



## EMPTY PROMISES

Homeless Minors, Our  
Community's Failure to  
Adequately Serve Them, and  
Hope for a Way Forward

Legal Counsel for Youth and Children  
October 2017



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## Acknowledgements

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Thank you to the Raikes Foundation and the Paul G. Allen Family Foundation for generously supporting LCYC's homeless youth advocacy pilot, Legal Services Partnership for Youth (LSPY). Thank you to our primary LSPY partners YouthCare, Nexus Youth and Family Services, and the Tukwila School District. We also appreciate the input received from youth, service providers, and Children's Administration staff as to what systemic gaps exist and potential ways to improve child safety and services to children and families. Addressing youth homelessness and systemic challenges within the child welfare and juvenile justice system is complex and requires input from an array of experts, including the youth themselves.

Thank you to Erin Shea McCann who worked with LCYC on the research, writing, and editing of this report; Beth Van Fossan who facilitated community stakeholder listening sessions and provided expert consultation on child welfare issues; Navjot Khalsa for designing the report; and University of Washington School of Law students and pro bono attorneys who conducted interviews and legal research for this report.



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## EXECUTIVE SUMMARY

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**H**omeless minors, vulnerable and alone, are an often-overlooked population living in crisis. These youth face unique obstacles in accessing and engaging legal and service systems that should be meeting their needs when they are not safe or welcome at home.

This report is designed to **(1)** highlight and inform people of the unique challenges facing homeless minors and opportunities to address them, **(2)** provide advocates with a resource to assess and support policy and organizational changes to help youth and families, and **(3)** outline critical needs and opportunities for the philanthropic community to invest time, expertise, and resources to reduce youth homelessness now.

Our community's commitment to helping youth and families is riddled with empty promises. When youth who are at risk of or who are experiencing homelessness seek help through shelters, Child Protective Services, or legal proceedings designed to help youth and families, they often encounter resistance, delayed responses, or closed doors. Systems designed with the best interests of youth in mind can actually cause or perpetuate homelessness when resources are underutilized, out-of-home placement options are limited, or people and organizations with the power to help are paralyzed by poorly defined roles and responsibilities.

Over the past year, Legal Counsel for Youth and Children (LCYC) has honed in on the challenges facing youth who are or are at risk of experiencing homelessness, particularly youth under the age of 18 years. LCYC explored and assessed how homeless youth service providers, shelter systems, child welfare organizations, and the juvenile justice system affect the experiences of youth struggling with homelessness. Further, LCYC identified missed opportunities to prevent or reduce the duration of youth homelessness. Four primary inputs informed the findings and recommendations in this report:

- ∞ LCYC's collective decades of experience representing youth in child welfare and juvenile justice proceedings.
- ∞ The life experiences of over 100 youth, shared with LCYC attorneys who provided the youth with free civil legal services through LCYC's homeless youth advocacy program, Legal Services Partnership for Youth (LSPY).
- ∞ LCYC-convened brain storming sessions with the Children's Administration, service providers, probation counselors, educators, shelter staff, and others designed to identify barriers, gaps, and potential solutions to prevent and reduce youth homelessness.
- ∞ LCYC staff also worked with pro bono attorneys and volunteer law students at the University of Washington School of Law Child and Youth Advocacy Clinic (CAYAC) to conduct interviews and legal research regarding state and federal laws and policies that impact homeless youth in and outside of Washington.

Key findings and some of the most pressing needs and opportunities to help eradicate youth homelessness are listed below. The full report provides a detailed discussion of missed opportunities and more potential solutions.

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## KEY FINDINGS

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- ∞ A timely and respectful initial response to a youth's plea for help can make a tremendous difference in preserving their safety and keeping them off the streets.
- ∞ If the Family Reconciliation Act is to be more than an empty promise to families in conflict and youth in need, then the court structure, resources, and timing have to be adapted to the realities of families in crisis.
- ∞ Youth in the juvenile justice system need more housing options. A youth's experiences of homelessness should not equate to additional time incarcerated in county or state facilities.
- ∞ Providing youth with a safe and stable placement – through the child welfare, juvenile diversion, or homeless youth systems and services – can positively affect the youth's ability to maintain family ties, build stronger community support, and engage consistently in services and school, all of which can help the youth grow and thrive.
- ∞ Robust services to help youth prepare for independence, accompanied by comprehensive, youth-driven, youth-centered services and transitional planning are critical to preventing homelessness.
- ∞ Legal advocacy is an essential tool to prevent or decrease the experience of youth homelessness.
- ∞ Intentional and diverse partnerships among organizations, schools, and systems serving youth help ensure that adults are able to connect youth to available services in a timely manner while also providing a forum for creative problem solving around youth homelessness on a systemic level.
- ∞ The creation of a new Department of Children, Youth, and Families (DCYF) offers a unique and timely opportunity to identify red flags, eliminate role confusion, bolster investment in services, and think outside the box of how our community can better serve and support youth and families.

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## HIGH-LEVERAGE OPPORTUNITIES

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### INCREASE YOUTH ACCESS TO SAFE SHELTER

- ∞ Amend Washington's shelter consent laws that leave youth in perilous situations. More than 72 hours is needed to assist both the youth and family through a crisis period. An extended period of stay at a shelter, without the requirement of parental consent, would help to ensure the safety of children, may increase engagement in family reconciliation services, and decrease emergency court filings.

At a minimum, Washington law should allow minors to stay in a shelter without parental consent for up to 7 days, while simultaneously offering a range of services to the youth such as family reconciliation, mental and medical health consultation, chemical dependency assessment, and access to a civil legal aid attorney.

Washington policymakers should look to other states' laws that allow youth to consent to shelter themselves or that allow longer durations of stay without parental consent.

- ∞ Ensure that whenever a youth calls Child Protective Services to report child abuse, neglect, or abandonment that the report is screened in for investigation or service referral.
- ∞ Washington policy makers should assess and consider how to address other challenges to youth accessing shelter such as siblings or families being unable to stay together in a shelter due to one youth's age, the use of prior arrests or adjudications to exclude youth and the lack of low barrier shelters for minors.

### REDESIGN AND INVEST IN FAMILY RECONCILIATION

- ∞ Design a juvenile court system that can promptly respond to and support families in crisis. Families in crisis cannot wait two weeks for a decision on placement. Furthermore, placement options must be available to keep youth safe and family reconciliation services must be funded.
- ∞ Expand community-based family reconciliation services (like YouthCare family engagement) that help to preserve or rebuild families experiencing high conflict.

## ELIMINATE THE OVERLAP BETWEEN YOUTH IN THE JUVENILE JUSTICE SYSTEM AND THE EXPERIENCE OF HOMELESSNESS

- ∞ Expand Extended Foster Care (EFC). Dependent youth who are incarcerated or detained at the time of their 18<sup>th</sup> birthday should have access to the same opportunities and support as other dependent youth through EFC such as access to Independent Living Programs, housing, educational, and service support until their 21<sup>st</sup> birthdays.
- ∞ Ensure no youth walk out of JRA and into homelessness. The new DCYF must develop a clear protocol around which professional(s) are responsible for initiating, helping to design, and implementing a youth-driven exit plan for youth transitioning out of JRA. Policy makers should also consider whether additional administrative or judicial checks should be put into place to ensure that a youth-driven transition plan is developed and ready prior to release.
- ∞ Promptly create a work group including key players such as probation counselors, detention staff, CPS, public defenders, prosecutors, law enforcement and juvenile court judicial officers to create a local protocol for responding to situations where a parent is refusing to pick up a youth from detention, keeping in mind the youth's rights to freedom and safety. The initial development of a protocol may be best handled at the local court level and then replicated or modified in other jurisdictions.
- ∞ Develop and employ a method to track the number of youth exiting from local county detention facilities and JRA without a confirmed safe place to reside.
- ∞ Engage youth and families in meaningful ways with tailored services, assistance with visitation and robust transition plans.

## CONNECT YOUTH WITH RESOURCES AND LEGAL ADVOCATES

- ∞ Invest in civil legal aid for youth. All youth serving systems (child welfare, juvenile justice, and shelter programs) must include timely access to *holistic* civil legal advocacy as a service for youth.
- ∞ Adolescents involved in the child welfare system should be supported by social workers who specialize in working with this age group and are familiar with the resources available to both adolescents and young adults.

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## INTRODUCTION

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Legal Counsel for Youth and Children (LCYC)'s dedicated team of attorneys provide holistic legal advocacy to hundreds of children and youth in child welfare, juvenile justice, and immigration proceedings, as well as to youth, ages 12-24 years, who are or are at risk of experiencing homelessness in King County.

In 2016, the Raikes Foundation and the Paul G. Allen Family Foundation awarded grants to LCYC to address youth homelessness through the Legal Services Partnership for Youth (LSPY) pilot. LSPY launched in June 2016, at which time LCYC initiated partnerships with YouthCare, Nexus Youth and Families (formerly Auburn Youth Resources), and the Tukwila School District to provide on-site civil legal services for youth. Through the pilot, LCYC attorneys provide free civil legal advocacy to youth, ages 12-24 years, who are or are at risk of experiencing homelessness in King County. In addition to providing legal services to youth, LCYC was also tasked with writing this report to increase the understanding of the overlap of legal systems affecting youth homelessness, such as the child welfare and juvenile justice systems.

This report focuses on minors (youth ages 12-17), and identifies missed and future opportunities to improve youth access to safety, shelter, and services as well as the role of stable placement, independent living services, and transition planning in preventing youth homelessness. LCYC's findings and recommendations herein are informed by (1) LCYC's years of experience representing youth in child welfare and juvenile justice proceedings; (2) conversations with over 100 youth experiencing homelessness that were served by LCYC through the LSPY pilot; (3) community brainstorming sessions with individuals who work in the child welfare, juvenile justice, and homeless youth shelter and service provider systems<sup>1</sup>; and (4) interviews and legal research conducted by pro bono attorneys and volunteer law students at the University of Washington School of Law Child and Youth Advocacy Clinic (CAYAC).

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<sup>1</sup> Most of the brain storming sessions took place in King County. LCYC also organized a session in the TriCities area of Eastern Washington (Richland, Pasco, Kennewick), which convened staff from the local adolescent shelter. LCYC also hosted a telephone session with various professionals from Spokane who work with homeless youth, including youth attorneys, adolescent shelter staff, and a chemical dependency provider. Given that LSPY direct legal services were focused in King County and the majority of stakeholder listening sessions were held there, the observations made and experiences shared herein may not always reflect the barriers and gaps that other urban or rural communities experience.

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## BACKGROUND

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### The Numbers

Unfortunately, Washington does not know the full scope of youth homelessness because youth cannot consent to have their personally identifying information entered into the Homeless Management Information System (HMIS). This means that service providers cannot accurately track and report the number of homeless minors they serve, and the Office of Homeless Youth (OHY) cannot rely on statewide data to strategically respond to youth homelessness. As advocates and the OHY work to rectify this data gap, our state must look to other sources to understand the scope of youth homelessness.

