{71}\)

2. For young people with a permanent plan other than reunification, adoption, or guardianship, “reasonable efforts” in a permanency review should include whether appropriate services are provided to assist foster youth with their transition to independence.”\(^{72}\)

3. The courtroom can provide structure for the youth’s ongoing development. When youth appear in court, the judge can discuss the court’s role in providing oversight.

4. Judges should be trained so they understand youth development and troubled family dynamics. Unified family courts have been shown to decrease a youth’s time in care, promote permanency, and lead to better education outcomes for youth in

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\(^{68}\) DSHS *Practices and Procedures Guide*, No. 43103. Social workers have authority to request Washington State Identicards for youth.

\(^{69}\) DSHS policy is to assist youth, 16 and older, in obtaining and reviewing their Consumer Credit Report annually, and assist the youth in correcting any inaccurate credit information. WA DSHS, *Practices and Procedures Guide,* No. 43102, Policy B and C.

\(^{70}\) ABA Commission on Youth at Risk, “*Charting a Better Future for Transitioning Foster Youth—Report from a National Summit on the Fostering Connections to Success Act,*” (2010) at 41.

\(^{71}\) Buss, Emily et al., *From Foster Care to Adulthood: The University of Chicago Law School Foster Care Project’s Protocol for Reform,* (2008) at 66.

\(^{72}\) Ibid. at 24.
care. The ABA also recommends “problem-solving” courts where specialized judges can address the problems of multi-systems involved youth.

5. Dual-systems youth (dependent youth in either the juvenile delinquency or truancy systems) should be appointed an attorney in each proceeding.

B. Protocols Addressing Dependent Youth at Risk of Running.

1. Courts/attorneys/GAL should consider requesting a CA review of whether a youth is at high risk for runaway behavior, as a basis for determining whether these youth are getting appropriate attention and services that address their needs.

2. Courts and the youth’s attorney/GAL should make sure that risk factors are addressed in case plan and run prevention plan, and that prevention services have been offered and made available. Since services to youth outside of placement are voluntary (unless court ordered), if a youth refuses to participate, the services cannot be provided.

3. CA should request (as per its policy), and Courts should appoint counsel for youth who run or are at risk of running.

C. Protocols for Youth as they Transition to Independence. Courts, legal advocates and GALs are in the unique position to help youth successfully transition from care.

1. Make sure progress in completing the check-lists is on-track (Part II: sections I & J).

2. Young adults under dependency court jurisdiction should be represented by client-directed lawyers.

3. Make sure the 17½ year staffing occurs prior to the youth turning 17½.

4. Courts need to provide effective oversight and enforcement of the Transition Plan.
   - Make sure the youth’s transition plan is attached to the ISSP and reviewed at all hearings ages 16-18, and when dismissal of dependency is requested.
   - Review whether the plan is viable, is tailored to meet the individual needs of the youth, contains supports and services identified as important by the youth, and that the youth actively participated in its creation.

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73 Unified family courts have been shown to decrease a youth’s time in care, promote permanency, and lead to better education outcomes for youth in care. Sloan, F. et.al., Do Specialty Courts Achieve Better Outcomes for Children in Foster Care than General Courts?, Evaluation Review, 37:3 (2013).


75 Buss, Emily et al., From Foster Care to Adulthood: The University of Chicago Law School Foster Care Project’s Protocol for Reform, (2008) at 69-73, see also: ABA Center on Children and the Law and ABA Commission on Youth at Risk, A National Summit on Effective Implementation of the Fostering Connections to Success Act, (April 15-16, 2010) at 36.

76 Under the Fostering Connections Act, this meeting must occur 90 days prior to the youth’s 18th birthday. DSHS Policy 43104A calls for the meeting to occur as a Shared Planning Meeting between age 17 and 17½.

77 Buss, Emily, et al., the University of Chicago Law School Foster Care Project’s Protocol for Reform, From Foster Care to Adulthood, (2008) at 66.

78 WA DSHS, Practices and Procedures Guide, No. 43104, Policy B.
• If necessary, schedule a review hearing on the Transition Plan approximately three months prior to the scheduled dependency dismissal to make sure the plan is on track.

5. Courts can develop procedures and schedule hearings to ensure that older foster care youth are present at, and involved participants in, their own court hearings.79

6. Attorneys can facilitate communication between the caseworker and the youth to ensure that the services and supports in the transition plan are implemented.80

7. Attorneys and other adults working with the youth should refer youth or see that youth are referred to attorneys who can help them seal their juvenile records, and/or lift the duty to register as a sexual offender.

IV. Recommendations for Systemic Change

The recommendations below are specific actions, based on the best practice protocols above, which require systemic change – that is, change to current legislation, agency policy/protocol, administrative rules, or other barriers (including interagency agreements) in order to implement.

A. Children’s Administration:

• Train foster parents and caregivers of youth ages 12 and above on how to support youth towards independence.81 Incorporate specific benchmarks for youth into the training.

• Train foster parents and caregivers on how to identify youth at risk for running, and how to support youth appropriately when they return from a run.

• Begin transition planning early, as recommended in section II.G. Schedule the 17½ shared planning meeting well in advance, and invite the independent living contractor, all of youth’s service providers, youth’s attorney, CASA or GAL, biological or extended family members, education liaison, guidance counselor, and anyone else identified by the youth. Refer youth immediately to the Department of Commerce if it appears the youth will be aging out of care with no permanent place to live. Report to the Court the housing plan for youth leaving care prior to the dismissal of the dependency.

• Identify and assess youth at risk for running. Develop case plans and run prevention plans as recommended in Section II.B.


80 “Charting a Better Future for Transitioning Foster Youth,” at 26.

81 “Research suggests that the culture of individual foster homes is likely to have a strong effect on rates of running….children in foster homes with a sense of well-supported foster parents who demonstrate nurturing leadership tend to have lower rates of running away.” Youth Runaways (Social Exclusion Unit), cited op cit., Kaplan, at 28.
• At a minimum, implement DSHS policy to request an attorney for all youth who run from care for more than one night. However, the better practice would be for attorneys to be assigned to all youth who are at risk of running.

• Identify and develop into case planning and run planning the unique risks a youth may have as a member of a sub-population identified in Section II.C.

• Offer services to youth to enhance youth homelessness protective factors in Section II.D.

• Ensure sibling visits, promote contacts with extended family and family friends to promote social well-being and community connectedness.

• Use the Independence Check-List and the Records Check-List. Keep Court Youth’s Attorney apprised of completion of the lists.

• Evaluate and expand the CA locator staff program.

• Expand the Mockingbird Family Model.

• Revise the WACs to allow youth who were homeless or in detention when they aged out of care to participate in extended foster care if they are otherwise eligible.

• Revise the WACs to allow youth in JJRA to transition into extended foster care, if they are otherwise eligible.

B. Department of Commerce:

• Publish WACs or otherwise clarify by policy that youth leaving foster care or extended foster care need not first become physically “homeless” or on the streets before qualifying for Department of Commerce funded homeless housing programs.

• Work with CA to streamline the application process and transition of foster youth directly from care or extended care into Commerce programs, if eligible.

• Expand “service-enriched” transitional housing for youth who have aged out of foster care (this requires systems coordination)\(^2\)

• Publish in one place and post online the telephone numbers for every county’s referral agency for Commerce housing.

C. Office of Supervision and Public Instruction (OSPI):

• Absences due to foster care/placement issues should never be used as a basis for un-enrolling students.

• Foster youth may need additional tutoring/resources even if they are not in special education.

• All foster youth, not just those “awaiting foster care,” should receive McKinney-Vento-type services.

• When foster youth who run from care return, they should be allowed to re-enroll in school immediately.

\(^2\) 18 and Out: Life After Foster Care in Massachusetts, pg. 9-10 (2005).
• Train school counselors to address trauma in the lives of foster children and/or make referrals to mental health services.

D. Courts/Youth Attorneys/CASAs/GALs:

• Ensure the education liaisons appointed for youth have sufficient knowledge/training to effectively assist the youth.
• Monitor youth’s progress on completing check-lists and require progress reports be submitted to court.
• Make sure the 17 ½ year staffing occurs on time.
• Require the transition plan be attached to the ISSP and reviewed at all hearings for youth ages 16-18, and when dismissal of dependency is requested.
• If necessary, schedule a review hearing on the Transition Plan three months prior to the scheduled dependency dismissal to make sure the plan is on track.
• Inquire into the youth’s educational progress and need for educational services.
• Include in “reasonable efforts” review whether appropriate services are provided to assist foster youth in their transition to independence.
• Judges should appoint counsel for dual-systems youth in each court system (dependency, delinquency, status offense) so that the youth’s rights (e.g., against self-incrimination) are protected and services can be coordinated between court systems.
• Request the agency report on whether youth is at high risk for running.
• Make sure risk factors are addressed in case plans.
• Appoint counsel for any youth who runs from care or is at risk of running.
• Inform youth of rights /refer youth to attorneys who can help have juvenile records sealed and/or lift the duty to register as a sexual offender.

E. Law Enforcement:

• When run warrants are issued for youth who run from care, law enforcement should return the youth to some type of housing or shelter rather than to detention. The officer should notify DSHS and the youth’s attorney immediately as to the youth’s location.

F. Legislature:

• Expand extended foster care to include the last federally authorized categories: youth who for medical reasons cannot participate in the other four categories.
• Modify state restrictions to allow youth who were homeless or in detention when they aged out of care, JJRA youth, and foster care youth in guardianships to participate in extended foster care.83

83 Human Rights Watch, op cit. at 62. The author interviewed 63 youth who became homeless when emancipating from care. Extending support for youth in foster care beyond 18 to help transition to independence was the first
• Allow youth to enter extended foster care at any time up to age 21.
• Provide that courts cannot dismiss a dependency if the youth is being dismissed to homelessness.
• Expand “service-enriched” transitional housing for youth who have aged out of foster care.
• Develop more placement options for foster youth with juvenile justice records.
• Make juvenile justice records confidential, just as are dependency records.
• Adopt a Unified Family Court System, so permanency may be achieved more quickly, and dual-systems youth may achieve better outcomes.
• Provide dependency attorneys to all youth at risk of running. Provide dependency attorneys for all developmentally disabled and BRS youth at age 17, to represent the youth in transition planning, and counsel the youth regarding extended foster care.

G. Systems Coordination:

• **CA, JJRA and Commerce:** Coordinate case planning and continuity of services for foster youth leaving JJ&RA.
• **CA, JJRA and Commerce:** Coordinate placement planning so that youth exiting JJ&RA with parents in the dependency system, have a safe and stable home or placement ready for them upon release.
• **CA and Commerce:** Develop program for referring youth exiting foster care into Commerce housing programs, so that youth can transition to housing directly from leaving care. Determine whether any legislative action or inter-agency agreements are necessary to streamline the application process for foster youth or extended foster youth to Chafee housing.
• **CA and Community Partners:** Provide better connections for foster youth to education and employment programs.
• **Public/Private Partnerships:** Focus on innovative public/private partnerships that can help youth develop skills necessary to successfully transition to independence. For example, Washington businesses can take advantage of the federal Work Opportunity Tax Credit which benefits employers hiring “high-risk youth.”
• **OSPI and CA:** When youth are not placed with siblings, use best efforts to put youth in the same school/school district as siblings.
• **OSPI and CA:** Develop policies to recruit teachers as foster parents/emergency placements so that a youth’s connection to school is uninterrupted after removal from the home.

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recommendation of the report. Related to this is allowing youth who choose to leave care at age 18 to have the opportunity to return on the basis of need.

84 18 and Out: Life After Foster Care in Massachusetts, pg. 9 (2005).
• **OSPI and CA:** Promote and support opportunities for normalcy of youth experiences (extra-curricular activities, sports, healthy friendships). Develop a procedure so school can quickly obtain “parental” permission for field trips, sports competition, and other activities.

• **OSPI and CA:** Identify an appropriate education liaison for the youth.
Preventing Youth and Young Adult Homelessness:  
Promising Practices for Public Systems that Serve  
Juvenile Justice-Involved Youth

May 2014

This document was prepared under a grant from the Children's Justice Task Force.
I. Introduction

This document is a collection of promising practices to better serve juvenile justice-involved youth who are or may be at risk of homelessness. It draws on national, state and local resources, and community input. It is designed to help those who serve these youth, as well as to spark a broader discussion concerning systemic and public policy improvements for addressing homelessness and the risk of homelessness for juvenile justice-involved youth.

