

Youth Homelessness and the Juvenile Justice System:

A Roadmap of What to Ask, Offer, and Expect from Referral to Reentry

Young people may come into contact with the juvenile justice system through a variety of channels, including schools and law enforcement.

Before making an initial referral, police officers, guidance counselors, educators, and other authority figures should consider possible connections between the young person's behaviors and homelessness.

Youth experiencing homelessness are more likely to miss school, break curfew, and engage in other delinquent acts. In these situations, young people should be referred to age-appropriate housing and services as soon as possible.

Youth may be diverted from the justice system before intake or after their case has been filed.

Diversion programs are intended to connect young people with services that address a variety of specific needs. Court personnel and providers should ensure that youth experiencing homelessness receive ample support to attend and successfully complete programs.

If youth relocate, this may involve providing transportation and permission for continued access to the diversion program.

Youth who are not diverted and whose cases are not otherwise informally resolved may be prosecuted in juvenile court. They may also have their case sent to criminal court for prosecution, either as the result of prosecutorial discretion or statutory requirements.

Prosecutors should investigate whether homelessness played a role in the young person's behavior. For instance, were they trespassing in order to find a warm place to sleep? Did they shoplift in order to avoid going hungry?

If the case is processed formally, a judge will determine whether or not the young person is adjudicated delinquent.

In juvenile court, this represents the equivalent of being found guilty. Before rendering a decision, the judge should closely examine each underlying fact of the case. Moreover, they should listen to the youth's story to better understand the situation. Ultimately, the court should ensure that youth receive services and supports that fit their individual needs.

Court intake divisions have the next opportunity to review a case. This step in the process may result in diversion, dismissal, or a referral for formal processing.

During both intake and formal processing, court personnel should evaluate the possible involvement of homelessness and whether youth require additional housing and services.

Red flags for homelessness include truancy, shoplifting, curfew violations, and running away from home. The court intake division should also investigate whether a young person has reported multiple addresses or residences.

Young people may be detained following adjudication or while awaiting trial.

However, detention should never be used as a solution to homelessness. Instead, the court should consider alternate housing, such as placements with relatives, friends, or a runaway and homeless youth program. Foster placements may also serve as a viable alternative to detention.

Following adjudication, youth may be placed on probation.

This is a form of conditional release, whereby youth are required to meet predetermined requirements over a specific period of time.

Judges and probation officers should ensure that probationary terms are not overly prohibitive to youth experiencing homelessness, and that young people receive the support necessary to meet all conditions. Transportation can be especially challenging for homeless youth.

After being adjudicated, youth may also be sent to a residential placement facility.

Like detention, incarceration and residential placements should never be used solely because a youth has nowhere else to go. If a young person is homeless for other reasons before entering the residential facility, proper reentry planning is crucial.

Court personnel and providers should consider where the youth will go after leaving and help them secure safe and stable housing. Once again, homelessness is not an acceptable reason to extend residential placements. Instead, youth should be connected with appropriate service agencies to assist with housing, health care, education, and employment as necessary.



When is a youth considered homeless?

Under the McKinney-Vento Homeless Assistance Act (42 USC 11302), youth are considered homeless if they “lack a fixed, regular, and adequate nighttime residence,” including sharing the housing of other persons due to loss of housing, economic hardship, or similar reasons; living in motels, hotels, trailer parks, or campgrounds due to lack of alternative accommodations; living in emergency or transitional shelters; and living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar places.

Who plays a role in identifying homeless youth?

- Law enforcement officers
- School personnel, including: teachers, guidance counselors, principals, coaches, and homeless liaisons
- Mentors and afterschool program organizers
- Judges
- Court service personnel
- Spiritual leaders and other community figures
- Street outreach workers and volunteers
- Health care providers, including mental and behavioral health professionals
- Peers and their parents
- Family members

What should they ask?

- How long has the young person lived at their current address?
- How many times have they moved within the past 12-24 months?
- Where do they live now and how long will they be able to stay? Do they feel safe and secure in that environment?
- What type of behavior brought them before the court? Red flags for homelessness include truancy, loitering in outdoor places, curfew violations, shoplifting, human trafficking, exchanging sex for basic life needs, and other survival acts.
- Why did they engage in those behaviors? When considering red flags and other unlawful acts, professionals should examine a variety of personal motivations.

How can we help?

- Search for local and regional programs that could help address the underlying causes of homelessness.
- Search for friends, mentors, and family members who might be able to help. When community resources are limited, creative problem solving is essential.
- Recognize that detention is not a solution. Placing a young person behind bars creates a variety of physical and emotional dangers. A young person should never be detained because they are homeless or lack secure housing.
- If a youth is detained, prepare to help them successfully reenter the community. Although all young people need reentry plans, this is especially important for youth experiencing homelessness. Whenever necessary, plans should address the provision of safe and stable housing, education, and employment services.

CJJ's Collaborating for Change Project

CJJ launched its Collaborating for Change: Addressing Youth Homelessness and Juvenile Justice project in June 2016 with two main goals: (1) to decrease the likelihood that homeless youth become involved with the juvenile justice system, and (2) to prevent youth homelessness among justice-involved youth. In collaboration with project partners the National Network for Youth and the National League of Cities Institute for Youth, Education and Families, the project will generate policy and practice recommendations, training and technical assistance resources, and avenues for greater collaboration across systems. The project is supported by the Raikes Foundation, the Tow Foundation, and the Melville Charitable Trust, and its work is guided by an Advisory Committee comprised of over a dozen national, state and local experts from a range of youth-serving sectors, including representatives from the National Alliance to End Homelessness, the National LGBTQ Task Force, and the National Juvenile Defender Center.

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