One data point lies with the Office of Superintendent of Public Instruction (OSPI), which reported that in the 2015-16 school year, Washington's public K-12 schools identified 3,412 unaccompanied youth, meaning they experienced homelessness while not living with a parent or guardian.<sup>2</sup> In that same school year, King County schools served 767 unaccompanied youth. The OHY's 2016 Report notes that of the 12,889 young people ages 12-24 who accessed homeless housing and services throughout the year, 13 percent (1,600) were under the age of 18 years.<sup>3</sup>

Many youth who are homeless have experience in the foster care or juvenile justice systems (or both). The OHY 2016 Report cites a national study that found "51 percent of homeless youth between the ages of 14 and 21 reported involvement in foster care."<sup>4</sup> Meanwhile, a 2015 report by Columbia Legal Services (CLS) highlighted that when youth exit juvenile detention and their parent/guardian refuses or is unavailable to pick them up, many youth experience homelessness.<sup>5</sup> The CLS report notes that there is no statewide count of how many youth exit detention into homelessness, but that "in 2014, in Pierce County, parents refused to pick up 417 youth from detention, and there were another 146 kids for whom a parent could not be found. A similar problem occurred in Spokane County in 2014, where 104 detained youth were not picked up by parents."<sup>6</sup>

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<sup>2</sup> Dyer, Melinda; Green, Jordyn, *Homeless Student Data: 2015-16*; Office of Superintendent of Public Instruction, available at <http://www.k12.wa.us/LegisGov/2017documents/2017-01-HomelessEducation.pdf> (last visited Oct. 4, 2017). The OHY 2016 Report notes that in the previous school year (2014-15), schools served nearly 6,000 unaccompanied homeless youth in Washington's schools—and 77 percent (1,020) of those students were under 18; available at <http://www.commerce.wa.gov/wp-content/uploads/2015/11/hau-ohy-report-2016-update.pdf> (at 6).

<sup>3</sup> OHY 2016 Report, at 8.

<sup>4</sup> *Id.* at 9, citing U.S. Department of Health and Human Services, Street Outreach Program: Data Collection Project Executive Summary (2014), available at [https://www.acf.hhs.gov/sites/default/files/fysb/fysb\\_sop\\_summary\\_final.pdf](https://www.acf.hhs.gov/sites/default/files/fysb/fysb_sop_summary_final.pdf).

<sup>5</sup> Falling Through the Gaps: How a Stay in Detention Can Lead to Youth Homelessness (2015), available at [http://www.columbialegal.org/sites/default/files/Detention\\_to\\_Homelessness\\_Web\\_0.pdf](http://www.columbialegal.org/sites/default/files/Detention_to_Homelessness_Web_0.pdf).

<sup>6</sup> *Id.* at 2.

## The Youth

National, statewide, and county data illustrate the size and scope of the homelessness crisis in our community, but they fail to tell the story of the human impact this crisis has on young people and their families. The reasons behind why and how youth become homeless are sobering. The OHY notes that most youth are forced into homelessness “because home is not a safe place to be,” often due to abuse, neglect, domestic violence, family dysfunction, or outright parental abandonment. The OHY report states that “ninety percent of youth accessing shelter claim that they experienced conflict at home.”<sup>7</sup>

In working with youth, LCYC observed that many youth do not feel welcome or safe at home. Conflict may arise because the youth or the parent/guardian is struggling with addiction or a mental health crisis. Home may not feel safe to youth because they identify as LGBTQ and experience rejection, abandonment, verbal, or physical abuse. Youth often witness or are the victims of domestic violence and child abuse; they run from home to seek safety elsewhere. Other youth may become homeless due to a parent/guardian’s incarceration, deportation, or death. Some youth initially experience homelessness with their families, but are later disconnected and on the streets alone.

Youth experiencing homelessness may also struggle with often untreated mental health problems or substance abuse. Youth who have experienced trauma may be hesitant to engage with or trust providers. Youth experiencing homelessness are in the midst of crisis, their focus is narrowed down to survival, and their self-protective instincts are amplified. Service providers, educators, children’s attorneys and others who try to connect with and support youth in crisis have to be patient, consistent, and flexible. The best front line providers have learned how to listen to youth without judgment. Ultimately, youth become homeless for many reasons beyond their control, and their risk for victimization, sexual exploitation, school disruption, ongoing homelessness, and compounded trauma only increase as they move to the streets.

## Disproportionality

Youth of color and LGBTQ youth are overrepresented in all three systems this report discusses – homeless youth services and shelters, the child welfare, and juvenile justice systems.<sup>8</sup> Additionally, youth of color are suspended and expelled at disproportionate rates<sup>9</sup> and LGBTQ

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<sup>7</sup> OHY 2016 Report, at 9.

<sup>8</sup> See Washington State Department of Social and Health Services, *Racial & Ethnic Disparities*, available at <https://www.dshs.wa.gov/ra/office-juvenile-justice/red-racial-ethnic-disparities>. See also Curtis, Michael; Ganzhorn, Sarah; Kues, Darcy, *Listening to Their Voices: Enhancing Successful Outcomes for LGBTQ Youth in Washington’s Child Welfare and Juvenile Justice Systems* (2015), Center for Children & Youth Justice, at 3; available at <https://ccyj.org/wp-content/uploads/2017/03/ListeningToTheirVoices.pdf>. See also Human Rights Campaign, available at <https://www.hrc.org/resources/lgbt-youth-in-the-foster-care-system>. See also *Report to the Legislature: Racial Disproportionality and Disparity in Washington State* (Dec. 1, 2016), available at [https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=2016%20Disproportionality%20Report\\_921333c0-b34f-41dd-8cf9-9fcf571e2410.pdf](https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=2016%20Disproportionality%20Report_921333c0-b34f-41dd-8cf9-9fcf571e2410.pdf). See also OHY 2016 Report, at 9.

<sup>9</sup> Murnan, Francesca; Park, Alice, *Understanding King County Racial Inequities: King County Racial Disparity Data*, United Way of King County, at 19 (Nov. 2015), available at [http://www.uwkc.org/wp-content/uploads/ftp/RacialDisparityDataReport\\_Nov2015.pdf](http://www.uwkc.org/wp-content/uploads/ftp/RacialDisparityDataReport_Nov2015.pdf).

youth are disproportionately harassed and bullied at school.<sup>10</sup> Following exclusion from schools and systems involvement, these youth are more likely to face challenges finding employment, graduating from high school, accessing medical and mental healthcare, and securing safe and stable housing.<sup>11</sup> It is important to keep in mind that **the majority of youth we are failing are youth of color. LGBTQ youth are also disproportionately affected by our shortcomings in protecting and serving some of the most vulnerable among us.**

### Child Welfare

Youth of color enter and remain in the child welfare system at disproportionately high rates. Nationally, these children also lack equitable access to culturally competent and appropriate services and placements, to support the child and family. Youth of color are more likely to experience placement instability within the foster care system and remain in placement longer, potentially until adulthood.<sup>12</sup> LGBTQ youth also experience a shortage of appropriate services, understanding providers, and accepting caregivers, which can result in multiple placement moves, an absence of strong support or positive adult relationships, and a greater likelihood of youth opting for the streets, where they are at heightened risk of victimization.<sup>13</sup>

### Juvenile Justice

Similar to their experiences in the child welfare system, youth of color are overrepresented at every stage of juvenile justice proceedings, from arrest, to detention, or transfer to the adult system.<sup>14</sup> About 50 percent of the youth in King County Detention are African American, but African Americans make up only 13 percent of the county's population.<sup>15</sup> LGBTQ youth also make up a disproportionate number of the youth in United States juvenile justice systems.<sup>16</sup> Additionally, "LGBT youth are unnecessarily and disproportionately detained pending trial because of a lack of understanding of their life experiences."<sup>17</sup> While in custody LGBTQ youth are often isolated, harassed, and lack access to appropriate mental health services.<sup>18</sup>

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<sup>10</sup> *Like Walking Through a Hailstorm" Discrimination Against LGBT Youth in US Schools*, Human Rights Watch (Dec. 7, 2016), available at <https://www.hrw.org/report/2016/12/07/walking-through-hailstorm/discrimination-against-lgbt-youth-us-schools>.

<sup>11</sup> *Supra* note 8.

<sup>12</sup> *Report to the Legislature: Racial Disproportionality and Disparity in Washington State* (2016).

<sup>13</sup> Curtis, Michael; Ganzhorn, Sarah; Kues, Darcy, *Listening to Their Voices: Enhancing Successful Outcomes for LGBTQ Youth in Washington's Child Welfare and Juvenile Justice Systems* (2015), Center for Children & Youth Justice, at 3; available at <https://ccyj.org/wp-content/uploads/2017/03/ListeningToTheirVoices.pdf>.

<sup>14</sup> See Washington State Department of Social and Health Services, *Racial & Ethnic Disparities*.

<sup>15</sup> Gutman, David, *King County is Jailing Fewer Youths, Making Some Progress on Racial Disparity*, The Seattle Times (Mar. 10, 2017), available at <https://www.seattletimes.com/seattle-news/king-county-is-jailing-fewer-youths-making-some-progress-on-racial-disparity/>.

<sup>16</sup> The Trevor Project, *Youth in the Juvenile Justice System*, available at <http://www.thetrevorproject.org/pages/at-risk-youth>.

<sup>17</sup> Majd, K., et al., *Hidden injustice: Lesbian, gay, bisexual, and transgender youth in the juvenile courts.* The Equity Project (2009), at 4.

<sup>18</sup> *Supra* notes 13, 16 and 17.

## Homelessness

“Youth of color experience homelessness at much higher rates than the rest of the youth population. In Washington, black youth make up 24 percent of youth accessing housing services, yet only make up 6 percent of the state’s population. They are three times more likely to experience homelessness than their peers.”<sup>19</sup> Similarly, youth who identify as LGBTQ are overrepresented in the homeless youth population. The OHY notes that “national research indicates that up to 40 percent of all homeless youth identifies as LGBTQ.”<sup>20</sup> Given that “3 to 5 percent of the United States population identifies as LGBTQ,” this statistic is particularly shocking.<sup>21</sup>

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## DISCUSSION

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### **Missed Opportunities: Three Points in Time**

In reflecting on community stakeholder input and the experiences of youth and LCYC attorneys, LCYC has identified three points in time when public and private systems miss opportunities to engage youth and prevent homelessness or its reoccurrence, including:

- ***The service entry point.*** For those youth who are experiencing family crisis or are at-risk of homelessness, the failure to timely and appropriately respond to a youth’s requests for help reflects a missed opportunity that may put or keep a youth on the street.
- ***The point of service engagement.*** For those youth already connected to public or private service systems, such as child welfare or juvenile justice, the failure to provide stable placements, holistic services, educational support, and the general strengthening of family and community ties is a missed opportunity that may affect a youth’s likelihood of experiencing homelessness during and after system involvement.
- ***The point of transitioning from services.*** For those youth transitioning or discharging from a system or service, the failure to proactively plan with youth and their support system is a missed opportunity to decrease the likelihood of homelessness in the future.

In the following sections, we discuss these missed opportunities in order to highlight gaps in our systems and their negative effects on youth.

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<sup>19</sup> OHY 2016 Report, at 9.

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

## MISSED OPPORTUNITY 1: THE SERVICE ENTRY POINT



Youth ages 12 -18 years are asking for help; that ask alone is a huge positive step towards ensuring the youth's safety and potential engagement with the family. As a community, we have a responsibility to ensure that, when a youth in a state of crisis seeks help, we are prepared to respond. Frequently, the initial points of contact for a youth on the brink of homelessness are Child Protective Services, shelter staff, and law enforcement. All three face policy or practice pitfalls.