A recent study found that in Washington, 26 percent of youth released from Juvenile Justice and Rehabilitation Administration (“JJRA”) facilities are homeless within 12 months of being released.\(^1\) The same study also found that recidivism rates were higher for these youth than for youth having stable housing upon their release.\(^2\) In addition, the homeless youth in the study were found to have a high rate of substance abuse, serious mental illness, rates of chronic illness, and higher mortality rate than youth released with no identified housing need. Another study found when looking at education outcomes for youth who were in 9\(^{th}\) grade in 2005-2006, only 9% of JJRA youth graduate on time, 53 percent drop out of high school, another 31% were considered “probable dropouts.”\(^3\) Some of these youth are homeless upon release because they do not have a stable home waiting for them, or their criminal record may bar them from returning to their family home or to public or Section 8 housing with their families.\(^4\)

Outcomes for youth exiting county detention are bleak, as well. While we do not have good Washington data on homelessness of youth exiting county detention, we do know that many youth that exit county detention centers have significant educational or emotional disabilities,\(^5\) which may make transitioning back to school more challenging for them. Also, if they return to communities with high crime rates and few educational and employment opportunities, they will face additional challenges when reentering the community. The probability that a youth exiting a county detention center will be successful increases with appropriate reentry and aftercare programs.\(^6\)

We also know that youth offenders experience homelessness disproportionately.\(^7\) Once homeless, their risk of reoffending rises. Some homeless youth become involved with the justice system due to offenses related to homelessness (e.g., trespass, failure to appear, etc.).

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1 DSHS Research and Data Analysis Division, *Impact of Homelessness on Youth Recently Released from Juvenile Rehabilitation Facilities*, June 2013, RDA Report No. 11.191.
2 DSHS Research and Data Analysis Division, *Impact of Homelessness on Youth Recently Released from Juvenile Rehabilitation Facilities*, June 2013, RDA Report No. 11.191.
3 DSHS Research and Data Analysis Division, *High School Outcomes for DSHS-Served Youth*, November 2012, RDA Report No. 11.181.
4 DSHS Research and Data Analysis Division, *High School Outcomes for DSHS-Served Youth*, November 2012, RDA Report No. 11.181.
Some may commit crimes in exchange for food and shelter. Others may not have a stable parent available to intervene on their behalf with law enforcement.

Also, many juvenile justice-involved youth (JJ Youth) are or have been involved with child protective services or the foster care system. There is a shortage of appropriate placements for foster youth exiting detention. Foster youth with juvenile justice involvement are at high risk of running away from their placements. Additionally, if these youth are returned to parents with CPS involvement, their home life may be unstable or unsupportive. Even if the parents are receiving services, returning to a family involved with CPS can be stressful, and youth may need services of their own. Special focus needs to be paid to these cross-systems youth when in the juvenile justice system and when released, so that they can re-enter into a stable and supportive environment.

Below are best practice recommendations to assist public systems in addressing homelessness for JJ-Youth, including protocols for youth’s attorneys, judges, case managers, and for systems coordination and changes.

II. General Recommendations Concerning JJ Youth

A. Effective transition planning is critical for alleviating JJ Youth homelessness. JJRA policy calls for transition planning to begin at admission. County juvenile justice systems should do so as well. Transition planning should be youth-directed and address placement/housing, mental health and physical health care, education and employment programs, and legal/administrative needs, each of which is addressed further below. In addition, services should be in place when the youth exits detention or JJRA, so that continuity of services is seamless, and so that the case manager is monitoring and adjusting services, and not starting over with new referrals.

1. Placement/Housing.
   a. Transition planning should ensure the youth is not being released to the streets, and has stable, permanent housing. While JJRA has a moral obligation to “locate a stable housing opportunity for youth as they exit our residential programs,” JJRA and county detention facilities do not have placement authority for these youth. These agencies must coordinate with CA and community partners if relatives are not available. CA and JJRA/detention should coordinate so that CA’s relative search tools are available to help JJRA/detention identify relatives when parents are unable or unwilling to take youth.

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8 Memorandum from John Clayton, Assistant Secretary, Juvenile Rehabilitation Administration to Superintendents and Regional Administrators, Juvenile Rehabilitation Administration, re: Youth Reentry, Transition, and Homelessness, (November 9, 2012).

9 Memorandum from John Clayton, Assistant Secretary, Juvenile Rehabilitation Administration to Superintendents and Regional Administrators, Juvenile Rehabilitation Administration, re: Youth Reentry, Transition, and Homelessness, (November 9, 2012).
b. If no responsible parent or guardian has taken responsibility for ensuring stable post-release housing and access to services, it may benefit the youth to be referred to Child Protective Services (CPS). Youth should not be released to homelessness or near homelessness.  

c. Children’s Administration (CA): If no parent/guardian can be located, and housing/services are needed, CA should file a CHINS or dependency petition on behalf of the youth.

d. JJRA/detention and Commerce: Even if a youth is 18 or older, JJRA/detention have a moral obligation not to release youth to homelessness. Transition planning should include referrals to stable housing, including DSHS and Commerce Department independent living resources, if family or other resources are unavailable to the young adult.

e. Legislature: Easily accessible juvenile offender records are a barrier to obtaining housing and employment. The Youth Opportunities Act will help seal many juvenile records at age 18. The legislature should pass new legislation to address any other barriers which make sealing difficult, such as restitution and/or court costs and debts, which will help youth obtain housing more easily.

f. JJRA/detention: JJRA/detention should coordinate with youth attorneys to identify youth with protection orders that may keep youth from being able to return home. When appropriate, these orders should be lifted or modified.

2. Continuity of mental and physical health care.

a. Release planning should include:
   • Access to all medically necessary health, mental health, and substance abuse treatment immediately upon release from custody, and understanding where to obtain these services.
   • Access to health coverage. Either the youth’s medical coverage should be continued/or reactivated, or the youth should be assisted in applying for AppleHealth/Medicaid (the State’s program for youth).

b. Youth in the juvenile justice system have significantly higher rates of mental disorders than other youth, with the majority of these youth having multiple diagnoses (one study found 70% of juvenile justice-involved youth had a mental disorder). Continuity of mental health treatment after discharge from JJRA/detention is important, both to help the youth attain better school re-engagement, and to decrease recidivism. Youth with behavioral health needs

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10 DSHS Intra-agency Agreement between CA and JRA (November 1, 2012) at page 10. This provides “If a specific placement resource is not identified following reasonable search efforts, a CPS referral to CA for services can be requested by the JRA Residential or Community Counselor. Request must be made to the CA office where parents reside.”


have higher rates of juvenile crime, and are more likely to drop out of school than their peers.\textsuperscript{13} Screening to identify and treat these youth\textsuperscript{14} while in JJRA/detention will help address recidivism and school success upon release.

3. **Continuity of Education.** Given the high correlation between lack of education and homelessness, educational continuity for JJ Youth cannot be overstated. A DSHS study found that only 14 percent of youth who were in JJRA for at least one month during ninth grade graduated from high school.\textsuperscript{15}

   a. JJRA/detention and OSPI should work together prior to the youth’s release, so that the youth can transition immediately into the right school.\textsuperscript{16}

   b. OSPI’s Education Advocate (“EA”) Program is designed to provide comprehensive case management for youth released from JJRA/detention facilities. However, due to lack of resources, this program focuses only on JJRA youth, and even there, advocates are not available to all youth. This program is funded through federal Title I monies. Expansion would likely require state support. Other EA programs for detention youth are operated by some counties (e.g., Pierce County). EAs assess the student’s needs; links students to services in schools and communities; monitor for behavioral cues, probation compliance and attendance in school and community programs; and provide counseling guidance and group support for coping with life, relationships, every day skills and opportunities.\textsuperscript{17} This program holds great promise, and should be evaluated and, expanded using state funding.

   c. McKinney-Vento is federal law which ensures that homeless children have immediate school enrollment and other education services.\textsuperscript{18} JJ Youth who are facing homelessness or whose family is homeless (e.g., sharing a home, living in a shelter or motel, or an unaccompanied homeless youth) may be eligible for these services.\textsuperscript{19} Each Washington school district has a McKinney-Vento liaison, who should be contacted to help homeless students access McKinney-Vento services. These services include:

   - Free and appropriate public education – homeless youth;

\textsuperscript{13} DSHS, Research and Data Analysis Division, *Behavioral Health Needs and School Success*, July 2013, RDA Report 11.194.

\textsuperscript{14} A study in Cook County found almost three fourths of females and two-thirds of males had one or more psychiatric disorders, and only 15% of these youth had been treated while in detention. Teplin, L., et. al., *Psychiatric Disorders of Youth in Detention*, OJJDP Bulletin April 2006.

\textsuperscript{15} DSHS, Research and Data Analysis Division, *High School Outcomes for DSHS-Served Youth*, RDA Report 11.181, November 2012.


• Immediate school enrollment, even if documents are lacking;
• To be enrolled and attend classes while school gathers documents;
• Enroll in either the local school or the school of origin (if feasible);
• Receive transportation to/from school of origin;
• Receive educational services comparable to those provided to other students, according to the youth’s need.

d. Barriers to school reentry should be addressed by the justice and education systems.20 These include:
• Expanding access to (e.g., smooth enrollment in) community schools.21
• Providing assistance in addressing enrollment barriers such as old disciplinary exclusions or enrollment delay and barriers due to their status as juvenile offenders.
• Providing access to transitional schools that address specific structural and social needs for young people leaving custody may help some youth re-enter with more stability.22 However, students should be involved in choosing transition schools as an option, as many youth are ready to move directly to community schools.
• Improving transfer of credit and academic records.23 Delayed or inconsistent credit transfer can delay a student’s enrollment, demoralize a student when credit is not received for work performed, and lead to inappropriate educational placement.
• Communicating with the school about the special needs of the youth, in particular, behavioral health service needs.
• Providing assistance in clearing outstanding warrants.
• Providing assistance obtaining photo identification and social security cards.

e. Students should be tracked after leaving JJRA/detention. The OSPI EA program tracks students until they are 21 years old. A tiered approach is used, so that contact with stabilized students is less frequent. This helps ensure that the student does not fall through the cracks after services are in place.

f. If a youth becomes homeless, the school, probation officer, or any other adults working with the student should contact the McKinney-Vento homeless youth liaison immediately.

g. Adult and peer mentors can help the student understand school rules and expectations the first day the student is at the school.24 Programs, such as

20 Overcoming Barriers to School Reentry, OJJDP Fact Sheet (October 2004).
21 Overcoming Barriers to School Reentry, OJJDP Fact Sheet (October 2004).
22 Overcoming Barriers to School Reentry, OJJDP Fact Sheet (October 2004). Preliminary data indicate that in this type of school students engaged in learning and participated in the school community. Some students with high rates of truancy at their previous community school (before time in custody) demonstrated strong gains.
Positive Behavioral Interventions and Supports (PBIS), may help students understand expectations and reinforce them.

h. Some youth may need a transitional school/group home that addresses the academic and social needs of students who are not ready to attend public schools on release from custody.²⁵

i. A JJ Youth’s IEP may need revising to reflect changes to his or her education program or diagnoses made while in JJRA/detention. This should be flagged.

4. Continuity of Job Training/Employment. For youth not returning to school, comprehensive re-entry services should include employment.²⁶

a. Throughout a youth’s time in custodial care and with increasing frequency and intensity as the youth approaches the age of majority, the youth must be provided with opportunities to develop competence in and be prepared to exercise control over a wide array of life skills.²⁷ This is critical for those youth who are not exiting to school programs.

b. Youth who are in a job training program in JJRA should be linked to the opportunity to finish their training after they leave JJRA.

c. Community partnerships focused on job training should be fostered.

d. Youth should be linked to independent living programs that can help them address job skills.

e. Legislation to make juvenile offender records confidential will help make youth more employable.

5. Juvenile Records Sealing. Youth should be given information on how to have their record sealed.²⁸

B. Gender specific pre- and post-release programs and services for girls should be expanded.

1. Impacts of gender disparity should be recognized.

a. Girls are detained for less serious charges than boys.

b. Girls who have been the subject of CA referrals/dependencies are disproportionately involved in the juvenile justice system.²⁹

c. Detained girls are significantly more likely than boys to have a psychiatric disorder, and the mortality rate of female detainees seven years after they were detained is nearly eight times the rate of women in the general population.³⁰

²⁵ Overcoming Barriers to School Reentry, OJJDP Fact Sheet (October 2004). Preliminary data indicate that in this type of school students engaged in learning and participated in the school community. Some students with high rates of truancy at their previous community school (before time in custody) demonstrated strong gains.


²⁸ See http://www.teamchild.org/index.php/resources/138/

²⁹ Halemba, G. and Siegel, G., Doorways to Delinquency: Multi-System Involvement of Delinquent Youth in King County (Seattle, WA), National Center for Juvenile Justice (Sep. 25, 2010) at v.
2. Homeless girls and young women and LGBT youth are more likely to harm themselves or commit suicide than are boys.31

3. While girls have a lower recidivism rate, a significant number of girls will return to detention for contempt, probation violations, and failures in program placements.32

4. A high percentage of all girls in juvenile facilities are victims of physical/sexual abuse.33 Programs should address these issues.

5. Homeless girls are at high risk for sexual exploitation and trafficking.

6. Unique service needs of girls in gangs should be addressed. These include services addressing gang desistance, gang-related sexual abuse, and exit strategies.34

C. After-Care. Comprehensive after-care should be available to all JJ Youth.35 For after-care to be effective, a seamless continuum of community services to prevent the recurrence of antisocial behavior is necessary.36

1. There are two key components to aftercare:
   a. Juveniles must receive both services and supervision, and
   b. They must receive intensive intervention while they are incarcerated, during their transition to the community and when they are under community supervision.37

2. Functional Family Parole (“FFP”) should be re-instated for all JJRA youth. In FY2009, the legislature cut parole programs for all JJRA offenders, except high-risk auto theft offenders and sex offenders. A subsequent study38 of youth released receiving FFP and those released after the budget cuts, with no after care, showed:
   a. Youth receiving FFP were 48% less likely to be re-arrested during nine months following JRA release.
   b. Youth released without FFP had more total arrests following release than those released with FFP.
   c. 43.9% of youth 17 and older released with FFP were employed during the year following release, compared to 29.5% of those released without FFP.

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35 Office of Juvenile Justice and Delinquency Prevention, After Care Services, at 1 (2003).
36 Office of Juvenile Justice and Delinquency Prevention, After Care Services, at 1 (2003).
37 Office of Juvenile Justice and Delinquency Prevention, After Care Services, at 1 (2003).
3. Given the significant substance abuse and mental health issues of youth in detention, after care programs for youth leaving detention are necessary, so that these youth do not fall through the cracks, and their problems deepen. For example, the Family Integrated Transitions (FIT) program, which provides services to juvenile offenders with mental health and chemical dependency disorders during the period of transition of the youth from incarceration back to the community. The program goals include “lowering the risk for recidivism, connecting the family with appropriate community supports, achieving youth abstinence from alcohol and other drugs, improving the mental health status of the youth, and increasing prosocial behavior.”

III. Promising Practices Concerning Dual-System Youth

A. Special needs of dual-systems youth should be recognized. In 2006, two-thirds of King County youth who were referred to the juvenile justice system had some form of Children’s Administration involvement, and these youth first became delinquent at least one year earlier than non-CA-involved youth. Sixty-two percent of these cross-system youth spent some time on the run. This high risk group has unique needs that require focused intervention. Foster youth entering JJRA/detention may lose a variety of services (such as parental and sibling contact, family counseling, etc.). In addition, youth may lose the ability to be involved in their dependency or termination of parental rights court proceedings.

B. Multidimensional Treatment Foster Care (MTFC) should be expanded. MTFC provides severely delinquent youth with foster care in community families trained in behavior management, and emphasizes preventing contact with delinquent peers, as opposed to group home placements with other troubled youth.

C. Interagency Collaboration. The Integrated Case Management Protocols developed between CA and JJRA should be closely monitored for adherence. CA and JJRA are to share policy and procedure manuals, memorandum, fee schedules, eligibility criteria,
information brochures or other written material which affect the administration and provision of program services for cross-systems youth. Examples include:

1. **CA and JJRA staff will collaborate to provide ongoing cross-training and education concerning agency policy, programs and other relevant information.** This includes principles of Wraparound and Integrated Case Management practices. CA will provide JJRA staff with training on conducting Family Team Decision Making meeting and assessing parent/guardian capacity to safely care for their children.

2. **CA and JJRA will each designate and provide contact information for a liaison to work with the other administration in implementing the agreement.**

3. **CA and JJRA will distribute and provide training for this agreement with staff. Each Administration will designate a location to provide ongoing access to the agreement.**

4. **CA and JJRA/detention should coordinate so that CA’s relative search tools are available to help JJRA/detention identify relatives when parents are unable or unwilling to take youth.**

**D. Extended Foster Care.** Foster youth in JJRA and detention should be allowed to transition to extended foster care while in these facilities. Also, extended foster eligibility should be expanded to include the remaining federally-authorized group of youth: those who for medical reasons cannot otherwise participate in the extended foster care program.

**E. Juvenile Sentencing.** At sentencing, a foster youth should not be placed in detention/JJRA as a substitute for CA finding a placement for what may be a difficult to place youth.

**IV. Promising Practices for Case Managers**

**A.** A youth’s status as homeless should not be criminalized or considered a probation violation. If a case manager learns a youth is homeless, the officer should connect the youth, or the youth’s family (if homeless) with shelter services.

**B.** Given the link between mental health problems, juvenile justice involvement, and homelessness, case managers should place a priority on connecting a youth to mental health services.

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47 DSHS Intra-Agency Agreement Between Children’s Administration and Juvenile Rehabilitation Administration, (Effective Date: November 1, 2012, Sunset Revision Date: November 1, 2014), pg. 3.

C. If a case manager learns a youth is homeless, the officer should connect the youth to the local McKinney-Vento homeless education liaison.\textsuperscript{49} This way the student can get the benefit of McKinney-Vento services, such as transportation, tutoring, counseling, mental health supports, and mentorship.\textsuperscript{50}

D. Before a youth exits parole/probation, case managers should help the youth connect to new services, if existing ones will cease – this is particularly important for mental health services.

E. The case manager should help the youth exiting parole/probation identify a stable adult to whom the youth can turn for help.

V. Promising Practices for the Judiciary

A. The judiciary should support strategies that provide alternatives to prosecution and incarceration, such as restorative justice, probation, mediation, mental health and substance abuse treatment.\textsuperscript{51}

B. Youth who are victims of abuse and neglect (but not in the dependency system) and commit a crime may need dependency services as well as, or instead of, criminal justice involvement.\textsuperscript{52} This is something that the judiciary can ask the parties about.

C. The judiciary should appoint both criminal and dependency attorneys for dual-system youth.

D. The ABA recommends a one family-one judge model for dual jurisdictional youth, “a single judge [would] hear dual jurisdiction cases under a special crossover case docket utilizing a problem solving court or therapeutic jurisdiction approach.”\textsuperscript{53} Judges hearing dual jurisdictional cases are preferably specialized dependency court judges.\textsuperscript{54} In addition, unified family courts have been shown to decrease a youth’s time in care, promote permanency, and lead to better education outcomes for youth in care.\textsuperscript{55} Judges can support efforts to establish a unified family court.


\textsuperscript{50} National Center for Homeless Education, \textit{Best Practices in Interagency Collaboration: Youth Homelessness and Juvenile Justice}, Fall 2011 at 5.

\textsuperscript{51} More than a Roof: How California can end Youth Homelessness, pg. 16 (2013).


E. At sentencing, a foster youth should not be placed in detention/JJRA as a substitute for CA finding a placement for what may be a difficult to place youth.

VI. Promising Practices for Attorneys for Youth

A. As part of diligent and zealous representation, attorneys for JJ Youth who are homeless or at risk of homelessness can:

1. Advocate for alternatives to prosecution and incarceration.
2. Determine whether the youth is in need of housing services.
3. Employ the poly-victimization checklist\textsuperscript{56} to help understand how the youth’s exposure to violence may impact their behaviors that may contribute to potential homelessness, and better advocate for appropriate dispositions, trial strategies, services and treatment, as well as possible defenses or mitigating circumstances.
4. Help youth understand their legal rights to report crimes committed against them.\textsuperscript{57}
5. Counsel clients as to the sealing of juvenile records, and help refer youth for legal help if this falls outside of the attorney’s scope of representation.

B. When youth have more than one attorney (e.g., a dependency attorney and a criminal defense attorney), it is important for the attorneys to communicate to ensure that efforts to address problems of multi-systems involved youth are coordinated. Juvenile defense attorneys should be trained on foster care issues.\textsuperscript{58}

VII. Recommendations for Law Enforcement

A. Law enforcement/School Resource Officer (SRO) can focus on specialized crisis intervention to limit the number of arrests for nonviolent offenses.\textsuperscript{59}

B. Law enforcement/SRO can link youth experiencing street homelessness with emergency or supportive housing and homeless youth support services.\textsuperscript{60}

C. Law enforcement/SRO can help make it safe for youth to report crimes committed against them, without fear of being arrested on status offense warrants.\textsuperscript{61}

\textsuperscript{56} Pilnik, L., & Kendall, J.R. \textit{Identifying Polyvictimization and Trauma Among Court-Involved children and Youth: A Checklist and Resource guide for Attorneys and Other Court-Appointed Advocates}, North Bethesda, MD: Safe Start Center, Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice (2012).

\textsuperscript{57} Hyatt, S., \textit{More than a Roof: How California Can End Youth Homelessness}, (January 2013) at 16.

\textsuperscript{58} ABA Policy and Report on Crossover and Dual Jurisdiction Youth (February 2008).

\textsuperscript{59} Hyatt, S., \textit{More than a Roof: How California Can End Youth Homelessness}, (January 2013) at 16.

D. Law enforcement/SRO can work with schools to address minor misbehavior through mechanisms other than the court system (see also part VIII.A. below regarding school-to-prison pipeline).

VIII. Recommendations for Systemic Change

A. OSPI and Law Enforcement. Schools/law enforcement should work together to address the “school-to-prison-pipeline,” so that fewer youth are detained in the first instance. Communities such as Broward and Miami-Dade County, Florida, have implemented offense protocols designed to reduce student arrests in the schools and improve graduation rates by ensuring that minor student misbehavior is addressed in the schools, rather than in juvenile court.62 Arrests in both counties are down by 30 to 40 percent since the start of the 2013-14 school year, and graduation rates are increasing. Studies have shown that a first-time arrest during high school nearly doubles the chances a student will drop out of school and that a court appearance nearly quadruples the chances of a student dropping out. Another such protocol establishes a three-step process for handling minor infractions in school: a student’s first offense results in a warning notice from the school, the second offense results in a referral to a school conflict workshop program, and the third offense results in a referral to court.63

B. OSPI and JJRA/Detention.

1. OSPI and JJRA/detention should develop a protocol to ensure youth leaving JJRA/detention transition directly to school, so education is not disrupted upon release.
2. OSPI and JJRA/detention should develop a protocol to address credit transfer, so that schools immediately can give students credit for work completed in JJRA/detention.64

C. Legislature.

1. The Youth Opportunities Act, recently enacted by the Washington legislature, will enable many juvenile records to be sealed. This will help youth to more easily obtain jobs and housing. However, those youth owing outstanding restitution or other court costs, will be unable to take advantage of this law. The legislature should address the economic barriers that these youth face to having their records sealed.

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62 See e.g., Broward, Miami-Dade work to Close the ‘School-to-Prison Pipeline,’ Miami Herald, 10 Nov. 2013.
63 Advances in Juvenile Justice Reform: 2009-2011, pg. 43 (July 2012). This protocol is based on the one from Clayton County, Georgia. Since the Georgia agreement was signed in 2004, court referrals have been reduced by 60 percent and graduation rates have increased 20 percent.
2. After-care programs should be fully funded. Services and supports that meet the individual needs of youth, if made available immediately upon release, reduce the likelihood of re-offense and increase the safety of communities.65

3. A Unified Family Court system should be adopted. Dual-systems youth are more likely to experience placement instability, as their delinquency can disqualify them for certain placements. Placement instability puts them at higher risk for poor outcomes. Unified family courts have been shown to decrease a youth’s time in care, promote permanency, and lead to better education outcomes for youth in care.66

4. The OSPI Education Advocates program should be evaluated, and if warranted, state funds should supplement the federal Title I funding to expand the Education Advocates program so that it can serve more youth exiting JJRA/detention.

5. Extended foster care should be expanded to include the remaining two federally-authorized groups of youth (those who work more than 80 hours a month, and those who for medical reasons cannot otherwise participate in the program.)

6. Dependency attorneys should be required for all dual-system youth.

7. Appropriate screening/diversion programs should be developed for youth with mental health problems.

D. Courts.

Early identification of crossover status and coordination of services so youth are not released to unstable families is recommended.67

1. A formal “crossover” or “dual-systems” status should be created within the court system, which recognizes the special service needs of youth in foster care and in the juvenile justice system, so that services during incarceration are coordinated, and the youth has the services needed to stay safe and in a permanent home after release.68

2. In addition, one judge, specialized in dependency matters, should address crossover youth matters.69 Services and dispositions should be coordinated with dependency services and cases.

3. Dependency attorneys should be appointed for all dual-system youth.

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E. **Children’s Administration.**

1. Dependent children in JJRA/detention should be allowed to transition to extended foster care while in JJRA/detention, or if they’ve been in detention for more than 30 days.

2. Multi-dimensional treatment foster care should be expanded.

3. A foster care placement shortage exists for JJ youth. The Federal Fostering Connection Act should be leveraged to provide transitional planning for youth in the delinquency system whose placements are subsidized by Title IV-E.