### **Child Protective Services' Closed Door**

LCYC attorneys, community providers, and youth agree that in most instances, when youth—especially “older” youth (those who are 14 and older)—report experiences of child abuse, neglect, or abandonment to Child Protective Services (CPS)<sup>22</sup>, CPS's response often does not support youth or prioritize their safety.<sup>23</sup>

When CPS receives a phone call from an individual alleging child abuse, abandonment, or neglect, the CPS worker conducts a screening process to determine whether to “screen in” the allegation for further action.<sup>24</sup> The CPS worker has broad discretion in this decision, with the primary concern being child safety. If the CPS worker does not screen in an allegation, an investigation is not conducted and services are not offered to the youth or family.<sup>25</sup>

When youth who are or are at risk of being homeless report to CPS that they have been verbally or physically abused at home or that their parents are not allowing them to live at home, CPS

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<sup>22</sup> CPS is a division within the Children's Administration— an administration within the Department of Social and Health Services—that investigates reports of child abuse and neglect. CPS can petition the court to remove a child from the parents' care.

<sup>23</sup> Legislation passed in 2005 required DSHS to develop curriculum to train CA staff on “how to screen and respond to referrals to [CPS] when those referrals may involve victims of abuse or neglect between the ages of eleven and eighteen.” See ESB 5583 Final Bill Report (2005), available at <http://lawfilesexternal.wa.gov/biennium/2005-06/Pdf/Bill%20Reports/Senate/5583.FBR.pdf>. Despite the 2005 effort to bolster CPS's services, it is not the experience of young people or providers that CPS opens its doors to adolescents.

<sup>24</sup> For more information about the CPS intake process and response see <https://www.dshs.wa.gov/ca/2000-child-protective-services/2200-intake-process-and-response>.

<sup>25</sup> If an allegation is screened in, services may be offered through the voluntary Family Assessment Response (FAR) program, which was launch in 2014 as an alternative response to CPS investigations. The FAR program works with families to engage in safety, risk, strengths and needs assessments, and is intended to serve low to moderate risk families. For more information see <https://www.dshs.wa.gov/ca/advancing-child-welfare/family-assessment-response-far>.

frequently declines to screen in the allegations. If the older youth has younger siblings in the home, CPS is more likely to take action depending on the seriousness of the report.

When shelter providers make a referral for youth who are staying there temporarily, CPS typically responds that there is no imminent risk posed to the youth because the youth is out of the home and can safely sleep at the shelter. However, while the youth may be safe in a shelter for the night, the youth's situation is far from stable because parents may revoke consent at any time and shelter stays are time limited; both result in the youth potentially returning to an unsafe home or opting for the streets.

CPS's inaction is a missed opportunity to engage youth who are in unsafe home situations *before* they go to the street or in the early hours of being on the street. The missed opportunity means that it is much harder to reach and engage youth into services that will keep them safe. Unfortunately, when CPS refuses to investigate an allegation from a youth or from a shelter staff or teacher when the youth is present for the call, it sends a strong message to the youth that either (a) CPS does not care about them or (b) CPS does not believe them. In either case, it sends youth the message that CPS is not a resource, and that the government is not going to help them stay safe. This can have a chilling effect that is spread by word of mouth and that results in more youth opting for street survival from the get-go.

Youth who feel that home is unsafe, but receive no response when they reach out for protection, are left with few options, particularly if they do not have access to a legal advocate. Some youth leave unsafe situations and seek support from friends, family, or community service providers. Others run to the street and CPS remains a closed door. As Columbia Legal Services' report notes, "CPS has no obligation to investigate referrals concerning runaway youth," adding that "[i]f youth is a runaway, the Children Administration's duty is discretionary."<sup>26</sup>

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On occasion, because of legal advocacy by LCYC attorneys, CPS has filed petitions on behalf of homeless adolescents. In other instances, LCYC attorneys have assisted youth in filing their own Child In Need of Services (CHINS) or dependency<sup>27</sup> petitions with the juvenile court. When a youth initiates a dependency matter the Children's Administration (CA) is not automatically joined as a party. If the youth needs a safe place to stay through foster care, the youth must file a motion to join CA, and CA frequently opposes these motions. This is a complicated legal process, challenging for

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<sup>26</sup> CLS 2015 Report, at 10.

<sup>27</sup> Dependency cases are child welfare matters in juvenile court. Most often a dependency case is initiated by Children's Administration, but it is possible for other persons – including youth – to file a dependency petition. A youth may be found dependent if the youth has been abused, abandoned or neglected or is otherwise without a parent who can adequately meet their needs, "such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development." RCW 13.34.030

attorneys and certainly for youth without access to legal counsel. With access to an attorney, a youth can better understand and assess their legal rights and options, and they are also more likely to access various systems for help, including securing orders of protection or initiating a CHINS or dependency matter.<sup>28</sup>

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### **Family Reconciliation Act's Empty Promises**

The Family Reconciliation Act was created as an avenue for families experiencing high conflict or youth in need of services and placement, to access the juvenile court system and services directly, without initiating a dependency or juvenile justice case.<sup>29</sup>

The Family Reconciliation Services (FRS) program is intended to provide voluntary services to youth (ages 12-17) and families who are experiencing intense family conflict that does not rise to the level of child abuse and neglect. The FRS program aims to resolve family crises and prevent child welfare involvement.<sup>30</sup> FRS services may include: family counseling, referrals for substance abuse treatment or mental health services, family assessments, and short-term placements. The FRS program may serve as a precursor to a parent/guardian, youth, or CA seeking temporary out-of-home placement for a youth whose family is in crisis. Out-of-home placement can be sought through a CHINS petition, which is intended to resolve family conflicts and ensure the youth feels safe and welcome to live at home.

Budget cuts have significantly weakened the FRS program, which was comprised of two service categories: Phase 1 involved assessment and brief intervention; and Phase 2 involved contracted family counseling. Now, Phase I has limited funding, and Phase II has been eliminated.

In addition to a shortage of funding, the juvenile court processes that youth or parents can initiate pursuant to the Family Reconciliation Act are often frustrating and ineffective for families in crisis as access to court is not timely, there is a dearth of safe placements for youth, and there is limited access to family services. LCYC attorneys, youth, and service providers note the following challenges and shortcomings of the current Family Reconciliation Act proceedings:

- ∞ **No Legal Help:** Youth and parents are expected to understand their legal rights, options, and initiate formal legal proceedings by filing petitions in Juvenile Court without the advice or support of legal counsel.

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<sup>28</sup> For more information about CHINS and dependency matters, see Appendix I: Definitions.

<sup>29</sup> RCW 13.32A.010 available at <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.010>

<sup>30</sup> For more information about FRS, see RCW 13.32A.040, available at <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.040>. See also <https://www.dshs.wa.gov/ca/adolescents/riskrunaway-youth>.

- ∞ **Wait Time:** Youth and parents must wait up to 48 hours from the time they request a family assessment to the time the petition may be filed.<sup>31</sup> After filing the petition, families typically must wait two weeks before the court hears the petition. For families in crisis, the waiting periods may pose safety risks or deter the youth or parents from seeking help from the courts.
- ∞ **Lack of Placements:** If a youth does not have a placement identified (for example, a relative or suitable adult), CA frequently opposes - and courts are hesitant to grant - CHINS petitions due to limited foster or community placement options for youth. (See Missed Opportunity 2 below for more information about the state's foster placement crisis.)
- ∞ **Reluctance or Misunderstanding from the Judiciary:** Courts may not grant petitions if the youth or family is already receiving community-based services, noting that additional court-ordered services would be duplicative. However, even if additional direct services are not added, there can be a safety or restorative benefit to placement and judicial oversight.
- ∞ **An Absence of Family Reconciliation Services<sup>32</sup>** If the court *does* grant a CHINS petition, the law states that there is no entitlement to services—the statute limits judicial officers' ability to aid youth and families in crisis.<sup>33</sup> Family reconciliation services are unfunded, and thus unavailable to many families in crisis in or outside of court.

In its current form, the Family Reconciliation Act services and legal processes frequently equate to empty promises for youth and families in crisis and can in fact increase conflict between youth and their families. Trying to initiate a petition in Juvenile Court is another call for help and our community's response to this crisis call—from youth or parents— can have a tremendous impact on the well-being of that youth and the long-term health of the family.

## ***Shelter's Closed Door***

### Notification Requirements

Once youth are disconnected from family and experience homelessness, the service provider community can provide shelter to youth through OHY contracted Crisis Residential Centers

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<sup>31</sup> RCW 13.32A.150, available at <http://app.leg.wa.gov/rcw/default.aspx?cite=13.32A.150>.

<sup>32</sup> RCW 13.32A.040 *Family Reconciliation Services*, "Such services shall be provided to alleviate personal or family situations which present a serious and imminent threat to the health or stability of the child or family and to maintain families intact *wherever possible*."

<sup>33</sup> RCW 13.32A.300: "Nothing in this chapter shall be construed to create an entitlement to services nor to create judicial authority to order the provision at public expense of services to any person or family where the department has determined that such services are unavailable or unsuitable or that the child or family are not eligible for such services." Available at <http://app.leg.wa.gov/RCW/default.aspx?cite=13.32A.300>.

(CRCs) and HOPE Centers.<sup>34</sup> Service providers from shelters and homeless youth outreach programs can also connect youth with invaluable support services such as family reconciliation, mental health counseling, medical attention, or chemical dependency programs.

When a minor first arrives at a shelter, shelter staff must notify certain individuals of the minor's whereabouts. The governing statute requires shelters to notify the youth's parents/guardian within 72 hours and include the child's location and condition. If the shelter has "compelling reasons" not to notify the parent/guardian, it must notify CPS.<sup>35</sup> Additionally, if shelter staff learn that the youth is away from home without permission, staff must search for the youth's name in run report listings every eight hours while the youth is in shelter. If there is a run report on a youth, shelter staff must notify law enforcement or CA.<sup>36</sup>

**The notification requirements deter dependent and immigrant youth from seeking emergency shelter or services.**

When a dependent youth runs from their placement, which could range from group care, kinship care, foster care, or home, the CA contacts law enforcement and initiates a run report. Most dependent youth are court ordered to remain in placement. Youth who run from placement, particularly those who run frequently, know that there is likely a warrant issued against them and that if they are picked up on the warrant, they will likely be placed into juvenile detention. As a result, dependent youth often *avoid* seeking safety or services at shelter facilities so that CA is not contacted.

Depending on their immigration status, youth have additional fears and challenges in accessing services through shelters. If youth are undocumented or uncertain about their immigration status, they may avoid seeking help due to fear that a government agency will initiate deportation. Many youth in this situation may be eligible for affirmative immigration relief as victims of child abuse, abandonment or neglect, trafficking, or other crimes. However, without access to legal counsel, an immigrant youth may be very reluctant to share information or seek help.

Consent to Shelter

**LCYC attorneys and providers consistently identify the rigid parental consent requirements as a massive barrier to youth accessing safety and services through shelter programs.** Parental consent is required for a youth to remain at a shelter beyond the first 72 hours. If consent is denied within the first 72 hours the shelter has to release the youth; the

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<sup>34</sup> According to the OHY, CRCs "provide temporary residence, assessment, referrals, and permanency planning services in semi-secure and secure facilities for youth ages 12 through 17 who are in conflict with their family, have run away from home, or whose health and safety is at risk." Additionally, "HOPE Centers provide temporary residence, assessment, referrals, and permanency planning services for street youth under the age of 18." OHY 2016 Report, at 3..

<sup>35</sup> RCW 13.32A.082(b)(i).

<sup>36</sup> RCW 13.32A.082(c).

shelter may contact CPS or law enforcement if there are safety concerns but, as noted above, CPS is loathe to screen in these calls.