4. More independent living services and placements for foster youth existing JJRA/detention are needed.

5. CA should make available its relative search tools to help JJRA/detention identify relatives when parents are unable or unwilling to take youth.
### Appendix A

#### Pre-Release Integrated Case Management Protocols for Dependent Youth:

<table>
<thead>
<tr>
<th>CA Responsibility</th>
<th>JRA Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notify JRA at Least 30 days prior to a Dependency Review Hearing.</td>
<td>Provide all current treatment reports and assessments within seven days of the notification from CA.</td>
</tr>
<tr>
<td>Contact Youth to notify them of the upcoming hearing and discuss contents of the ISSP.</td>
<td>Arrange youth’s contact with CA and participation in the hearing, as available.</td>
</tr>
<tr>
<td>When CA intends to recommend dismissal of a dependency for a youth in JRA confinement, CA will provide JRA with the ISSP and any supporting documentation and request feedback.</td>
<td>JRA Residential Counselor informs the JRA Community Counselor if shared planning meeting pertains to release transition planning and/or potential release destination.</td>
</tr>
<tr>
<td>Invite JRA Residential and/or Community Counselor to Shared Planning Meetings.</td>
<td>JRA Residential and/or Community Counselor participate in all scheduled Shared Planning Meetings as requested and available.</td>
</tr>
<tr>
<td>The CA social worker will conduct a health and safety visit.</td>
<td>JRA Residential Counselor will assist with coordination of the health and safety visit.</td>
</tr>
<tr>
<td>Social workers reviews JRA written reports concerning the youth and participates in discussion with JRA Residential and/or Community Counselor regarding transition planning including any reasonable cause to believe that minors may be at risk of abuse or neglect when a JRA youth is being placed in the home.</td>
<td>JRA Residential and/or Community Counselor contact social worker and provide written reports concerning the youth and discuss transition plans.</td>
</tr>
<tr>
<td>Once notified by JRA, CA will identify if the youth will be returning home or to an out of home placement.</td>
<td>JRA Residential Counselor completes Transition Report (TR) and sends TR to JRA Community Counselor and provides written notification to assigned CA social worker of the youth’s release date.</td>
</tr>
<tr>
<td>Social worker schedules Family Team Decision Making (FTDM) meeting and notifies JRA Residential and/or Community Counselor.</td>
<td>JRA Residential and/or Community Counselor will participate in the CA-scheduled FTDM meeting regarding the youth.</td>
</tr>
<tr>
<td>Seek least restrictive resource for the youth’s placement. Actively coordinate with JRA to best match placement resources with the</td>
<td>Actively coordinate with CA to best match placement resources with the youth’s risk and protective factors.</td>
</tr>
</tbody>
</table>

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70 Department of Social and Health Services Intra-Agency Agreement between Children’s Administration and Juvenile Rehabilitation Administration, pg. 5-7 (2012).
youth’s risk and protective factors.

Provide placement resource contact information to JRA as soon as possible.

Update youth’s ISSP to include a recommendation that the youth follow the conditions of JRA parole and provide copy to JRA staff.

Upon receipt of TR from JRA Residential Counselor the JRA Community Counselor completes Response to TR including home investigation and forwards parole conditions to CA social worker.

The JRA Residential and Community Counselors communicate with the CA social worker to arrange the youth’s release, including transportation, destination, supervision, and any other factors necessary for a smooth transition from the facility.

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**Pre-Release Integrated Case Management Protocols for Non-Dependent Youth:**

<table>
<thead>
<tr>
<th>CA Responsibility</th>
<th>JRA Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>CA will process CPS Referral and assign to local field office if appropriate. CA will notify JRA Residential and/or Community Counselor within 10 days of request and ask for additional information as needed.</td>
<td>JRA staff will make every effort to find a suitable alternative placement resource for youth and clearly documenting all reasonable and ongoing search efforts for alternative placement resources.</td>
</tr>
<tr>
<td>CA social worker shall communicate with JRA Community Counselor if there are concerns regarding the parent/guardian managing and controlling safety threats to children in the home with the JRA youth present in the home environment.</td>
<td>JRA staff will actively engage the youth’s parents/guardians to ensure the youth’s planned release to the community.</td>
</tr>
<tr>
<td>CA will invite JRA to Family Team Decision Making (FTDM) meeting if placement is being considered.</td>
<td>If a specific placement resource is not identified following reasonable search efforts, a CPS referral to CA for services can be requested by the JRA Residential and/or Community Counselor.</td>
</tr>
<tr>
<td>Notify JRA regarding case status and any services CA will offer.</td>
<td>Such a request should only be made when there is reasonable cause to believe that any minor, including the JRA youth, may be at risk of abuse or neglect.</td>
</tr>
<tr>
<td>If CA is placing the youth, actively coordinate with JRA to best match placement resources with the youth’s risk and protective factors.</td>
<td>CA may also be contacted by JRA staff or the family if the family is in need of other services</td>
</tr>
</tbody>
</table>

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71 Department of Social and Health Services Intra-Agency Agreement between Children’s Administration and Juvenile Rehabilitation Administration, pg. 10-11 (2012).
<table>
<thead>
<tr>
<th>Offered by CA.</th>
</tr>
</thead>
<tbody>
<tr>
<td>JRA will notify CA of any known court orders or protection orders.</td>
</tr>
<tr>
<td>JRA Community Counselor will provide information and participate in any scheduled meetings regarding the youth.</td>
</tr>
<tr>
<td>If CA is placing the youth, actively coordinate with CA to best match placement resources with the youth’s risk and protective factors.</td>
</tr>
</tbody>
</table>

| Notify JRA regarding case status and any services CA will offer. Notify JRA if a Dependency Petition will be filed. |
| Notify JRA of the location, if a placement is authorized. Notify JRA if no placement is authorized. |
| JRA Community Counselor participates in the discussions with the CA social worker regarding service needs for youth and family. |
| JRA Community Counselor will participate in any scheduled FTDM meetings regarding the youth and family, if possible. |
Preventing Youth and Young Adult Homelessness:
Promising Practices for Public Systems that Serve
Youth with Status Offenses

May 2014

This document was prepared under a grant from the Washington State Children’s Justice Interdisciplinary Task Force.
I. Introduction

This document is a collection of promising practices to better serve youth with status offenses who are or may be at risk of homelessness. It draws on national, state and local resources, and community input. It is designed to help those who serve these youth, as well as to spark a broader discussion concerning systemic and public policy improvements for addressing homelessness and the risk of homelessness for youth with status offenses.

“Status offenses” are acts by a minor that would not be unlawful if they were committed by an adult. Examples include court involvement for youth who run away from home or foster care placements, youth who are repeatedly absent from school, and youth who violate alcohol or tobacco laws. Nationwide, 11% of all youth who are status offenders have run away from home. The way in which public systems address youth with status offenses impacts—and may exacerbate—youth homelessness because homeless youth:

• Can be arrested for the status of being homeless (ex. being a runaway);
• May be more likely to be considered “truant” due to difficulties with transportation to school or having other basic needs met to be prepared for school each day;
• Who are victims of crime may be less likely to report the crime, if they will be detained for being away from home without permission;
• Who are on the run due to abuse in the home will not be helped by a court order to return home; and
• With status offenses who are brought to court, instead of first resolving the underlying problem, are likely to return to the streets. The longer a youth is on the streets, the more likely they are to engage in risky behavior, including drug abuse and criminal behavior, and the more vulnerable they are to sexual exploitation.

In addition to violations of alcohol or marijuana-related offenses, and other age-related statutes and ordinances that are filed as offenses, homeless youth or youth at-risk of homelessness in Washington are brought to the attention of the court through three petition processes:

1. Truancy Petitions. Truancy petitions occur when a student accumulates a certain number of unexcused absences from school.
   • Truant students are four to six times more likely to run away or be kicked out of their home in comparison to other students.2
   • Truancy is linked to both current and future problems such as substance abuse, dropping out of school, criminality, and incarceration,3 all of which are risk factors for youth homelessness.

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1 Vera Institute of Justice, From Courts to Communities: The Right Response to Truancy, Running Away, and Other Status Offenses, (Models for Change Resource Center Partnership) December, 2013 at 2.
3 Id. at 1.
• In addition, truant youth are 10 times more likely to have suffered physical or sexual abuse than the general population. Approximately one-third of these youth have been exposed to substance abuse (35%) or domestic violence (29%) in the home, and one-fourth has had a parent who was incarcerated.4

2. At-Risk Youth (ARY) Petitions. ARY petitions are filed by a parent or guardian who requests the court’s assistance in dealing with an “ungovernable” child. ARYs cover situations where a youth has been on the run for 72 hours or more, has a substance abuse problem, or is beyond the control of the parent.

3. Child in Need of Services (CHINS) Petitions. CHINS petitions are filed by youth, the parent, or the Department of Social and Health Services (DSHS), where there is a serious conflict between the caretaker and child, requiring temporary out of home placement while the family attempts to resolve the conflict. CHINS include situations where the youth is beyond parental control, absent without consent for 24 hours on two or more occasions, or in need of services.

Over 80% of status offender cases in Washington are truancy cases.5 In 2009 alone, 12,856 truancy petitions were filed in juvenile court.6 In Washington, over 2,000 ARY and CHINS petitions are filed annually.7 For all three proceedings if a child violates a court order, he or she may be found in contempt and a range of sanctions can be imposed by the court, including a detention sentence.8 Contempt is one way that status offenders are brought into the delinquency system. In other instances, youth subject to a status offense petition may be detained awaiting a hearing. Together, the truancy, CHINS, and ARY petitions make up most of what is known as the “Becca Bill.”

The “Becca Bill” was adopted in 1995 by the Washington State Legislature to reduce the risk of harmful outcomes among runaways, truants, and other at-risk youth.9 The main goals of the bill are to develop better structures for tracking problematic youth behaviors, provide parents with increased options for dealing with at-risk youth, and ensure adequate assessment and treatment services.10

II. Alternatives to Detention

A. Need for alternatives. Psychological research shows that adolescents take more risks, are highly influenced by peers, and are more malleable; as a result, they should not be held to the same culpability standards as adults.11 Research also shows that placing

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4 Id. at 2.
6 George, supra, at 2.
8 This is known as the valid court order (“VCO”) exception to the federal Juvenile Justice and Delinquency Prevention Act, which was designed to prohibit detention for youth status offenders.
9 Becca Bill, RCW 13.32A.010.
10 George, supra, at 7.
youth with status offenses in secure detention is ineffective and potentially dangerous.\textsuperscript{12} Detained youth are often held in overcrowded and understaffed facilities, which can jeopardize the safety and well-being of the youth.\textsuperscript{13} Also, due to the fact that child abuse, neglect, poverty, family disorganization and trauma are closely associated with status offenses, placing a youth in secure detention may worsen the behaviors and actions associated with status offenses.\textsuperscript{14}

Alternatives to secure detention are important especially for homeless youth. These youth are more likely to lack a stable family or other support system, lack stable housing, have drug problems, be the victim of a crime or sexually exploited. Moreover, upon release, they are likely to go back to the streets.

B. Models for Change. Washington is participating in the MacArthur Foundation’s multi-state Models for Change juvenile justice reform initiative.\textsuperscript{15} One of the primary reform efforts in the state has focused on promoting alternatives to formal court proceedings and secure confinement, especially for truant youth.\textsuperscript{16} In a model system, status offenders would be referred to the court as a final resort and only after locally-based alternatives to formal processing were attempted.\textsuperscript{17} A Model for Change Resource Center Partnership describes five hallmarks of an effective community-based response for young people charged with status offenses.\textsuperscript{18} These are:

- **Diversion From Court** – have policies that channel youth and families to services rather than court.
- **An Immediate Response** – respite centers and other programs with trained professionals can help de-escalate a situation.
- **A Triage Process** – careful screening and assessments so that appropriate services are provided.
- **Services That Are Accessible and Effective** – easy access by youth and families is important.
- **Internal Assessment** – monitoring outcomes and adjusting processes as needed for optimal effectiveness.

C. National Standards for the Care of Youth Charged with Status Offenses. The Coalition for Juvenile Justice recently published comprehensive best practice standards, rooted in research and social science, that call for “an absolute prohibition on the detention of

\begin{itemize}
\item Judge Michael Nash, \textit{OP-ED: Improving the Court’s Response to Status Offenders} (October 14, 2013), found at \url{http://jjie.org/op-ed-improving-the-courts-response-to-status-offenders/105463/}.
\item Coalition for Juvenile Justice. \textit{Positive Power: Exercising Judicial Leadership to Prevent Court Involvement and Incarceration of Non-Delinquent Youth}, at 3.
\item \textit{Id.}, at 3-4.
\item Center for Children & Youth Justice, Washington Models for Change, \url{http://www.ccyj.org/initiatives/models-for-change/}.
\item George, \textit{supra}, at 5.
\item Curtis, \textit{supra}, at 6.
\item Vera Institute of Justice, \textit{supra}, at 4-5.
\end{itemize}
status offenders and seek to divert them entirely from the delinquency system by promoting the most appropriate services for families and the least restrictive placement options for status offending youth.”\(^{19}\) The standards provide a blueprint for reforming the status offender system. The National Standards propose alternatives focused on the child’s best interest, which would lead to reforms that meet the needs of youth and their families with little or no court involvement.\(^{20}\) Specific recommendations relevant to youth homelessness are:

- Ensure children do not enter the status offense system because of learning, mental health, or other disabilities. Seventy percent of youth who enter the justice system are estimated to have learning or other disabilities. Early screening is important.\(^{21}\)
- In cases where families reject a youth (e.g., the youth is LGBTQ), ensure that counseling and other services are offered to the whole family. Alternative supportive residential arrangements should be made when caregivers are unwilling to re-engage.\(^{22}\)
- In runaway cases, the adversarial nature of court proceedings may exacerbate the dynamic between the youth and family.\(^{23}\) This supports court alternatives in particular in these situations.
- Memoranda of Understanding and other inter-agency collaboration are necessary so that schools, juvenile justice, and community service providers can work more closely and make referrals more efficiently. For example, locating mental health providers in a school who can provide services and bill Medicaid/insurance directly may work better than billing the school.\(^{24}\)

### III. Promising Practices for Schools

While all absences from school are concerning because the youth is missing educational opportunities, unexcused absences are of particular concern.\(^{25}\) For example, parent’s may be unaware the youth is not attending school; by not attending school, it may be an indication that there are other behavioral, emotional, and academic issues; youth that are truant are likely to have future social and educational difficulties. Also, truant youth have greater opportunity to engage in harmful and law-violating behavior while not in school.\(^{26}\)


\(^{20}\) *Id.* at 23.