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**I**n an attempt to preserve youth safety, the OHY built into its contracts for HOPE and CRC beds an additional period of time to allow CPS to act, while shelter staff maintain efforts to engage parents/guardians. Unfortunately, in LCYC's experience, not all shelter staff are aware of this additional time. The relevant language is below:

If after 72 hours, a parent or legal guardian cannot be reached, or has been reached and refuses to take physical custody, DSHS must be contacted. If custody is not transferred to DSHS, the youth may continue to reside in the HOPE center. Attempts to contact the parent and the missing children's clearinghouse must be made and documented every 8 hours. After another 72-hour period, if a child in need of services petition or dependency petition has not been initiated, contact with DSHS must be made and documented.

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**Some youth are reluctant to provide parent information due to fear of parental anger and retaliation or general distrust of adults.** Providers consistently report that 72 hours is an insufficient period of time to gain a youth's trust, especially if the youth knows the provider is going to contact the parent, law enforcement, or CPS.

**Obtaining parental consent to stay at a shelter can be difficult or impossible if the parent is out of the state or country, deceased, incarcerated, or otherwise inaccessible.** Some youth do not have contact information for the parent from whom they are disconnected or who may be transient themselves. Further complicating matters is that some families do not have easy access to a working phone, or the shelters and service providers do not have ready access to necessary interpreters.

**Some parents/guardians refuse to consent because of conflict with the youth, while simultaneously informing shelter staff that the youth is not allowed in the family home.** Shelter staff consistently report that, when this occurs and CPS is contacted, CPS will often not conduct an investigation or offer services to the youth or family. The shelter's only option is to release the youth to the street.

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Unemancipated minors have a legal right to care—someone or some entity has a legal responsibility to care for the child. Shelter staff are neither trained, nor is it their role, to understand the legal complexities of the systems impacting youth, including foster care, juvenile justice, education, health care, and parental rights. Having access to an attorney, who is not a mandatory reporter and with whom the youth can share confidential information, may be critical in addressing the youth’s questions and concerns around family conflict, child abuse or neglect, and out-of-home placement or shelter options. An attorney can help youth understand their legal rights and the different legal processes or steps that may unfold if or when child abuse is reported or a juvenile court case initiated. LCYC attorneys have helped youth access the court when systems are not responding.

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### Policies or Practices

Beyond fears of notification and difficulties in obtaining parental consent, shelter doors may be closed to youth for a variety of policy and practice reasons including the following:

- ∞ Some shelters refuse youth entry because they are under the influence of drugs or alcohol, while other shelters will permit an intoxicated youth to stay so long as the youth does not bring drugs or alcohol onto the shelter’s premises or attempt to consume substances while staying at the facility. Youth report that maintaining a clean and sober life can be difficult while living on the street. Stakeholders agree that when shelters fail to provide low barrier beds—a housing-first approach that prioritizes getting youth off the street—some of the most vulnerable youth may never access shelter.
- ∞ Sometimes sibling groups are forced to choose between sleeping on the street together or staying in separate shelter, for example, one sibling may be over age for a particular shelter; given these options youth often choose the streets.
- ∞ Many homeless youth rely on animals for comfort, companionship, and protection. Shelter programs typically exclude youth with animals, which means those youth remain on the street.
- ∞ Some shelters have excluded youth based on arrests alone; other shelters have excluded youth based on prior convictions. Some shelter staff lack training on how to read and interpret a record from law enforcement or the juvenile court.
- ∞ Youth who struggle with anger management for various reasons, including prior exposure to violence and other trauma, may have greater difficulty accessing or maintaining shelter. Shelters may exclude youth who have been aggressive or threatening toward shelter staff or youth or at another shelter program. Shelters may

also exclude youth for what was perceived by a previous program to be difficult behavior.

- ∞ Youth who have been accused of or adjudicated for sex offenses frequently face closed doors at shelter programs, due to safety concerns for the other youth staying in the facility. Some shelters may admit youth with prior accusations or adjudications of sex offenses, but do so only if the youth remains within a certain distance away from youth of a certain age and if the shelter has the appropriate staffing ratio to maintain 24/7 “eyes on” supervision of the youth.
- ∞ Though rare, some shelters exclude youth due to the youth’s actual or perceived affiliation with a street gang. The shelter may be concerned about recruitment efforts for the gang or that other gang members may show up to the facility.

### Beds – Availability and Location

Washington has a limited number of shelter beds available to minors—54 HOPE beds (26 in King County); 41 CRC beds (6 in King County); and 8 secure CRC beds (0 in King County).<sup>37</sup> Shelters may turn away youth because they do not have enough beds, which are tightly regulated by licensing requirements for safety and sanitation reasons. Some youth may opt not to access shelter if the only available beds will separate them from their school and community.

Thanks to the Paul G. Allen Family Foundation, YouthCare was recently able to build and open a new shelter for adolescents in North Seattle, the Paul G. Allen Hope Center. In Auburn, King County has granted funds to Nexus Youth and Families to reopen its adolescent shelter this fall, SKYS (South King County Youth Shelter). Attorneys from LCYC are in regular contact with shelter staff to provide timely civil legal advocacy to youth.

### ***Law Enforcement’s Contribution to the Closed Door***

Delay, inaction by, or lack of understanding from law enforcement (LE) may contribute to a youth’s homelessness situation.

Providers note that when they need LE’s support to place a youth into protective custody, it may take several hours for LE to respond to the shelter’s call. In that time, youth may leave the shelter due to frustration with the length of time and the perception that “the systems” do not care enough about the youth to take quick action to ensure the youth’s safety.

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<sup>37</sup> These were the number of beds OHY contracted for with community providers as of Oct. 1, 2017.

When LE does arrive at a shelter, they may lack training or competency in working with young people, especially youth involved in the commercial sex trade. Providers note that LE officers tend to blame the victims of sex trafficking. For various reasons many youth experiencing homelessness are fearful of LE officers. Some youth have had bad experiences from juvenile arrests, others witnessed LE arrest their parents, some recall LE separating them from their parents as children before they entered foster care.

Providers report that in some instances, when a shelter cannot obtain parental consent for a youth and CPS *does* screen in a referral for investigation, LE nonetheless refuses to place the youth into protective custody. Unlike CPS, which cannot place a child without a court order, LE may place a youth in protective custody “without a court order if there is probable cause to believe that the child is abused or neglected and that the child would be injured or could not be taken into custody if it were necessary to first obtain a court order...”<sup>38</sup> Unfortunately, LE often assumes CPS is in the best position to determine whether abuse or neglect has happened. If LE declines to place a youth in protective custody and the parent refuses to consent to shelter, the youth often returns to the street rather than wait at home while CPS conducts its investigation and contemplates whether to initiate a dependency case. The CPS investigation could take several weeks. (With access to an attorney, the youth can assess and have assistance in affirmatively filing for help in Juvenile Court through a CHINS or dependency matter, or an attorney can mediate a solution with a parent or help convince CPS to work with a family.)

LE officers may decline to place a youth, but then contact CPS to express concern about child abuse, abandonment, or neglect. Some Seattle LE officers reported to LCYC that they lack adequate training around engagement with CPS. LE officers may assume that if they contact CPS, CPS will follow up with necessary placement or services for the youth and family; however, as explained above, this is often not the case and CPS may not even screen the case in.

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LE does not have to be part of the closed door; it can be the agent that helps push doors open to keep youth safe. Recently, LCYC had a very positive experience with four LE officers in Seattle who responded to a call at an adolescent shelter. LCYC was present for the youth. The guardian was present and sought to revoke consent for the shelter stay. The LE officers were very respectful of the youth, listened calmly to everyone involved, engaged in roughly two hours of mediation, and kept the youth’s safety at the forefront of their actions.

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<sup>38</sup> RCW 26.44.050, available at <http://app.leg.wa.gov/rcw/default.aspx?cite=26.44.050>.

## MISSED OPPORTUNITY 2: THE SERVICE ENGAGEMENT PERIOD

When the government intervenes in the lives of youth through juvenile court, numerous legal rights come into play, such as the right to familial relationships, to safety, and to freedom. The government legally bears more responsibility for the youth in its care, regardless of where youth are placed and whether they are in the child welfare or juvenile justice systems (or both). Our community's hopes and goals for youth should not be diminished because of their involvement in juvenile court, but we may need to work harder and more collaboratively to help these youth achieve positive outcomes.

Highlighted below are examples of when the child welfare or juvenile justice systems missed opportunities to prevent or end a youth's homelessness. In some instances, those systems may have directly contributed to a youth's homelessness.

### ***Child Welfare System***

#### Placement Crisis

Dependent youth can be placed at home, with relatives, with suitable adults, in foster care, or in group homes. The majority of youth found dependent by a juvenile court experience multiple placements during their time in foster care.<sup>39</sup> The absence of a stable placement can contribute to a number of negative outcomes such as challenges attending and keeping up in school, a lack of continuity with service providers, increased victimization, separation from positive connections in their communities, and an increased likelihood of running from care into homelessness.



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<sup>39</sup> An investigation of Washington's foster care system addressed how foster youth experience multiple placements when the state relies on too few licensed foster homes. Abramo, Allegra; Ray, Susanna, *What InvestigateWest Has Uncovered So Far on Foster Care*, Crosscut (Oct. 28, 2016), available at <http://invw.org/2016/10/28/what-investigatwest-has-uncovered-so-far-on-foster-care/>.

Washington has faced a persistent foster home shortage in recent years. Some estimates put Washington at nearly 1,000 homes short of where it must be to meet the placement need.<sup>40</sup> The 2016 annual report from the Office of the Family & Children’s Ombuds (OFCO) highlighted the impact on children and youth when the child welfare system relies on too few licensed homes—children are placed with foster families who may not be equipped to meet their needs, or they must sleep in hotels or motels or languish in social services offices while they await placement.<sup>41</sup> In one recent year, OFCO received notice of “883 placement exceptions ... a dramatic increase from the year before where OFCO documented 120 placement exceptions .... The vast majority of these placement exceptions (870) involved children spending the night in hotels/offices.” OFCO’s report also noted that 62 percent (n = 137) of the children who received a placement exception in that time were ages 10-17 years.

LCYC and community partners have observed CA’s shortage of placements effect youth—and the connection to homelessness—in the following ways:

- ∞ **CA has placed youth in “just any” foster home, rather than one that is trained to provide developmentally appropriate care for adolescents.** Some foster parents simply “do not want teenagers” placed with them or establish unrealistic rules that make youth feel unwelcome or are not aligned with the experiences of their peers. This can make youth feel judged and disconnected from their caregivers, which can push the youth to run from foster care for a short or prolonged period.<sup>42</sup>
- ∞ **CA has inappropriately placed youth in group residential care or “BRS” facilities<sup>43</sup>** primarily designed to support adolescents who have significant mental health, behavioral, or substance abuse issues. Unfortunately, some youth entering group homes

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<sup>40</sup> “The state lost nearly one in five foster homes between 2008 and 2015 as families quit and potential recruits couldn’t be persuaded to sign up. Only 102 of the 1,100 homes that got licensed in 2005 were still accepting kids a decade later. The number of available homes plummeted to about 4,600 last year – more than 1,000 below the typical level.” Abramo, Allegra; Ray, Susanna, *Foster Parents Abandoning Troubled System*, Crosscut (Oct. 28, 2016), available at <http://features.crosscut.com/washington-foster-care-system-parents-abandon-troubled>. See also, O’Sullivan, Joseph, *State Grappling with Big Drop in Number of Foster Homes*, The Seattle Times (Nov. 29, 2015), available at <http://www.seattletimes.com/seattle-news/politics/drop-in-foster-homes-leaves-state-struggling/>. LCYC believes these numbers are an underestimate of the actual need, given that they do not include youth requesting out-of-home placement, nor do they reflect what the need would be if more in-home services were available to help keep children safely in their homes. As LCYC notes in this report, CPS fails to screen in older youth needing out-of-home foster care placement.