\(^{21}\) CJJ – SOS Project, *National Standards for the Care of Youth Charged with Status Offenses*, (2013) at 45.

\(^{22}\) *Id.* at 43.

\(^{23}\) *Id.* at 52.

\(^{24}\) *Id.* at 63.

\(^{25}\) George, *supra*, at 13.

\(^{26}\) *Id.*
A. Make student homelessness a priority.
   1. School staff should ensure that a student is not accumulating unexcused absences, tardies, or suffering from academic decline due to homelessness. Staff who recognize that a student is homeless or at risk of homelessness should be trained to help the student connect with appropriate supports.
   2. The school district McKinney Vento homeless liaison must do the following: 27
      a. Identify homeless students and ensuring that these students enroll and succeed in school.
      b. Make sure that homeless students receive appropriate services, including transportation, preschool, special education, English language learner services, vocational education, and similar services.
      c. Make referrals to health care services, dental services, mental health services, or other care providers.
      d. Help homeless students get immunizations and immunization records.
      e. Make sure that disagreements between homeless students and schools are resolved.
      f. Publicly post the education rights of homeless students in places such as schools and family shelters.

B. Provide better training on the McKinney-Vento Act.
   1. The Office of Superintendent of Public Instruction (OSPI) must make available on its website a video that provides information on how to identify and support homeless students. 28
   2. School districts must strongly encourage their district homeless liaisons to attend OSPI’s yearly training on identifying and serving homeless youth. 29
   3. School districts must distribute best practices regarding the identification of homeless youth. 30

C. Provide More Alternatives to Court. Schools should adopt policies or programs that address issues that underlie truancy to help resolve truancy problems without going to court. Examples which have resulted in declines in court referrals are:

   1. The Youth R.E.A.C.H. (Re-engaging in Education through Action and Coordinated Help) Diversion Program is a promising pilot program that entered the implementation phase in King County at the beginning of the 2009-2010 school year. The students that have been referred to the program have either reengaged in school or explored alternative pathways to education. 31

29 Id.
30 Id.
31 Center for Children & Youth Justice, Washington Models for Change (June 2010) at 21-22.
a. The program offers a 3-tiered post-filing diversion process of graduated school-based interventions including School Engagement Workshops, Community Truancy Boards, and Case Management.
b. The program provides a series of tiered intervention options designed to enable truant youth and their families to tap into an array of resources and services aimed at addressing their identified needs and ultimately improving school attendance, strengthening school attachment and fostering school achievement.
c. The court system is used as a last resort if the program interventions have been exhausted and were ineffective in reengaging the youth in school.

2. In Clark County, Washington, truant students attend a truancy workshop. High risk students participate in the Truancy Project, a mix of support and supervision, and the MAYSI-2 is also used.32

3. School officials in Rapides Parish, Louisiana, must carry out and document a series of interventions before making court referrals. For certain referrals, the school staff use a validated tool—the Massachusetts Youth Screening Instrument-2 (MAYSI-2) —coupled with in-depth interviews to match services to needs.33

D. Use a Comprehensive Education Assessment. Middle school and high school students should be evaluated for special education or other learning difficulties, to make sure their disengagement from school is not related to previously undiagnosed problems. This is especially important for above-average youth who may have been able to develop strategies to compensate for a learning problem when they were younger, but as academics get more difficult they are no longer able to rely on such strategies.

E. Provide In-School Alternatives to Out-of-School Suspensions and Expulsions. Schools should adopt policies such as in-school suspension, school detention, or use of alternative school programs which may better serve youth who are truant. This allows students to continue academic progress in the school setting. School policies and procedures that suspend students as a punishment for truancy end up “pushing out” students. Suspending students fails to address the underlying causes of truancy and can exacerbate the disengagement from school on the part of the youth.34

F. Increase Mentoring. Schools should provide mentoring programs in order to help youth with academics. A consistent homework mentor also helps a homeless youth connect with a consistent support person, whether it is a teacher or volunteer. The goal is to support the development of healthy youth by addressing the need for positive adult

32 Vera Institute of Justice, supra, at 6.
33 Id.
contact, thereby reducing risk factors for negative behavior and enhancing protective factors for positive behavior.\textsuperscript{35}

IV. Promising Practices for the Judiciary

A. Use Truancy Community Boards as an Alternative to Court: Currently, Community Truancy Boards are used after a court petition is filed, but before the court hearing. Often an attendance agreement is reached.\textsuperscript{36} The board involves three or more members from the school district, juvenile court, local service agencies, juvenile court, local service agencies, law enforcement, or the local community. Individual meetings are held with the students and parents to identify and resolve issues related to chronic absences. Recommended changes include:

1. Truancy Boards should be an alternative to the petition process, to connect a youth to resources to address underlying issues.
2. The Truancy Board should evaluate whether a youth is homeless or at risk of homelessness, and address what can be done to help the youth.

B. Improve the ARY & CHINS Process: Currently, the court works with youth and parents using a formal court process and case management services. If necessary, the court can order youth and parents to attend counseling, classes and undergo other measures to reduce conflict and reunite the family.\textsuperscript{37} Recommended changes include:

1. A court diversion protocol should mandate that youth and their parents/guardians must first undergo a specified amount of family counseling sessions before filing the case in juvenile court, with an exception for certain CHINS cases where the youth has an immediate housing or safety need.\textsuperscript{38}
2. For low-income parents, the court should work with local providers to offer counseling sessions at little or no cost to the parents/guardians.\textsuperscript{39}
3. When case management services prepare a family assessment for the court, the assessor should meet individually with the youth, and assess whether the youth is a victim of domestic or sexual abuse.
4. Once a parent contacts the court and requests intervention, the court should assign a person to contact both the parent(s) and youth to engage in problem-solving, and develop a behavior contract between the parent and child.\textsuperscript{40}

   a. Parents must be offered direct support that includes parent-to-parent mentoring and counseling.

\textsuperscript{35} Id. at 12.
\textsuperscript{36} George, supra, at 8.
\textsuperscript{38} Coalition for Juvenile Justice, supra, at 10.
\textsuperscript{39} Id. at 8-9.
\textsuperscript{40} Id. at 10.
b. If the child does not comply with the contract, then a formal petition should be filed with the court.

V. Promising Practices for Attorneys

The American Bar Association has published standards for representing youth in status offense cases. Attorneys should be familiar with these standards. These standards should be adopted in Washington. In addition, attorneys should:

A. Truancy Cases:
1. Advise homeless youth of their rights under the McKinney-Vento Act.
2. Remember that truancy can be a symptom of a range of underlying issues that may relate to homelessness. Additional issues may include:
   a. Academic achievement, such as a youth who is failing and sees no hope;
   b. External barriers may block a youth from attending, such as a lack of safe transportation to school or safety at school, or the need to care for younger children or older relatives; or
   c. Breakdowns in the youth’s or family’s life such as substance abuse or domestic violence
3. Make sure the school, child welfare, or probation department exhausts services.
4. Explore what caused the youth’s behavior. In many cases the school may be required to provide services and educational plans that address the youth’s circumstances.
5. Be aware of court orders that command school attendance but do not address the reasons for the youth’s absenteeism. Though the court order may reduce absences in the short term, if it does not address the underlying concerns it will have little impact in the long run. Also, be aware of orders that use out-of-home placement to resolve the truancy. Youth who are foster children or former foster children are more likely to have gaps in their education.

B. CHINS Cases:
1. Listen and find out the youth’s needs, strengths and what support the youth uses.
2. Connect the youth with a counselor that is skilled at listening and connecting to the youth.
3. Watch for mental health, substance abuse, or domestic violence issues that may be feeding into the family dynamic. If these issues are present, the youth needs to be connected to a professional to evaluate the situation through a psychological, psychiatric or substance abuse evaluation.
4. When you first receive the case, identify the reason that the petition was filed.

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41 Benton, supra, at 10-11.
42 Id. at 28-29.
43 Id. at 23-27.
a. If the conflict has been resolved by the time the attorney receives the case, the attorney should try to have the case dismissed.

b. If the conflict is still there, the attorney should have informal team meetings with the youth, parent, and social service or law enforcement agency. This could result in a plan to present to the court.

5. If the attorney is already in court, the attorney should request that any interventions order, such as mediation or counseling, occur on an expedited timeframe.

C. ARY Runaway Cases:44

1. Youth who run away from home often leave because of intense family conflict or even physical, sexual or psychological abuse. Ask the youth where they have been and why they left. Some youth run because they need a break from a tense family situation or they may run from or to an abusive relationship. More runaway status offense cases involve young women because: 1) they may be subject to more restrictive parental-imposed rules than boys; and 2) the motivation to run can be tied to sexual abuse.

2. Determine what the parent/guardian hopes to achieve by filing the petition. The parent/guardian may have only wanted the youth located and returned home and may be open to dismissal of the petition.

3. Set the expectation early in the case that if the youth runs away again, it is not a failure of a particular approach but a bump in the road to resolving the issues involved. The most successful response to runaway behavior is addressing the underlying issue that caused the youth to run but to resolve the issue often requires ongoing work.

4. Remind the court that incarceration will not address the underlying causes of runaway behavior. Emphasize that a commitment to treatment and services that address the underlying issues is more likely to be effective, even if there are several bumps in the road.

VI. Recommendations for Systemic Change

A. Community Truancy Boards should be utilized before truancy petitions are filed.

B. Family Assessment Response (FAR) Should Address Homeless Youth Matters:45

1. FAR is a new state program that is being phased in. It provides an alternative pathway for families with accepted reports of child abuse and neglect, who have a low to moderate risk of future child maltreatment.

2. FAR provides a comprehensive assessment of child safety, risk of subsequent child abuse or neglect, family strengths and needs. This assessment may provide an opportunity for a homeless family to obtain services, or for a youth at high risk of homelessness to be identified so that interventions can be addressed.

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44 Id. at 29-31.
45 Washington State Department of Social & Health Services, Family Assessment Response.
3. Based on the assessment, the FAR worker, in partnership with the family, will identify and assess concrete resources and services that make the most difference to increase parental capacity, reduce risk of child abuse and neglect, and keep children safely in the home.

C. Services for Juvenile Status Offenses Should be Augmented:
1. Voluntary services should be made available to homeless youth and/or their families, such as:
   a. Housing.
   b. Other services, as needed, such as:
      i. Intensive crisis counseling,
      ii. Mental health treatment,
      iii. Family and individual counseling,
      iv. Parenting skills,
      v. Respite care,
      vi. Special education services,
      vii. Tutoring,
      viii. Vocational and job training services,
      ix. Substance abuse treatment, and
      x. Transportation to and from other services.

D. Law Enforcement Should Focus on Early Intervention:
1. When in contact with a troubled youth in a school, neighborhood, or home, the officer can seek early intervention and referral of resources – including mental health and substance abuse screenings and service referrals, educational supports, services for parents, and getting school resources officers involved.
2. Youth should not be arrested for homelessness. State law already allows law enforcement to take actions to protect a runaway: If a law enforcement officer reasonably determines that a child is in immediate physical danger, the officer may take the child into limited custody pursuant to the following:
   a. The officer must immediately contact the local Child Protective Services (CPS) office.
   b. If the child consents, the officer shall transport the child to his home or other appropriate residence.
   c. If the child does not consent, the officer must coordinate with the local CPS office to identify a temporary non-secure placement for the child. The officer must inform the child that they have a right not to return home. Under no circumstances may the child be placed in a secure detention or correctional facility.

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48 American Bar Association Commission on Homelessness and Poverty, supra, at 15.
d. Limited custody shall not extend beyond six hours from the time of initial contact.