<sup>41</sup> “These stays followed unsuccessful attempts to locate an available relative caregiver or licensed foster home equipped to meet the child’s needs. ... *In several instances the children did not have extreme behaviors or therapeutic needs, but DCFS could not find any other placement options in time.*” OFCO 2016 Annual Report, at 35 (emphasis added), available at <http://ofco.wa.gov/wp-content/uploads/2015-2016-OFCO-Annual-Report.pdf>.

<sup>42</sup> CA’s Data Dashboard for the Braam Settlement Agreement regarding Youth Missing from Care notes that, as of the March 2017 report, the median number of days foster youth are on runaway status is 54.0 days—the Settlement Agreement target is set at 25 days, available at <https://www.dshs.wa.gov/sites/default/files/CA/acw/documents/braam0317Perdashboard.pdf>.

<sup>43</sup> For more information about CA’s Continuum of Care and BRS see [https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Continuum%20of%20Care%20Report%2017\\_45c01dc9-c893-45b0-957b-a5c79cf5baf8.pdf](https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Continuum%20of%20Care%20Report%2017_45c01dc9-c893-45b0-957b-a5c79cf5baf8.pdf).

submit to peer pressure and begin experimenting with various drugs and life on the street or develop behaviors they did not previously have.

- ∞ **CA has placed youth in counties or states far away from their family, friends, school, and community.** This significant distance places added stress on the youth and often diminishes the family's opportunities for contact and chances of reunification. Sometimes youth run from placement to reunify on their own.
- ∞ **CA has an insufficient number of placements for youth with disabilities,** which can lead to youth being placed far away from family, school support, and even services; all three of which are key to helping the youth continue to grow and later transition out of the child welfare system.
- ∞ **CA has moved youth through multiple placements over a short span of time when the only available placements are time limited,** such as 30-day assessment beds, or homes providing respite as opposed to ongoing foster care. Some respite homes will only allow youth to stay there on a night-to-night basis and only during the evening and early morning hours, forcing youth to spend many hours a day in a CA office. The uncertainty and multiple moves can cause incredible disruption to positive relationships and educational success, impacting the odds of experiencing homeless during and after time in foster care.



#### Engaging and Empowering Dependent Youth

When youth are placed with someone they know or, at the very least, with someone the youth is confident will meet their needs, youth experience more stability. If that type of placement is not available, LCYC and community partners note that a critical factor in preventing youth running from foster care is to ensure youth have at least *one meaningful personal connection in their community*. Whether that person is their attorney (if they have one), a service provider, a current or former teacher or coach, relative, or “chosen family” to the youth. Providing youth with a community connection increases the likelihood that youth will stay engaged in services.

LCYC and community partners report that the **CA Missing from Care Locators**<sup>44</sup> have been an important resource in collaborating with service providers to think creatively in locating

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<sup>44</sup> Martin, Jonathan, *Homeless Youths, their Trackers, Running Around in Circles*, The Seattle Times (Nov. 30, 2015), available at <http://www.seattletimes.com/opinion/homeless-youths-their-trackers-running-around-in-circles/>. See also

dependent youth who have run from placement and developing plans for their safe return. In many instances, the Care Locators positively connect with youth and help explain the potential benefits of returning to placement. However, Care Locators may be met with mixed emotions—many youth are distrustful of yet another social worker coming into their lives. Furthermore, Care Locators do not have the final word on the terms of the youth’s re-entry to foster care (for example, moving in with a suitable adult rather than back to a foster or group home). Finally, the youth, without access to an attorney, is on unequal footing and may not be fully informed or understand their legal rights and options as to placement or family visitation.

LCYC firmly believes that because dependent youth have unique rights and legal interests that are distinct from the interests of other parties in dependency proceedings, **it is critical to provide all dependent youth with attorneys.** Washington is one of few states in the country that does not provide a legal advocate to every dependent child.<sup>45</sup>

Attorneys provide guidance to youth so that they can understand and actively participate in the legal process impacting their lives. In 2015, upon review of internal case data, LCYC found that youth who were appointed an LCYC attorney from day one of their dependency matters were more likely to reside with family or other persons familiar to them throughout their dependency



cases.<sup>46</sup> LCYC attorneys work to resolve matters outside of court, but of the contested motions LCYC filed in dependency matters where resolution was not possible outside of court, 42 percent related to the child’s placement and 27 percent involved family visitation.<sup>47</sup> Keeping children connected to their family and community helps to increase stability and decrease the likelihood that they will run or experience homelessness in the future.

### **Juvenile Justice System**

When youth come to the attention of the juvenile justice system—due to alleged juvenile delinquency offenses or for status offenses related to their foster care or homelessness situation<sup>48</sup>—it serves as an opportunity for “the systems” to uncover the underlying issues that

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CA Youth Missing from Care, Practices and Procedures Guide, 4550. <https://www.dshs.wa.gov/ca/4500-specific-services/4550-youth-missing-care>.

<sup>45</sup> “Washington is one of a minority of states in the United States that does not regularly ensure that children involved in the child welfare system have access to an attorney to represent them in court. In their 2012 report, the non-profit organization First Star ranked Washington 47th in the nation on the protection of legal rights of abused and neglected children.” LeVezu, Alicia, *Defending Our Children: A Child’s Access to Justice in Washington State*, available at <https://www.law.washington.edu/clinics/child/projects/defendingourchildrenaugust2016.pdf>, at 4.

<sup>46</sup> *Legal Counsel for Youth and Children: Impact Report* (December 12, 2014) available online through [www.lcycwa.com](http://www.lcycwa.com).

<sup>47</sup> *Legal Counsel for Youth and Children Impact Report* (December 1, 2015), available online through [www.lcycwa.com](http://www.lcycwa.com).

<sup>48</sup> See CLS report, at 4: [http://www.columbialegal.org/sites/default/files/Detention to Homelessness Web 0.pdf](http://www.columbialegal.org/sites/default/files/Detention%20to%20Homelessness%20Web%200.pdf).

may have brought the youth to the juvenile justice system in the first place. For example, if a youth's unstable housing situation resulted in that youth trespassing onto a property to find a safe place to sleep, the youth's arrest for trespassing provides the juvenile justice system with an opportunity to address the youth's housing instability.

Unfortunately, it is common for juvenile justice-involved youth to experience homelessness despite engaging with multiple professionals, including during the youth's initial stay in detention (after arrest, but pre-adjudication) and as a youth is transitioning out of short-term or long-term detention, as outlined below.

### Pre-adjudication

On the "front end" of the juvenile justice system (pre-adjudication), LCYC attorneys and community partners have observed the following ways in which juvenile justice institutions may trigger or worsen a youth's homelessness or housing instability, or in which the youth's homelessness may worsen the outcome of their juvenile offender matter:

- ∞ **A youth may not receive notice of an arrest warrant due to the youth's housing instability.** When a youth does not receive notice of a warrant and does not appear for court, the court will find the youth in contempt of court, increasing the likelihood of a stay in detention.
- ∞ **Prosecutors may not offer a youth without stable housing the same plea bargain a stably housed youth may receive.** For example, if a youth is eligible for community-based chemical dependency services, but does not have a stable adult caregiver or stable housing, the community-based plan may not be offered to the youth.
- ∞ **Juvenile public defenders are not trained or equipped to handle housing issues for their clients.** Public defenders may not promptly identify whether the youth is experiencing or at risk of homelessness, or the extent to which family conflict may result in homelessness in the near future. The public defender may not know the right questions to ask to elicit the information, or once the information is presented, what their role is or what next steps to take to help the youth secure stable housing.
- ∞ **It is uncommon for a public defender to advocate for the filing of a dependency or a CHINS if there are underlying issues of abuse, neglect, or family conflict that brought the youth into the juvenile justice system.** Public defenders are not prohibited from doing this type of advocacy, but it may be difficult for them to do so absent training and resources, given their high caseloads.

## Exiting Detention

The 2015 CLS report thoroughly examined how a stay in county detention facilities (even pre-adjudication) can result in youth experiencing homelessness. LCYC attorneys have observed many of the issues highlighted in the CLS report. First, some detention facilities may not have a method or questions in place during its intake process to determine whether a youth is at risk of or currently experiencing homelessness. The youth's housing status may not be known to juvenile justice professionals until the youth is ready for release from detention and the parent refuses to pick-up the youth or allow the youth to return home.

As noted in the CLS report and above, a youth's homelessness status—even if created by a parent/guardian's refusal to bring the youth home—may not be considered abuse, neglect, or abandonment by CPS.<sup>49</sup>

LCYC has observed that when a youth is released from detention and a parent/guardian refuses to pick up the youth, the youth will spend several additional hours in detention while the Probation Counselor struggles to engage CPS and locate temporary shelter for the youth. LCYC's experience is that the Probation Counselor will typically look for a short-term shelter bed until a longer-term plan can be established. Probation Counselors have limited to no success engaging help from CPS when a parent refuses to pick up their child.

## Post-adjudication

Once a youth is adjudicated (court judgment issued), the youth's sentence may require them to stay at their home or detained at a county juvenile detention facility, while receiving services through the juvenile court. For those youth who are adjudicated for more serious offenses or who have lengthy juvenile justice-system involvement, they may be committed to Juvenile Rehabilitation Administration (JRA), the state-run juvenile justice system.<sup>50</sup>

JRA policy requires the JRA to engage the youth and family early and often "during the placement and assessment process to assist in identifying youth strengths and needs for treatment and reentry planning."<sup>51</sup> JRA is required, within seven days of a youth's admission, to make "collateral contacts with family and other natural supports,"<sup>52</sup> and to convene a reentry team meeting within 21 days of admission.<sup>53</sup> JRA staff are required to ensure that "youth and family are present for the meeting." LCYC has observed, however, that it is challenging to meaningfully engage parents, given the location of JRA facilities<sup>54</sup> and the schedules of working

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<sup>49</sup> CLS 2015 Report, at 15.

<sup>50</sup> For information about JRA see <https://www.dshs.wa.gov/ra/juvenile-rehabilitation/about-juvenile-rehabilitation>.

<sup>51</sup> JRA Policy 3.10(3).

<sup>52</sup> JRA Policy 3.10(19.1).

<sup>53</sup> JRA Policy 3.10(22.2).

<sup>54</sup> See <https://www.dshs.wa.gov/ra/juvenile-rehabilitation/institutions>.

parents. This dynamic becomes more complicated if the youth does not have a primary caregiver or was homeless prior to JRA admission and they are unsure of whom they will reside with upon release. Additionally, and unfortunately, sometimes the youth's family is unwilling to participate.

### **MISSED OPPORTUNITY 3: THE TRANSITION FROM SERVICES**

Proactive, youth-centered, youth-driven transition planning is essential to help prevent or eliminate the experience of homelessness, whether the youth is leaving shelter, the dependency system, or the juvenile justice system. Funding resources, geographical distances, role confusion, and time constraints are some of the challenges that prevent providers from fully realizing the opportunity to plan and implement successful transitions with and for youth.