E. The law should not require an out of home placement in a CHINS petition in order for a youth to get needed services, such as mental health treatment. CHINS petitions are designed, in part, to allow a youth to request temporary out of home placement while the family receives services. However, it would support family reunification more if the youth could ask, through the CHINS, for services to be provided while he or she is at home.
Preventing Youth and Young Adult Homelessness:

Promising Practices for Public Systems that Serve

American Indian/Alaskan Native Youth

May 2014

This document was prepared under a grant from the Washington State Children’s Justice Interdisciplinary Task Force.
I. Introduction

This document is a collection of promising practices to better serve American Indian/Alaskan Native (AI/AN)\(^1\) youth who are or may be at risk of homelessness. It draws on national, state and local resources, and community input. It is designed to help those who serve these youth, as well as to spark a broader discussion concerning systemic and public policy improvements for addressing homelessness amongst AI/AN youth.

Youth existing from public systems, such as foster care, juvenile justice and status offender systems, are at particularly high risk of homelessness. The federal Indian Child Welfare Act (ICWA) was passed in 1978 in response to the high number of Indian children that were being removed from their homes by child welfare agencies. The child welfare system has a disproportionate number of Indian children.\(^2\) Research shows that many of these youth will end up either homeless or in unsafe housing once they exit foster care.\(^3\) The same is also true for AI/AN youth exiting Washington’s Juvenile Justice and Rehabilitation Administration (JJRA) or county detention centers. A recent report found that 20% of AI/AN youth exiting JJRA facilities, experience homelessness within one year of their release.\(^4\)

American Indian communities strongly value their ability to raise children and youth in a traditional setting, passing on the values, spirit, and connection of the tribe. Indian youth begin to prepare at an early age for the adult roles that they will assume. Many Indian youth aging out of foster care outside their Indian communities may not have the advantage of growing up in a traditional setting.\(^5\) Even if they are placed in an Indian home, they may be disconnected from their own people. The National Indian Child Welfare Association reported that Indian youth who have been in foster care in urban settings who return to their reservations or tribal communities upon aging out are in need of a variety of services.\(^6\) The services that were identified include life skills, social skills, mentoring, and subsidized transitional housing.\(^7\) And, those youth who do not return to their reservation are in need of a connection with similar resources.

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\(^1\)American Indian/Alaskan Native is a person who has origins in any of the original peoples of North and South America and who maintain tribal affiliation or community attachment. U.S. Department of Commerce, United States Census Bureau, [http://quickfacts.census.gov/qfd/meta/long_RHI325212.htm](http://quickfacts.census.gov/qfd/meta/long_RHI325212.htm).


\(^4\) DSHS Research and Data Analysis Division, *Impact of Homelessness on Youth Recently Released from Juvenile Rehabilitation Facilities*, June 2013, RDA Report No. 11.191.


\(^7\) Munsell, *supra*, at 2.
Not only are AI/AN youth overrepresented in the foster care system, nationwide, they are also overrepresented in the juvenile justice system (i.e., law enforcement, prosecution, adjudication/conviction in courts, and corrections and sanctions). The disproportionality exists at every stage of the juvenile justice system. AI/AN youth are arrested at two to three times the expected rates for certain offenses, such as running away. They are also more likely to receive the most punitive sanctions. Furthermore, AI/AN youth can be tried for an offense in tribal, state or federal justice systems. In all three systems, tribal youth can be transferred to the adult criminal system in certain circumstances. Youth offenders experience homelessness disproportionately as compared to non-offending youth. Many AI/AN youth, regardless of whether they are tribal or Urban Indians, experience the same disconnection and need for services when they exit the juvenile justice system, as do AI/AN youth exiting from foster care.

For example, AI/AN youth suffer disproportionately, as compared to other youth, from risk factors known to be common precursors to delinquency. These factors include poor health (life expectancy is 2.4 years less than the general population), poverty (25% live below the poverty level), low educational attainment (51% complete high school), violence (experience higher rates of victimization than other racial groups), depression (twice as likely as white youth and three times as likely than other minority youth to commit suicide), and substance abuse (suffer disproportionately from substance abuse disorders compared with other racial groups). These are also risk factors for homelessness.

Below are promising practices to assist public systems in addressing homelessness for AI/AN youth involved in the foster care system and/or juvenile justice system. Some of the promising practices may be relevant to urban youth (those not living on the reservation) and some to tribal youth (those living on the reservation). These promising practices do not include specific practices for individual tribes.

II. Core Principles

The following four core principles are promising practices that may enhance programs and practices serving AI/AN youth. The principles are essential to successful adolescent transitional

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9 Id. at 8.
10 Id.
11 Id.
12 Id. at 10.
13 Id. at 1.
15 Arya & Rolnick, supra, at 4.
16 Id. at 4-6.
17 McKay, Tasseli et. al. Stories of Change Among Justice-Involved American Indian Youth pg. 1-2. OJJDP’s Tribal Green Reentry Program (July 2013).
living/independent living programs. Programs with these principles in place are more likely to succeed regardless of the type of services provided.18

A. Youth Development: 19
   1. Preparing youth to meet the challenges of adolescence and adulthood through a coordinated, progressive series of activities and experiences which help them to become socially, morally, emotionally, physically, and cognitively competent.
   2. Addressing the broader developmental needs of youth.
   3. Successful transition to adulthood depends largely on the youth’s ability to make appropriate decisions regarding his/her case plan.
   4. By encouraging youth and adults to become partners in making decisions, they learn to take responsibility for themselves and thus feel empowered.

B. Collaboration: 20
   1. Several agencies or organizations make a formal, sustained, commitment to work together to accomplish a common mission.
   2. Preparing a youth to take his/her place in the community as a young adult is the community’s responsibility.
   3. Independent living/transitional living programs should be proactive in seeking community involvement/collaboration.
   4. Community involvement can lead to financial resources, in-kind contributions and support. Community members can be helpful to youth looking for housing, employment or to fill their free time. Collaborations with community organizations can lead to job-shadowing experiences, mentoring opportunities, and long-term personal connections.

C. Cultural Competence: 21
   1. Culture is race, ethnicity, nationality, religion/spirituality, gender, physical ability, language, beliefs, values, behavior patterns, and customs and it differs among groups within a community, organization or nation.
   2. Gaining cultural competence is a long-term process of expanding horizons, thinking critically about the issues of power and oppression, and acting appropriately.
   3. Culturally competent individuals have a mixture of beliefs and attitudes, knowledge, and skills that help them establish trust and communicate with others.
   4. Cultural competence is the ability of the service provider to give assistance to youth in ways that are acceptable and useful to them.

18 National Resource Center for Youth Services, supra, at 44.
19 Munsell, supra, at 13.
20 Id. at 20.
21 Id. at 16-17.
D. Permanent Connections: 

1. Positive relationships that are intended to last a lifetime. They may be either formal, i.e. adoption or reunification with family or of an informal nature with mentors or peer support groups. Oftentimes, youth identify their own permanent connections.

2. Sustaining life-long emotional relationships with adults is essential for youth to successfully transition to adulthood.

3. The permanency-planning process should include relatives, foster parents, group home staff, school personnel, and other professionals to assist caseworkers in establishing placement options and to define what problems may exist to establish permanent, healthy relationships with adults.

III. Promising Practices for the Child Welfare System

Under the Washington Indian Child Welfare Act (ICWA), the state committed to protecting the essential tribal relations and best interests of Indian children by promoting practices designed to prevent out-of-home placement of Indian children that is inconsistent with the rights of the parents, the health, safety, or welfare of the children, or the interests of their tribe. Whenever, placement away from the parent is necessary for the child’s safety, the state committed to a placement that reflects and honors the unique values of the child’s tribal culture and is best able to assist the Indian child in establishing, developing, and maintaining a political, cultural, social, and spiritual relationship with the child’s tribe and tribal community. The act applies in all custody proceedings (Child Protective Services, Child in Need of Services, At-Risk Youth).

A. Placement:

1. Children’s Administration (CA) social workers must identify whether a child is an Indian child, as early as possible in the case, to preserve the child’s culture and to ensure that the requirements of ICWA are met.

2. Once the social worker determines the identity of the child’s tribe, the social worker must contact the tribe as quickly as possible, and no later than one working day after discovering the tribe’s identity. Only a tribe can determine a child’s tribal membership status.

3. Before filing a dependency, guardianship, or involuntary termination of parental rights petition in state court, the social worker should make active efforts to provide social services to the family for the protection of an Indian child. Active efforts is
defined as engaging the parent or parents in reasonably available and culturally appropriate preventive, remedial, or rehabilitative services. This shall include those services offered by tribes and Indian organizations whenever possible.  

4. If a foster care placement is necessary, a good faith effort will be made to place the Indian child:
   a. In the least restrictive setting;
   b. Which most approximates a family situation;
   c. Which is in reasonable proximity to the Indian child’s home; and
   d. In which the Indian child’s special needs, if any, will be met.  

5. In any foster care placement, a preference shall be given to the child’s placement with one of the following, absent good cause to the contrary:
   a. A member of the child’s extended family;
   b. A foster home licensed, approved, or specified by the child’s tribe;
   c. An Indian foster home licensed or approved by an authorized non-Indian licensing authority;
   d. A child foster care agency approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child’s needs;
   e. A non-Indian family that is committed to promoting and allowing extended family visitation; establishing, maintaining and strengthening the child’s relationship with his/her tribe; and participates in the cultural and ceremonial events of the child’s tribe.  

6. CA should increase the number of foster care homes and group homes for Indian youth and remove the current barriers that exist in licensing Indian homes. 

7. The social worker should enroll the youth in a tribe as soon as possible after the youth enters foster care if the youth is eligible and would like to enroll.

B. Transition Planning:
   1. Social workers should do an Echo Map assessment on Indian youth. Echo maps are graphical representations that show all of the systems at play in an individual’s life.
   2. Social workers should participate in the Culturally Relevant Wraparound program which involves four phases:

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31 Meeting with United Indian of All Tribes Foundation on July 5, 2013.
32 Columbia Legal Services American Indian/Alaskan Native Statewide Stakeholder Meeting, March 10, 2014.
33 Id.
a. Engagement of team preparation in which the concerns, needs, hopes, dreams and strengths of the Indian youth are addressed;
b. Initial plan development—identifying the strengths to meet the needs;
c. Plan implementation, during which assessment and adjustments are made; and,
d. Transition, during which the team will view the success of the plan.  

3. Youth should be allowed to make choices in the transition planning so that the youth can have ownership in the plan.

4. The social worker and youth should recognize the impact of the tribal community on the youth’s choices. Indian youth may need a blessing or approval to pursue certain goals that are unfamiliar to the youth’s tribal community.

5. When setting dates, the social worker should consider that the concept of time is different for Indian people. Thus, when asking about dates, ask the youth how they are going to know when it is time to move on to the next step.

6. The social worker and the youth should identify who is responsible for achieving each step.

7. When exiting care, Indian youth should also be provided their ancestry chart, if available.

C. Stable Housing for Youth Leaving Care:
   1. CA should increase the number of culturally-relevant homes and placements for Indian youth in the Extended Foster Care program.

IV. Promising Practices for County Detention Centers and the Juvenile Justice and Rehabilitation Administration

A. Coordination:
   1. The state (JJRA) or county detention centers should inform the child welfare system when they have an Indian youth in their custody. This will help in the future planning of youth who are involved in both systems.
   2. The tribe should be contacted when an Indian youth is detained in a JJRA or county detention center. This allows the tribe to provide support and services.
   3. If a youth that has committed a status offense is identified as an Indian youth the tribe must be immediately contacted. ICWA applies to status offenses, which can only be committed by minors.

34 Meeting with Tulalip Tribe on July 5, 2013.
35 National Resource Center for Youth Services, supra, at 135-36.
36 Id.
37 Id.
38 Id.
39 Columbia Legal Services American Indian/Alaskan Native Statewide Stakeholder Meeting, March 10, 2014.
40 Meeting with Tulalip Tribe on July 5, 2013.
41 Id.
42 Arya & Rolnick, supra, at 33.
4. JJRA or county detention centers should work with the cultural translation or tribal liaison to ensure that the tribe is informed about the youth.  
   a. Cultural translators work with the Indian youth and their families upon the youth entering JJRA or county detention centers in order to help the youth and their family understand the system, realize rights and responsibilities, and provide a better understanding of the youth’s and family’s needs to those people working within JJRA or county detention centers.
   b. Tribal liaisons serve as the main point of contact for the tribes and help develop inter-governmental agreements or contracts.

B. Reentry Practices:
   1. Family Group Decision Making Conference (FGDMC):  
      a. JJRA or county detention centers should bring together the youth, family & other professionals in a group guided discussion process to:
         i. Address the concerns they have related to the offense the youth committed;
         ii. Help the youth accept responsibility for his/her actions and understand how it affects the person harmed and the community as a whole;
         iii. Identify resources and supports to help the youth; and
         iv. Collectively decide on a plan of action to repair the harm.
      b. Communities that use FGDMC show that it can help systems-involved AI/AN youth avoid recidivism, successfully reenter their communities, and regain the respect and trust they have lost through their actions. FGDMC helps engage and empower tribal families by allowing them to have input on decisions that affect the well-being of their children and their own lives. FGDMC helps to identify a caring and nurturing support system for the youth reentering the community.