#### ***Transition from Shelter***

Youth face an ongoing threat of abrupt discharge from shelter programs due to the current consent laws in Washington and inaction by CPS as described above. Consent laws may result in youth receiving less than 72 hours of safe housing and services. If a parent does consent to shelter, they may choose to revoke this consent in the future. In situations where parents are trying to assert their control over a youth, they may threaten to revoke consent or revoke and give consent multiple times, causing youth to fear or experience frequent moves in and out of shelter. In the experience of LCYC and shelter staff, this can lead to emergency situations involving an often stressful evening for the youth, family, police, and shelter staff. A hasty transition from shelter often leads to youth being back on the street or in otherwise unsafe situations and does not allow shelter staff to collaboratively identify and plan for a safe return home or an alternative placement.



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Any minor experiencing homelessness alone has a legal issue. Unless they've been emancipated, someone is legally responsible for providing care. LCYC works closely with shelter staff at YouthCare and Nexus Youth and Families, emphasizing the importance of connecting minors with LCYC attorneys early so that the youth can receive legal counsel as to their legal rights and options and to prevent the youth from experiencing late night emergencies, returning to an unsafe home, or transitioning from shelter to the streets.

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## ***Transition from Foster Care***

Ample research exists around the abruptness of the transition from foster care and the likelihood that dependent youth will thereafter experience homelessness. The OHY 2016 Report succinctly summarized this connection: “In a national study, 51 percent of homeless youth between the ages of 14 and 21 reported involvement in foster care. Once youth are no longer eligible for foster care upon aging out, they often struggle to maintain stability due to a lack of job experience, financial support, and the skills to live independently.”<sup>55</sup> A June 2017 report indicates that 28 percent of Washington’s foster youth experience homelessness or are unstably housed within 12 months of exiting foster care.<sup>56</sup>

Preparing dependent youth for independence is an ongoing challenge, particularly amidst a state foster placement crisis that can negatively affect a youth’s stability, community support, education, and access to services, all of which play an essential role in a successful transition to adulthood.

### Independent Living Program (ILP)

Providing Independent Living Program (ILP) services is one way CA tries to help prepare youth for independence. ILP is not a housing service. ILP services may include a range of support, including but not limited to help with budgeting, banking and money management, employment applications and resumes, college and scholarship applications, and life skills (time management, communication, transportation).

Most providers and youth agree that ILP services are not offered soon enough in the life of young people. Other challenges associated with ILP and preparing youth for independence include:

- ∞ **Late or lacking referrals:** Youth are eligible for ILP at the age of 15 years, but many youth are not timely referred by CA. Given the frequent turnover of social workers, some social workers do not understand how to refer youth for ILP services or they submit incomplete referral forms, lacking basic information such as a phone number for the youth.
- ∞ **Underfunded contracts and unmanageable caseloads:** CA contracts with ILP providers on an annual basis, offering a set amount to cover services hours. The payment for services is neither tied to the number of youth served, nor are there any parameters around caseloads. The contracts are abysmally low, resulting in high caseloads. As a

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<sup>55</sup> OHY 2016 Report, at 9.

<sup>56</sup> Housing Status of Youth Exiting Foster Care, Behavioral Health and Criminal Justice Systems, DSHS RDA Report Number 11.240, available at <https://www.dshs.wa.gov/sites/default/files/SESA/rda/documents/research-11-240.pdf>, at 3.

result, rather than consistently providing proactive service engagement to every youth referred, ILP case managers are often left responding to youth with emergencies or youth who initiate contact most often. Furthermore, the contracts are so low, that some ILP providers are already supplementing the program by several thousand dollars to maintain services.

- ∞ **Inconsistent youth engagement and location barriers:** ILP is a voluntary service—some youth choose to engage earlier or more often and that can make a tremendous difference. The location of ILP may present access challenges for some youth providers. In some regions, the ILP provider is assigned to connect with youth that are placed 2-3 hours apart.

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**F**or dependent youth who are most at risk of experiencing homelessness short and long term, there is a pervasive feeling of hopelessness resulting from past traumatic experiences, daily stresses, and challenges. For those youth, engaging in ILP may feel overwhelming. Showing up for an ILP meeting means the youth has to first believe that tomorrow matters, that she has some agency in her life and a choice as to what type of life she wants to live, and that her provider can help her seek out that path. Further feedback from youth and foster care alumni should be sought to increase service engagement. Increasing funding for ILP will also allow ILP case managers to spend more time building relationships with and engaging youth in services, school, and the community.

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- ∞ **Inflexible service delivery:** Some youth are ready to take on various responsibilities earlier than others. Youth may get overwhelmed with ILP case plans and expectations or the plans may not meet the youth where they are at, developmentally or emotionally.
- ∞ **Lack of and inappropriate placements:** The insufficient number of appropriate placements for adolescents causes frequent disruption of services, including ILP, and also diminishes opportunities for youth to be applying and learning new independent living skills in a family home such as how to manage money, do their laundry, shop for groceries, or cook.

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**T**ransition planning can be especially challenging and critically important for youth with disabilities. When applicable, it is imperative that Children’s Administration and the Developmental Disabilities Administration coordinates a smooth transition for placement or housing support, services and case management.

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### Transition Planning: the 17.5 Staffing

Similar to ILP services, transition planning for dependent youth begins far too late. The CA is required to conduct a shared planning meeting for youth between the ages of 17 to 17.5 to discuss and develop a personalized, youth-directed transition plan; these meetings are commonly referred to as 17.5 staffings.<sup>57</sup> Unfortunately, CA often has these meetings with the youth alone and does not involve

others on the youth's team, thereby decreasing the likelihood that the youth will retain and use all of the information given. Furthermore, waiting until 17 to 17.5 years old for this planning session is far too late.

A few years ago, The Mockingbird Society, YMCA ILP, and King County social workers from CA, worked together to create a model for facilitating 17.5 meetings. The youth is able to invite people from his support network to attend the meeting, along with child welfare professionals, service providers, and a young person from The Mockingbird Society who has aged out of care to act as a peer support. The youth sets goals for independence covering topics such as education, employment, housing, and ongoing support. Conversation follows as to how the team can help the youth achieve his goals and successfully transition to adulthood.

### ***Transition from Juvenile Justice***

Recent data indicates that youth released from the justice system have a higher likelihood of experiencing homelessness or housing instability than their peers leaving foster care or behavioral health systems. A June 2017 report notes that 36 percent of youth released from justice systems experience homelessness or housing instability within 12 months of release (compared to 23 percent from behavioral health and 28 percent from foster care).<sup>58</sup>

Comprehensive transition plans need to be developed for youth exiting the juvenile justice system. Once youth are released from confinement (county detention or JRA), it is critical for their network to be prepared and trained to support youth so they remain stably housed and connected to services and caring adults.

- ∞ Transition planning for youth is often rushed, takes place too close to the youth's release date, and does not involve meaningful coordination with family or community-based

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<sup>57</sup> See CA Practices and Procedures Guide 43104, available at <https://www.dshs.wa.gov/ca/4310-services-adolescents/43104-transition-plan-dependent-youth-17-through-20-years>.

<sup>58</sup> Housing Status of Youth Exiting Foster Care, at 3.

services the youth will rely upon after release, including county probation where the youth will reside.

- ∞ When a youth is nearing release and a parent/guardian has repeatedly indicated they will not allow the youth back into the home, CA will not intervene or help plan for the youth until the youth is *physically denied entry into the home*. This means CA expects JRA to release the youth from custody, potentially with a bus ticket in hand, and that if the youth is denied entry at home the youth can then call CPS. However, upon calling CPS, the youth faces the same hurdles discussed earlier, which most likely will equate to no investigation or action by CPS.
- ∞ The youth's public defender is released from representation at disposition (sentencing), which means that the youth's primary advocate through the legal proceedings is not involved in the youth's release planning. In fact, youth will not have any representation during the release period or through probation unless or until the youth *violates* the terms of probation.

As noted above, transition planning for youth leaving JRA can be further complicated when transition planning is inaccessible to those people central to the youth's support network.

Youth who are multi-system involved (i.e., dependent youth who are in JRA) face additional challenges and confusion regarding roles and duties for transition planning, reentry services, and support:

- ∞ There appears to be some disagreement or confusion in practice between JRA and CA as to the role and timing of the CA social worker's involvement with and responsibility for transition planning, despite CA policy directing the CA social worker to "talk with the JRA counselor and dependent youth each month and address treatment progress, case planning, discharge planning, and other relevant monthly visit issues."<sup>59</sup> This confusion may be heightened for youth exiting JRA as adults, and thus ineligible for Extended Foster Care.<sup>60</sup> **CA does not consider the youth to be in its "care and custody" while the youth is in JRA custody, and JRA does not think it is JRA's job to locate a post-release placement for a CA-dependent youth.**
- ∞ JRA and CA do not always engage the families of dependent youth in transition planning. While a youth may not be able to return home, it is LCYC's experience that the family may provide guidance regarding the youth's network of support, which may identify placement options previously unknown to the CA. Furthermore, many dependent youth return to family when they reach adulthood, so acknowledging and

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<sup>59</sup> CA Practices and Procedures Guide, 44201, see <https://www.dshs.wa.gov/ca/4420health-and-safety-visits-children-and-monthly-visits-caregivers-and-parents/44201-social-worker-monthly-health-and-safety-visits-youth-jra-facilities>.

<sup>60</sup> Extended Foster Care (EFC) is not reviewed as a program within this report because the report focuses on youth ages 12 -17 years and EFC applies to youth ages 18-21.

working to strengthen those relationships may serve the youth and family in the long run.

- ∞ The lack of family engagement is most problematic for dependent youth who are in JRA on their 18<sup>th</sup> birthday, because they are *not* eligible for Extended Foster Care (EFC) as they are not considered to be “in foster care” at the time they turn 18.<sup>61</sup> The failure to engage the families and networks for these youth is incredibly problematic and can perpetuate homelessness for the previously-dependent young people leaving JRA.
- ∞ There exists confusion about the role of the youth’s dependency attorney (if they have one) in the youth’s JRA transition and service planning. LCYC has observed that a youth’s dependency attorney has significant knowledge about the youth’s placement, service history, and needs, but this knowledge and advocacy power is lost if the JRA or CA fails to engage the youth’s dependency attorney in planning or if the dependency attorney does not allot the time (or high caseloads impede available time) to proactively help develop a youth-driven transition plan.

Given the likelihood that more than 1 in 3 youth leaving the justice system will experience homelessness or housing instability within 12 months of release, thoughtful and strategic transition planning with these youth is imperative.<sup>62</sup>

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<sup>61</sup> See <https://www.dshs.wa.gov/ca/adolescents/extended-foster-care-program>; <https://www.dshs.wa.gov/ca/4310-services-adolescents/43105-extended-foster-care-program>.

<sup>62</sup> Housing Status of Youth Exiting Foster Care, at 3.

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## KEY FINDINGS

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The key findings below require urgent and collaborative responses given what is at stake for vulnerable young people.

- ∞ A timely and respectful initial response to a youth's plea for help can make a tremendous difference in preserving their safety and keeping them off the streets.
- ∞ If the Family Reconciliation Act is to be more than an empty promise to families in conflict and youth in need, then the court structure, resources, and timing have to be adapted to the realities of families in crisis.
- ∞ Youth in the juvenile justice system need more housing options. A youth's experiences of homelessness should not equate to additional time incarcerated in county or state facilities.
- ∞ Providing youth with a safe and stable placement – through the child welfare, juvenile diversion or homeless youth systems and services – can positively affect the youth's ability to maintain family ties, build stronger community support, and engage consistently in services and school, all of which can help the youth grow and thrive.
- ∞ Robust services to help youth prepare for independence, accompanied by comprehensive, youth-driven, youth-centered services and transitional planning are critical to preventing homelessness.
- ∞ Legal advocacy is an essential tool to prevent or decrease the experience of youth homelessness.
- ∞ Intentional and diverse partnerships among organizations, schools, and systems serving youth help ensure that adults are able to connect youth to available services in a timely manner while also providing a forum for creative problem solving around youth homelessness on a systemic level.
- ∞ The creation of a new Department of Children, Youth and Families (DCYF) offers a unique and timely opportunity to identify red flags, eliminate role confusion, bolster investment in services, and think outside the box of how our community can better serve and support youth and families.

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## High-Leverage Opportunities

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Now is the time to reshape, think big, and address the complex social crisis of youth homelessness in Washington. LCYC has compiled a list of areas where funding, policy, and organizational changes can prevent or reduce the experience of youth homelessness. Here is a list of high-leverage opportunities to help address youth homelessness now.

### **Increase Youth Access to Safe Shelter**

- ∞ Amend Washington's shelter consent laws that leave youth in perilous situations. More than 72 hours is needed to assist both the youth and family through a crisis period. An extended period of stay at a shelter, without the requirement of parental consent, would help to ensure the safety of children, may increase engagement in family reconciliation services, and decrease emergency court filings.

At a minimum, Washington law should allow minors to stay in a shelter without parental consent for up to 7 days, while simultaneously offering a range of services to the youth such as family reconciliation, mental and medical health consultation, chemical dependency assessment, and access to a civil legal aid attorney.

Washington policymakers should look to other states' laws that allow youth to consent to shelter themselves or that allow longer durations of stay without parental consent.

- ∞ Ensure that whenever a youth calls Child Protective Services to report child abuse, neglect or abandonment that the report is screened in for investigation or service referral.
- ∞ Washington policy makers should assess and consider how to address other challenges to youth accessing shelter such as siblings or families being unable to stay together in a shelter due to one youth's age, the use of prior arrests or adjudications to exclude youth and the lack of low barrier beds for minors (overnight shelters that allow youth to arrive when under the influence of alcohol or drugs).

### **Redesign and Invest in Family Reconciliation**

- ∞ Design a juvenile court system that can promptly respond to and support families in crisis. Families in crisis cannot wait two weeks for a decision on placement. Furthermore, placement options must be available to keep youth safe and family reconciliation services must be funded.

- ∞ Expand community-based family reconciliation services (like YouthCare family engagement) that help to preserve or rebuild families experiencing high conflict.

### **Eliminate the Overlap between Youth in the Juvenile Justice System and the Experience of Homelessness**

- ∞ Expand Extended Foster Care (EFC). Dependent youth who are incarcerated or detained at the time of their 18<sup>th</sup> birthday should have access to the same opportunities and support as other dependent youth through EFC such as access to Independent Living Programs, housing, educational, and service support until their 21<sup>st</sup> birthdays.
- ∞ Ensure no youth walk out of JRA and into homelessness. The new DCYF must develop a clear protocol around which professional(s) are responsible for initiating, helping to design, and implementing a youth-driven exit plan for youth transitioning out of JRA. Policy makers should also consider whether additional administrative or judicial checks should be put into place to ensure that a youth-driven transition plan is developed and ready prior to release.
- ∞ Promptly create a work group including key players such as probation counselors, detention staff, CPS, public defenders, prosecutors, law enforcement, and juvenile court judicial officers to create a local protocol for responding to situations where a parent is refusing to pick up a youth from detention, keeping in mind the youth's rights to freedom and safety. The initial development of a protocol may be best handled at the local court level and then replicated or modified in other jurisdictions.
- ∞ Develop and employ a method to track the number of youth exiting from local county detention facilities and JRA without a confirmed safe place to reside.
- ∞ Engage youth and families in meaningful ways with tailored services, assistance with visitation and robust transition plans.

### **Connect Youth with Resources and Legal Advocates**

- ∞ Invest in civil legal aid for youth. All youth serving systems (child welfare, juvenile justice, and shelter programs) must include timely access to *holistic* civil legal advocacy as a service for youth.
- ∞ Adolescents involved in the child welfare system should be supported by social workers who specialize in working with this age group and are familiar with the resources available to both adolescents and young adults.

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## ADDITIONAL OPPORTUNITIES FOR POLICY AND ORGANIZATIONAL CHANGE

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### **Expand the Availability of Culturally and Developmentally Appropriate Placement Options for Youth**

- ∞ The community should explore and invest in innovative placement options, such as the Mockingbird Family Model and Host Home Model, to help ensure youth have access to a safe, stable family like environments where they can build relationships, engage in school and thrive. The Mockingbird Family Model (MFM)—a foster care delivery model that intentionally creates community among foster families—should be expanded in as many communities as possible so that caregivers and youth are surrounded by a community. Providing caregivers more training and respite support will not only lead to positive outcomes for youth placed in MFM constellations, but also result in more satisfied foster families who are more likely to keep their license active.
- ∞ The Office of Homeless Youth and the Department of Children, Youth and Families should together assess the variety of bed types and placements available to youth, to ensure youth in need can access shelter and to avoid unnecessary or abrupt transitions from one bed to another. For example, if a youth in a shelter initiates a proceeding in juvenile court, an immediate transition out of the shelter bed may result in multiple moves through CA placement if no appropriate bed is available upon entry. Allowing some time for transition may assist the youth’s long-term stability, engagement in school, and positive relationships.
- ∞ CA must work with providers, researchers, and data professionals to inform what types of placements—and in what areas of the state—it needs for adolescents, including specialized placements (SAY, RSO) and placements that share youth identities. Any work done to identify where and what types of foster families to recruit should be done with the goal of keeping youth in their communities, so they stay connected to their schools, family, and other social and emotional support.
- ∞ In-home resources must be available to support placement with parents, family, suitable adults, and foster parents to avoid placement disruption, which in turn can disrupt family contact, school, community, and services.

## **Prepare Youth to Successfully Transition from the Dependency and Juvenile Justice Systems**

### *Independent Living Program*

- ∞ Expand access to and the robustness of the Independent Living Program. *All dependent youth should be allowed to access ILP services* once they reach the age of 15 years, including youth who petition the court directly for dependency. Strong consideration should be given to expanding ILP access to youth involved in the juvenile justice and homeless youth systems as well. ILP providers need to receive ample funding so they can proactively serve all youth on their caseloads.
- ∞ Washington should consider contracting with an independent organization to gather feedback from youth in Washington on various ILP services to learn more about when and why the youth choose to engage or delayed in participating, how often they were able to connect with the ILP provider, and what youth recommend to increase and improve overall engagement in ILP services.
- ∞ Washington should also explore strong ILP models in other states, particularly those programs that support youth through EFC. One model to consider that is serving youth in the child welfare and juvenile justice system in Tennessee is Youth Villages' program, YVLifeSet . King County's ILP provider, the YMCA, is currently involved in a pilot replication of YVLifeSet.
- ∞ ILP service providers need to be flexible and open to a balance of placing expectations on the youth and increasing responsibilities, while also meeting the youth where s/he is developmentally or emotionally.
- ∞ CA must timely refer youth to ILP services and begin transition planning early in adolescence.

### *Transition Planning*

- ∞ CA should conduct annual staffings for all youth with a permanency plan (primary or otherwise) of independent living. These staffings should bring the youth, providers, caregivers, and/or family together to review the youth's goals, opportunities, and efforts around building independent living skills and planning for independence.
- ∞ CA should train staff statewide, and collaborate with The Mockingbird Society and ILP providers to replicate the youth-driven model of 17 - 17.5 staffings developed and employed in King County through the collaboration of the Mockingbird Society, YMCA's Independent Living Program, and Children's Administration (CA).

- ∞ Holistic juvenile justice services and transition planning must be provided to youth in the juvenile justice system. A holistic approach requires more intentional collaboration between the youth, their family, their network of support, JRA, county juvenile justice programs, the CA, and the community-based providers that will support the youth post-release.

### **Support Youth and Professional Development and Engagement**

- ∞ Provide *all* dependent youth with an attorney to help them understand their legal rights, options, and proceedings so they can engage in the judicial and departmental decisions impacting their family contact, placement, education, and permanency plans.
- ∞ Train and empower public defenders to provide holistic legal advocacy to youth, identifying and proactively responding to issues impacting youth homelessness, and helping the youth to have a strong voice in his/her service and transition plan.
- ∞ Increase trainings for professionals involved with youth on positive youth development, trauma informed care, cultural competency, racial disparities, and adolescent brain development. Ensure professionals working in law enforcement, child protection or other child welfare and juvenile justice fields are aware of and understand the specific roles and responsibilities of different actors.
- ∞ Engage youth and family in systemic advocacy and change. Services should be *youth-centered and youth-driven*. Youth should also be given an opportunity to contribute to systemic change, as exemplified through the Mockingbird Society's legislative advocacy work with youth.

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## CONCLUSION

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Youth experiencing homelessness are in a state of crisis. We have a responsibility to respond to a youth's plea for help and to provide safe shelter and services to support the youth and family. The government has an added responsibility to youth involved in the dependency and juvenile justice systems: these youths are in government care. The government has an obligation and opportunities to help youth in its care, to provide them with services and stable placements so they can make educational strides, strengthen or build healthy family ties, and transition into healthy homes, rather than the street.

Legal Counsel for Youth and Children hopes this report has spotlighted our community's missed opportunities to reduce and prevent youth from experiencing homelessness, as well as a way forward through policy and organizational change that prioritizes youth safety, healthy families, and successful transitions into adulthood.

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## APPENDIX I: DEFINITIONS

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The definitions below focus on the systems in contact with youth who are or are at risk of homelessness and apply throughout this report unless otherwise specified.

Department of Children, Youth, and Families (DCYF): the new DCYF will be accountable for outcomes for the children, youth, and families it serves. (Child welfare programs will move from DSHS into the DCYF on July 1, 2018; juvenile justice programs will move to DCFY on July 1, 2019.)<sup>63</sup> The new cabinet-level agency means that the DCYF Secretary reports directly to the Governor on children, youth, and family issues with a focus on prevention, intervention, and early learning, and that the DCYF will be accountable for outcomes for the children, youth, and families it serves.

Department of Social and Health Services (DSHS): provides shelter, care, protection, and/or support to people in Washington state; it is the largest state agency in Washington and is divided into six direct service administrations and two support administrations:

Children's Administration (CA): an administration within DSHS; the public child welfare agency for the state of Washington

Child Protective Services (CPS): a division within the Children's Administration that investigates reports of child abuse and neglect; CPS's primary concern is child safety and CPS can petition the court to remove a child from the parents' care

Developmental Disabilities Administration (DDA): an administration within DSHS; assists people with developmental disabilities and their families

Division of Licensed Resources (DLR): a division within the Children's Administration that licenses and monitors foster homes, child placing agencies, and licensed group care facilities

Extended Foster Care (EFC): a program within the Children's Administration that provides an opportunity for young adults who are in foster care at age 18 to voluntarily agree to continue receiving foster care services, including placement services, until age 21<sup>64</sup>

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<sup>63</sup> For more information about the new DCYF see <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bill%20Reports/House/1661-S2.E2%20HBR%20PL%2017%20E3.pdf>.