   2. Service Learning is a teaching and learning strategy that integrates meaningful community service with instruction and reflection to enrich the learning experience, teach civic responsibility, and strengthen communities.  
      a. JJRA or county detention centers should participate in Service Learning to help Indian youth start making important connections with adult role models, positive peers, community, and their culture, and also help staff change their mindset from corrections to connections.
      b. Service Learning programs should not be seen or used as punishment; focus on meaningful projects; be youth-led and based on their priorities; contain

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44 Arya & Rolnick, supra, at 29-30.
46 Id. at 1-5.
learning outcomes and be culturally appropriate; and include opportunities for reflection.

(c) Skills that should be gained from Service Learning are communication and inter/intra-personal skills; language; cooperation, teamwork, interdependence; problem solving; decision making; listening; respect; and job skills and career planning.

d. Service Learning has been very successful among Indian youth. Youth that have participated have more positive feelings about attending high school; found service learning classes more interesting than other classes; and are motivated to work hard.

3. JJRA or county detention centers should have youth participate in traditional cultural ceremonies and practices as they are integral parts of life for youth, families and communities in Indian Country. 47

   (a) Cultural practices and ceremonies teach values of respect, responsibility, health, and wellness. This is especially important for youth who are incarcerated, and those who are preparing to reenter their communities after serving time in juvenile detention.

   (b) Cultural practices and ceremonies help youth understand how to take responsibility for past negative decisions, identify positive pathways to overcome the issues that contributed to the youth’s placement in detention, and serve as a foundation in the transition back into their communities.

   (c) Youth who participate have fewer behavior problems.

C. Alternatives to Court: 48

1. Establish Tribal Wellness Courts.

   (a) A Tribal Wellness Court is a therapeutic court, but is more than a drug court. It is a component of the tribal justice system. It provides an opportunity for the tribal community to address the devastation of alcohol or other drug abuse by establishing more structure and a higher level of accountability through comprehensive supervision, drug testing, treatment services, immediate sanctions and incentives, team-based case management and community support.

   (b) These courts are cost-effective and are a less costly alternative to incarceration. In addition, these courts also have a 5% recidivism rate compared to the national drug court recidivism rate of 29%.

2. Ensure that AI/AN youth with alcohol or substance abuse issues can access appropriate services, including residential treatment facilities.

3. Ensure that the treatment for AI/AN youth for substance abuse is a combination of conventional treatment, adventure-based therapy, and Indian cultural

47 Id. at 1.
48 Arya & Rolnick, supra, at 27-29.
activities. This treatment should develop the youth’s physical, emotional, mental and spiritual strengths, as well as their communication and problem-solving skills.

4. Establish Peacemaking programs (a form of dispute resolution).
   a. Peacemaking programs create a respectful space in which all interested community members, victim, victim supporters, offender, offender supporters, judge, prosecutor, defense counsel, police and court workers can obtain a shared understanding of an event to identify steps to heal the affected parties and prevent future occurrences.
   b. Peacemaking offers tribal members a more traditional, culturally appropriate alternative to court.

5. Establish Hold-Over Sites.
   a. A hold-over site is a short-term, non-secure site, such as a youth center or unused hospital spaces, where a youth who is waiting for a court hearing may be given one-on-one attention from trained adults.
   b. The most effective hold-over site strives to return a youth home or to a more appropriate community setting within 8-12 hours.
   c. Hold-over sites are an alternative to rural areas that lack juvenile detention facilities that often times place youth in adult jails.

D. Juvenile Detention Alternatives Initiative (JDAI):49

1. Implement JDAI with specific focus on AI/AN youth.
   a. JDAI is a project of the Annie E. Casey Foundation, which has demonstrated that jurisdictions can safely reduce reliance on secure detention and generally strengthen their JJRA or county detention centers through a series of inter-related reform strategies.
   b. JDAI is being replicated in over 80 jurisdictions across the country and many jurisdictions have been working to address the needs of Indian youth.

Examples of innovations:
   i. AI/AN people are stakeholders in JDAI steering committees;
   ii. Protocols are in place to alert the tribal health service when an Indian youth is arrested or detained by the county;
   iii. Court data are disaggregated by tribal affiliation to ensure the juvenile court is providing culturally sensitive services;
   iv. Spiritual services are offered to Indian youth in detention. Local tribal elders conduct one-on-one visits with youth and hold talking circles;
   v. Transparency between AI/AN and county court staff allows sharing of court data, court orders, and management reports;
   vi. Sharing case management of Indian youth or transferring jurisdiction when tribal services are deemed more appropriate; and
   vii. Tribal liaison positions work through issues, bridge services, and help with problem solving in an attempt to create equity while respecting sovereignty.

49 Id. at 30-31.
V. Promising Practices for Attorneys

A. Holistic Representation: Counsel appointed to AI/AN youth in dependencies should be trained as to cultural issues and should also represent and assist youth they serve in numerous areas (education, family law), not just the dependency matter.  

B. Ensure that a Youth’s Tribe is Provided Notice. Attorneys should provide notice to a youth’s tribe if the youth becomes involved in a dependency or in juvenile detention.

VI. Promising Practices for Service Providers

A. At Risk Youth:
   1. Service providers need to build a relationship with AI/AN youth in order to help them. AI/AN youth may be distrustful of services.
   2. Drop-in centers or shelters should be open on the reservations for youth and young adults.
   3. Urban Indian youth should be connected to local Urban Indian resources.

VII. Promising Practices for Schools

AI/AN students make up 2.5% of the total student population in the state and 25% or more of the student population in 57 schools across the state. These students have the highest dropout rate at 9.5% as compared to 4.6% of all students. Education is fundamental to homelessness prevention. Education on Indian language, culture and history are critical to the educational attainment and achievement of AI/AN youth.

A. Education:
      a. STI was developed by OSPI for elementary, middle, and high schools. This project should be integrated into the current curriculum used in schools.
      b. The intent of STI is to imbed the history surrounding sovereignty and the inter-governmental responsibilities that all citizens possess in the state’s classrooms.

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50 Meeting with Tulalip Tribe on July 5, 2013.
51 RCW 28A.715.005.
B. **Youth Ambassadors Program:** Schools should implement the Youth Ambassadors Program, a peer mentoring project aimed at supporting AI/AN students who are at risk of failing or dropping out of school.\(^{53}\)

C. **Counselors:** Schools should hire American Indian family support counselors to ensure culturally competent support for families in need.\(^{54}\)

**VIII. Promising Practices for Systemic Change**

A. **Support Indian Youth in State Systems:**\(^{55}\)

1. CA and JJRA should ensure fair treatment of Indian youth and work to facilitate cooperation and communication with tribes in order to provide the best possible services to youth in state systems and ensure that youth receive authentic tribal support (e.g., spirituality, mental health, drug and alcohol treatment, counseling, reentry programming and planning).

2. JJRA and county detention centers should contact the youth’s tribe when an AI/AN youth is detained so the tribe can intervene by providing support and services. The tribe must be treated as an independent government, not simply as a social services provider.

3. The state should collect and publish data about Indian youth. JJRA or county detention centers should conduct regular audits of their systems to identify disparities and work to address them, with a particular focus on the use of secure confinement and transfer to the adult criminal system.

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\(^{53}\) Seattle Indian Health Board, Youth Ambassadors, [http://www.sihb.org/youth-education-services/](http://www.sihb.org/youth-education-services/).

\(^{54}\) Urban Native Education Alliance, *supra*.

\(^{55}\) Arya & Rolnick, *supra*, at 33-34.
Preventing Youth and Young Adult Homelessness:

Promising Practices for Public Systems that Serve

Immigrant Youth

May 2014

This document was prepared under a grant from the Washington State Children’s Justice Interdisciplinary Task Force.
I. Introduction

This document is a collection of promising practices to better serve immigrant youth who are or may be at risk of homelessness. It draws on national, state and local resources, and community input. It is designed to help those who serve these youth, as well as to spark a broader discussion concerning systemic and public policy improvements for addressing homelessness and the risk of homelessness for immigrant youth.

Each year, more than 8,000 undocumented unaccompanied youth are placed in the custody of the United States (U.S.) Department of Health and Human Services (HHS). HHS is responsible for coordinating and implementing their care and placement. These youth are fleeing persecution, human rights abuses, torture, physical abuse, sexual abuse, neglect or abandonment or brought to the U.S. by human traffickers. Others come to the U.S. in the hopes of reuniting with family or earning income to send home to family members living in desperate poverty.

Some immigrant youth become homeless and unaccompanied because, though they came to the U.S. with their parents, they are later separated from them as a result of abuse, neglect, abandonment, or parental deportation. When unaccompanied youth are both homeless and lack lawful immigration status, their challenges increase significantly. Lacking both parents and the rights and benefits of lawful presence in the U.S., these youth must fend for themselves. They must work to pay for food, clothing and shelter but they cannot legally work; they live in shelters, parks, abandoned buildings and public spaces where they are at risk for many chronic and acute health problems but they are not eligible for most health insurance and health care services. In addition, many want to access higher education to be successful independent adults, but are not eligible for most financial aid.

The number of parents being detained and deported has increased due to more aggressive enforcement policies. Consequently, immigrant children that remain in the U.S. often end up in the foster care system. Nationwide, there are currently at least 5,100 children and youth currently in the foster care system whose parents have been either detained or deported. It is expected that 15,000 more children will face this situation in the next five years. Though

2 U.S. Department of Health and Human Services, Fiscal Year 2013 Federal Program Inventory (May 2013).
3 Kids in Need of Defense, supra, at 4.
4 Id.
5 Id.
6 Id. at 5.
7 Id.
10 Id.
immigration laws and child welfare policies aim to reunify families whenever possible, the reality is that when parents are detained and deported, the family can be separated for extended periods of time.\textsuperscript{11} Often, children will never see their parents again if the juvenile dependency court terminates parental rights.\textsuperscript{12} The lack of stability and ties to family increase the risk of youth homelessness.

Youth who are involved in the child welfare system and face cultural, language and documentation challenges are in an extremely vulnerable position.\textsuperscript{13} If they or their parents are undocumented, they may also be ineligible for certain court-ordered services and this creates fear and stress for themselves and their families.\textsuperscript{14} These youth must confront multiple barriers as they try to access services, live a safe and supported childhood, and manage cultural stereotypes and a potentially threatening political environment.\textsuperscript{15} Youth in foster care are at a high risk for homelessness, regardless of immigration status, and are disproportionately represented in the homeless youth population.\textsuperscript{16} Immigrant youth in foster care may have an even higher risk of becoming homeless.

Some of the risk factors for immigrant youth include:

- Undocumented status;
- Risk/fear of deportation;
- Disqualification for many basic services and resources;
- Difficulty obtaining and maintaining stable employment that pays a livable wage;
- Invisibility, alienation, discrimination, victimization (risk of being exploited, assaulted, and suffer human rights violations even within governmental institutions);
- Language barriers;
- Lack of competency in American society’s cultural and civil norms;
- Lack of networks of social support; and
- Unstable housing and education (youth with farmworker parents who do not stay in one place for the academic school year).\textsuperscript{17}

The promising practices in this document provide guidance and suggestions for public systems in preventing or alleviating homelessness for immigrant youth in Washington State. “Immigrant youth” can include those who:

- May have immigrated legally or without documentation to the U.S.;
- May be documented or undocumented;
- May be documented but living with undocumented family members;

\textsuperscript{11} Id. at 3.
\textsuperscript{12} Id.
\textsuperscript{13} Honoring Emancipated Youth, \textit{supra}, at 2.
\textsuperscript{14} Id.
\textsuperscript{15} Id.
\textsuperscript{16} National Alliance to End Homelessness, \textit{Fundamental Issues to Prevent and End Youth Homelessness}, Youth Homelessness Series Brief No. 1 (May 2006).
\textsuperscript{17} Torres, Blanca, \textit{et. al.}, \textit{From the Fringes: Understanding Homeless Transition Age Youth (ages 18-25) in Inner City Los Angeles}. Jovenes Inc., pg. 29.
• May be unaccompanied (and documented or undocumented); or,
• May be in the U.S. legally but is monolingual or experiencing other cultural barriers.  

Regardless of the categorization, many of these youth face similar issues. The promising practices are presented for schools, law enforcement, juvenile justice, and child welfare agencies, as well as for systemic change in Washington State.

II. Promising Practices for Schools

In Washington State, one in four youth, ages 16-26, is an immigrant or the child of an immigrant. Latinos comprise Washington’s largest group of immigrants. Latino immigrant youth are likely to lag behind their peers on many measures of educational attainment. Though immigrant youth face hurdles common to all students, they may also face the hurdles of building English proficiency and understanding and navigating the complex and unfamiliar U.S. education system. Education is fundamental to homelessness prevention.