<sup>64</sup> Youth are eligible to participate in the EFC program while they complete a secondary or postsecondary academic or vocational program, or participate in a program or activity designed to promote employment, or work 80 hours or more a month, or is unable to engage in any of these activities due to a documented medical condition. RCW 13.34.267.

Juvenile Rehabilitation Administration (JRA): a division within DSHS that serves Washington state's highest-risk youth—those who are committed to JRA's custody by a county juvenile court after committing lower-level offenses or serious crimes

Dependency: Dependency cases are child welfare matters in Juvenile Court. Most often a dependency case is initiated by Children's Administration, but it is possible for other persons – including youth – to file a dependency petition. A youth may be found dependent if the youth has been abused, abandoned or neglected or is otherwise without a parent who can adequately meet their needs, "such that the child is in circumstances which constitute a danger of substantial damage to the child's psychological or physical development." RCW 13.34.030

Family Reconciliation Act (also known as the "Becca Bill"): state legislation that passed in 1995 that intends to address the need for services and assistance for parents and children who are in conflict, including conflicts that arise due to a child running away, abusing substances, experiencing mental health crises, and others; the goal of the Becca Bill is to preserve, strengthen, and reconcile families<sup>65</sup>

At-Risk Youth (ARY) program: allows parents to request and receive assistance and support from the juvenile court so that they can maintain the care, custody, and control of their child<sup>66</sup>; only a parent may file an ARY petition

Child in Need of Services (CHINS) program: permits a court to order a temporary out-of-home placement of a child so that the parent and the child can receive services to address family conflict that cannot be resolved while the child remains at home,<sup>67</sup> a child, parent, or DSHS may file a CHINS petition

Family Reconciliation Services (FRS): a voluntary service that is meant to help resolve conflicts and crisis situations between parents and their children (ages 12 – 17); services

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<sup>65</sup> Washington Homeless Youth Handbook. <http://homelessyouth.org/washington/handbook/safety-and-stability/being-homeless-youth/how-does-becca-bill-affect-me>.

<sup>66</sup> An "at-risk youth" is defined as a juvenile who (1) is absent from home for at least seventy-two consecutive hours without consent of his or her parent; (2) is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; or (3) has a substance abuse problem for which there are no pending criminal charges related to the substance abuse; only a parent may file an ARY petition with the court. RCW 13.32A.030(3).

<sup>67</sup> A "child in need of services is defined as a juvenile who: (1) is beyond the control of his or her parent such that the child's behavior endangers the health, safety, or welfare of the child or any other person; (2) has been reported to law enforcement as absent without consent for at least twenty-four consecutive hours on two or more separate occasions from the home of either parent, a crisis residential center, an out-of-home placement, or a court-ordered placement, and has exhibited serious substance abuse problems or behaviors that create a serious risk of harm to the health, safety, or welfare of the child or any other person; or (3) is in need of necessary services, including food, shelter health care, clothing, educational, or services designed to maintain or reunite the family and lacks access to or has declined to utilize these services, and whose parents have evidenced continuing but unsuccessful efforts to maintain the family structure or are unable or unwilling to continue efforts to maintain the family structure; or is a sexually exploited child. RCW 13.32A.030(5).

may include intake/assessment, crisis counseling, short-term out-of-home placement, and reconciliation and reunification; parents or youth may ask for FRS support

Office of Homeless Youth Prevention and Protection Programs (OHY or “the Office”): leads the statewide efforts to reduce and prevent homelessness for youth and young adults; the OHY’s efforts are guided by five priority service areas to ensure youth and young adults have:

- 1) Stable Housing: Every youth has a safe and healthy place to sleep at night
- 2) Family Reconciliation: Families are reunited when safe and appropriate
- 3) Permanent Connections: Youth have opportunities to establish positive, healthy relationships *with* adults
- 4) Education and Employment: Youth have opportunities to advance in their education or training and obtain employment
- 5) Social and Emotional Well-Being: Youth have access to behavioral and physical health care; services nurture each youth's individual strengths and abilities

Homeless youth/ unaccompanied homeless youth: any youth who is experiencing homelessness while not in the physical custody of a parent or guardian<sup>68</sup> (including dependent youth who are out of the custody of DSHS)

Youth / child / juvenile / minor: any unemancipated individual who is under the chronological age of 18 years<sup>69</sup>

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<sup>68</sup> RCW 43.330.702.

<sup>69</sup> *Id.*

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## *APPENDIX II: HOMELESS YOUTH ADVOCACY STORIES*

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Below are some examples of how legal advocacy for youth can prevent or reduce the duration of time that a youth experiences homelessness. All names are fictive to protect the privacy of youth served.

- ∞ When an LCYC attorney first met with Jessica, she was struggling with developmental disabilities and homelessness. Jessica lacked access to her social security income and generally did not know what to do with herself day to day. The LCYC attorney successfully advocated for housing and connected Jessica with professional payee services so Jessica could access her social security funds. Jessica now lives in supportive housing, has an income, and is attending school.
- ∞ A school referred Sophie to LCYC because she was reporting abuse and possible mismanagement of her inheritance by her aunt, who began caring for her after Sophie's mother died. LCYC connected Sophie with YouthCare and got her into counseling. LCYC secured the assistance of pro bono probate attorneys who represented her interests in the probate case. After providing her with legal advice and helping to put a plan for independence into action, LCYC helped Sophie through the legal process of emancipation.
- ∞ Julie is a 16 year old who asked LCYC for help in protecting herself from her mother's abusive "discipline." Julie's father had previously abused both Julie and her mother, and her mother was now repeating some of that abusive behavior with Julie. Following a recent incident, Julie's mother kicked her out of the home. Julie was staying with a school friend because she had no other family in the country and she was afraid to return to an abusive home. Despite the fact that CPS had been contacted about the physical abuse occurring within the home, the Children's Administration social worker initially refused to believe Julie and instructed Julie to return home.

To protect Julie from further physical abuse, LCYC filed an emergency motion for a domestic violence protection order against Julie's mother. The LCYC attorney negotiated with the Children's Administration social worker and the Child Protective Services investigator. LCYC filed a CHINS petition on behalf of Julie, which was granted and is currently allowing Julie and her mother to obtain services to heal from their past trauma in the hopes that they can eventually be reconciled.

The LCYC attorney also advocated for Julie with the DSHS and the CHINS court to (a) allow Julie to remain in a stable temporary living situation with her friend's parents and (b) to physically recover her green card and work authorization from her mother, so that Julie could seek employment.

- ∞ Ron is fifteen years old. His father was recently deported and his mother is in jail. Ron was couch surfing and attending high school. Ron's school counselor emailed advocates to get help and was routed to LCYC. LCYC was able to meet with Ron the next day to make sure he was ok and to review his rights and options. Ron is working on emancipation and considering seeking a Domestic Violence Protection Order against his mother in the future. With help from LCYC and YouthCare, Ron has been able to secure housing and is working to get identification, medical insurance, and create a plan to become independent.
- ∞ When LCYC first met Jackson he was 14 years old, without a legal guardian, and had been diagnosed as having a variety of severe disabilities. Jackson was temporarily staying with an older sibling; his father had recently died and there was no legal guardian to care for Jackson. Jackson's sibling was not able to meet all of his needs or serve as a long term placement. DSHS was pushing back on filing a dependency case because at the time Jackson was staying with family, even though that family had no legal responsibility to Jackson and was clearly stating an inability to provide Jackson with ongoing care. The LCYC attorney put pressure on DSHS to file a dependency petition before, during, and after the Family Team Decision Meeting. DSHS eventually agreed to file for dependency and an LCYC attorney was assigned to represent him on an ongoing basis, ensuring a smooth transition given the youth's complex needs.
- ∞ Luna was being verbally assaulted by her guardian. Luna connected with LCYC to secure safe and stable housing and set a goal of emancipation. LCYC worked with Luna to prepare and enact her plan for independence, successfully obtaining a court order for emancipation. Luna now has safe and stable housing and employment and was able to enroll herself in school.
- ∞ Phuong is a 17-year-old undocumented child originally from Vietnam who was referred to us from Northwest Immigrant Rights Project (NWIRP) because she was potentially eligible for a Special Immigrant Juvenile Status (SIJS) visa and she was staying in a dangerous situation without any parent or guardian. Phuong's mother was living in another state and too ill to care for her. The LCYC attorney advocated with DSHS for a dependency to be established in order to protect Phuong from harm and then coordinated with the newly assigned dependency attorney to ensure that the dependency court signed off on the necessary orders for Phuong to apply for SIJS with assistance from NWIRP. Further, the LCYC attorney assisted Phuong in obtaining a WA state ID so that she could qualify for college scholarships.
- ∞ Alicia was sexually abused, and later abandoned, by her mother. Child Protective Services was unresponsive to Luna's pleas for help. Alicia was unable to enroll herself in school and was prostituting herself to survive. Alicia connected with LCYC and set a goal of emancipation. LCYC worked with Alicia to prepare and enact her plan for independence, successfully obtaining a court order for emancipation. As a result, Alicia is now legally employed, able to sign her own lease and able to pursue her GED.

- ∞ Maya called LCYC for help late one Friday afternoon. She was in a state of crisis. It was not safe for her to return home, because her father was being verbally and physically abusive. It was not safe for her to return to her aunt's care – where she had been staying - because her father had been coming to the house unannounced with threats. Maya had recently stopped attending school, out of fear that her father would come to the school. Maya was couch surfing. She wanted to stay safely at her aunt's home and return to school. An LCYC attorney promptly met with Maya, created a safety plan for the weekend and began working on court documents for an order of protection.

First thing Monday morning, LCYC and Maya went into domestic violence court and obtained an order of protection as to her father. On Monday afternoon, Maya moved back into her aunt's home. On Tuesday morning, Maya returned to school. LCYC is helping Maya through another court process, to ensure that she can remain safe and stable in a family home and that she continues to access school and other services as needed.

- ∞ Tina is 14 years old. On a Friday afternoon, a local adolescent shelter contacted LCYC about Tina. Tina's parent was only willing to consent to Tina staying in the shelter until Monday morning, a timeline that was causing Tina a lot of anxiety. Tina disclosed history of physical abuse, excessive discipline, and seclusion that resulted in cutting behavior, suicidal ideation, and panic attacks. Tina had called Child Protective Services (CPS), reported to trusted adults, and run from her home a number of times. She had spent nights outside and in parks. CPS and the police returned her home on multiple occasions. Tina's parents were considering filing an At Risk Youth petition in Juvenile Court. Tina was refusing to return home and threatening to run from shelter if they were going to release her to her parents.

After receiving the urgent referral, an LCYC attorney contacted Tina immediately by phone that afternoon and made plans to meet in person at the shelter on Saturday, to discuss her legal options and come up with a plan. The LCYC attorney, youth and shelter staff worked collaboratively towards Tina's goal of staying safe outside her home. The LCYC attorney contacted Tina's parents and was able to extend parental consent to shelter until Tuesday, a full additional day. The attorney also engaged with Child Protective Services and located an attorney in a neighboring county where Tina resides, to initiate a case in juvenile court on Tina's behalf before the end of parental consent on Tuesday. The advocacy LCYC provided helped to ease Tina's anxiety during a crisis, maintain her safety during the representation, and put Tina's plan in action to more permanently address her access to safe shelter and services through juvenile court.