A. Public Education:

1. Undocumented students should be provided the same public education as U.S. citizens.  
   a. School districts should not require U.S. passports, social security numbers, green cards, or any documentation that would indicate whether a student is a lawful resident or citizen of the U.S. in order to enroll the student.
   b. School staff should not take any actions that might intimidate immigrant students or prevent immigrant students from enrolling in school, including asking about a student’s or family’s immigration status or contacting immigration authorities about students or families who may be undocumented.

2. Immigrant students who are not proficient in English should receive equal education despite not being able to communicate fully and effectively in English.

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19 Hooker, Sarah et.al., Shaping Our Futures: The Educational and Career Success of Washington State’s Immigrant Youth. Migration Policy Institute, pg. 1.
20 Id., supra, at 1.
21 Id. at 1-2.
23 Id.
24 Kids in Need of Defense, supra, at 6.
a. School districts should properly identify students who need language services and provide programs that meet their linguistic, cultural and academic needs, while not segregating them unnecessarily from English-speaking peers.

B. McKinney-Vento Act Provides Protection to Homeless Youth, Regardless of Immigration Status:

1. Each school district must designate a homeless liaison.  
2. Some of the duties that a homeless liaison must do are:
   a. Identify homeless students and ensuring that these students enroll and succeed in school.
   b. Make sure that homeless students receive appropriate services, including transportation, preschool, special education, English language learner services, vocational education, and similar services.
   c. Make referrals to health care services, dental services, mental health services, or other care providers.
   d. Assist unaccompanied youth with enrollment, transportation, and disagreements with schools.
   e. Help homeless students get immunizations and immunization records.
   f. Make sure that disagreements between homeless students and schools are resolved.
   g. Publicly post the education rights of homeless students in places such as schools and family shelters.

3. The McKinney-Vento Act applies to all homeless students, regardless of immigration status. A student must be considered homeless if they lack a fixed, regular, and adequate nighttime residence. A student must be considered unaccompanied if the student is homeless and not in the physical custody of a parent or guardian.

4. The Office of Superintendent of Public Instruction (OSPI) must make available on its website a short video to provide information on how to identify and support homeless students.
   a. School districts must strongly encourage their district homeless liaisons to attend OSPI’s yearly training on identifying and serving homeless youth.
   b. School districts must also distribute best practices regarding the identification of homeless youth.

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5. OSPI must create a biannual report to the legislature regarding the status of homeless students and post information on the amount school districts spend on transportation.29

C. Federal Aid for Higher Education:
   1. In Washington, undocumented students should be allowed to pay in-state tuition rates if the student:
      a. Lived in the state for at least three years; and,
      b. Graduated from a Washington State high school and completed the senior year of high school in Washington; or
      c. Earned the equivalent of a high school diploma; and,
      d. Signed an affidavit stating that they will file an application to become a permanent resident at the earliest opportunity that the student is eligible to do so.30
   2. In Washington, an undocumented student should be allowed to apply for state financial aid if the student:
      a. Graduated from a Washington State high school and completed the senior year of high school in Washington; or
      b. Obtained the equivalent of a high school diploma; and
      c. Lived in Washington for three years prior to, and continuously since, earning the high school diploma or equivalent; and
      d. Has been granted deferred action for childhood arrival status.31
   3. Unaccompanied homeless youth with legal status should be allowed to apply for federal aid without parental signatures or income information.32

III. Promising Practices for Law Enforcement/Immigration Enforcement Agents

Deportation of parents has a traumatic effect on their children. The children left behind often experience mental health issues and symptoms of post-traumatic stress disorder (stress, anxiety, fearfulness, sadness, withdrawal, and anger). This can lead to poor school performance and delayed development, which make these youth at higher risk for homelessness. Later in life, these children are at higher risk for substance abuse and employment problems, and often experience divorce and separation from their own children.33 Some immigrant children may also end up in the foster care system if their parent(s) is detained and deported.

29 Id.
30 RCW 28B.15.012(2)(e).
31 Senate Bill 6523 (2014).
32 Kids in Need of Defense, supra, at. 8.
A. When a parent is taken into custody:
   1. Confining parents prior to criminal/immigration hearings should be limited unless doing so clearly would serve a public safety interest; 34
   2. Protocols should be in place to prevent children from being traumatized when the parents are taken into custody; 35
   3. Parents should be allowed the opportunity to arrange for someone to care for their children; 36
   4. Detained parents should be housed in proximity to their children to make it easier for the children to see their parents; 37
   5. Parents in custody should be provided affordable opportunities to regularly communicate with their children; 38 and
   6. Parents should be allowed to notify their children and/or their children’s caregivers when they are transferred from one correctional/detention facility to another. 39

B. Detained parents with children/youth in the foster care system:
   1. Detained parents have the right to fully participate in dependency court proceedings (in person or by video/teleconference); 40
   2. Parents who are detained should have access to programs and services they need to meet the requirements established by the dependency courts for parents to be reunited with their children; 41 and
   3. In considering immigration prosecutorial discretion, a relevant factor is whether the parent is the primary caretaker of their child. 42

A. Detained undocumented youth: 43
   1. Immigration and Customs Enforcement (ICE) officers, agents, and attorneys have prosecutorial discretion in deciding to issue or cancel a notice of detainer or to grant deferred action.
   2. When weighing whether an exercise of prosecutorial discretion may be warranted for an undocumented youth, ICE officers, agents, and attorneys should consider all relevant facts, including but not limited to:
      a. The person’s length of presence in the U.S.;

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34 Phillips, supra, at 11-12.
35 Id.
36 U.S. Immigration and Customs Enforcement Policy 11064.1: Facilitating Parental Interests in the Course of Civil Immigration Enforcement Activities, Section 5.6 (August 23, 2013).
37 U.S. Immigration and Customs Enforcement, supra, at Section 5.3.
38 U.S. Immigration and Customs Enforcement, supra, at Section 5.5.
39 Phillips, supra, at 11-12.
40 U.S. Immigration and Customs Enforcement, supra, at Section 5.4.
41 U.S. Immigration and Customs Enforcement, supra, at Section 5. Phillips, supra, at 11-12.
42 U.S. Immigration and Customs Enforcement, supra, at Section 5.2.
b. The circumstances of the person’s arrival in the U.S. and the manner of the youth’s entry, particularly if the youth came to the U.S. as a young child;
c. The person’s pursuit of education in the U.S., with particular consideration given to those who have graduated from a U.S. high school or have successfully pursued or are pursuing a college or advanced degrees;
d. The youth’s ties and contributions to the community, including family relationships; and
e. The youth’s age, with particular consideration given to minors.

3. When weighing whether an exercise of prosecutorial discretion may be warranted for an undocumented youth, ICE officers, agents, and attorneys should take particular consideration when the following positive factors are present:
   a. Minors;
   b. Individuals present in the U.S. since childhood;
   c. Individuals who suffer from serious mental or physical disability; and
   d. Individuals with serious health conditions.

IV. Promising Practices for Child Welfare

A. Partnership with Consulates:
   1. Children’s Administration (CA) should develop Memoranda of Understanding with foreign consulates.\(^{44}\) The Memoranda would include:
      a. Procedures for contacting the consulate;
      b. Initiate research to explore whether the children in their care have detained or deported parents;
      c. Locating a detained parent;
      d. Assisting in family reunification after a parent has been deported;
      e. Aiding the safe transfer of a child to the parent’s country of origin;
      f. Communicating with the relevant departments and services in a parent’s country of origin; and
      g. Exclude considering immigration status of parents/family members when making foster care placements.\(^{45}\)
   2. The Department of Social and Health Services (DSHS) should provide protocols to establish memoranda of understanding with foreign consulates.\(^{46}\)

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\(^{44}\) Applied Research Center, \textit{supra}, at 8.
\(^{45}\) California SB 1064 (2014).
\(^{46}\) \textit{Id.}
B. Services & Benefits:

1. Undocumented dependent youth should have access to all state services and benefits that dependent youth are eligible for.47
2. Undocumented youth should be eligible for extended foster care services and should be encouraged to participate in this program.
3. All youth, regardless of immigration status, who are in a foster care placement prior to adoption, should be considered homeless for the purpose of federal education laws.48
4. CA should help undocumented youth obtain their Washington State identification card before they age out of care.
5. Before emancipating from care, youth should be provided basic documents including school records, health records, social security card, birth records, and identification card.49
6. CA should assess a youth’s citizenship or immigration status when a youth is placed in out-of-home care.50
7. If the youth is undocumented, CA should provide the youth an experienced immigration attorney who could assist the youth, 51 at public expense. In Washington, referrals can be made initially to the Northwest Immigrant Rights Project (NWIRP) or Kids in Need of Defense (KIND).52 Possible changes to immigration status include:
   a. Special Immigrant Juvenile Status (SIJS): Completing and filing a timely SIJS petition, which provides legal status to undocumented children who are victims of abuse or neglect. This should be done before the youth ages out of eligibility.53
      i. CA should move the court to hear evidence on the SIJS criteria.54 The court’s findings must be recorded in an “Order Regarding Minor’s Eligibility for Special Immigrant Juvenile Status” or similar format. This order must be included with the youth’s SIJS application.55
      ii. As this process can take as long as three years, it should be initiated as soon as possible so that the juvenile court can maintain jurisdiction until it is complete.56

48 Id.
49 Honoring Emancipated Youth, supra. at 4.
52 For NWIRP call (888) 445-5771 (Western Washington) or (888) 756-3641 (Eastern & Central Washington) and for KIND http://www.supportkind.org/en/about-us.
53 Horton-Newell, supra, at 65-68.
54 Child Welfare Community Based Services, supra.
55 Id.
56 Id.
iii. The undocumented youth should remain a dependent of the state until the SIJS process is completed or until age twenty-one.57

b. **Deferred Action for Childhood Arrivals (DACA):** Youth who were brought to the U.S. as children may request deferred action for a period of two years. A grant of deferred action postpones a youth’s removal from the U.S. and the youth may apply for work authorization.58

c. **T-Visa:** A youth may apply for a T-visa if they have been the victim of human trafficking. The T-visa is a temporary visa that allows the youth to live and work in the U.S. for four years. After three years in this status, the youth can apply for lawful permanent residence.59

d. **U-Visa:** A youth may apply for a U-visa if the youth or their parent was a victim of a crime in the U.S. The U-visa is a temporary visa that allows the youth to live and work in the U.S. for four years. After three years in this status, the youth can apply for lawful permanent residence.60

C. **Dependency Courts:**

1. Dependency courts should provide access and opportunities for detained and deported parents to participate in dependency court proceedings in person or by video/teleconference.61

2. The court should extend the review hearing periods if the parent has been detained or deported.62

3. All family reunification options should be considered, including placement of children outside of the U.S. and/or placement of children with caregivers who lack lawful immigration status.63

V. **Promising Practices for Judiciary/Juvenile Justice and Rehabilitation Administration**

A recent DSHS study found that in Washington, 16 percent of Hispanic youth released from Juvenile Justice and Rehabilitation Administration (JJRA) facilities are homeless within 12 months of being released.64 Youth that are deported from juvenile detention will likely be

57 Horton-Newell, *supra*, at 65-68.
64 DSHS Research and Data Analysis Division, *Impact of Homelessness on Youth Recently Released from Juvenile Rehabilitation Facilities*, June 2013, RDA Report No. 11.191.
released into homelessness because they are often returned to countries where they have few or no ties. They leave everything they know behind, including their families and support systems.65

A. Attorneys & Undocumented Juveniles in JJRA/County Detentions Centers:
   1. For youth that are involved in the foster care system, criminal defense and immigration attorneys should collaborate to ensure that the court makes any necessary findings of fact to support an SIJS application based on abuse, abandonment, or neglect by one or both parents.66
   2. Criminal defense and immigration attorneys should collaborate to advise undocumented youth about how the result of the criminal case will impact their immigration status in the future.67

B. JJRA/county detention centers should not honor immigration hold requests or report juveniles to immigration:
   1. Counties should adopt an ordinance that the county will not honor civil immigration hold requests for any individuals who are younger than 18 years old, as King County did.68
   2. JJRA should not report youth to immigration69 or honor immigration hold requests.

VI. Recommendations for Systemic Change

A. Legislature:
   1. The legislature should adopt a law that prevents JJRA and county detention centers from reporting undocumented juvenile youth to immigration officials and from honoring ICE hold requests for minors.
   2. The legislature should adopt a law that would authorize juvenile court judges to provide detained or deported parents additional time to reunify with their children and require CA to offer guidance to counties about how to establish agreements with foreign consulates. The law would also prohibit CA from considering immigration status when making foster care placement decisions.70

65 Phillips, supra, at 37.
66 Id.
67 Id.
68 Civil Immigration Hold Requests, K.C.C. 2.15.020(B).
69 Juvenile Justice and Rehabilitation Administration, Policy 38, Foreign Nationals Committed to JJRA, adopted August 23, 2013.
70 Phillips, supra, at 32.