

# PRINCIPLES FOR CHANGE



ADDRESSING THE INTERSECTIONS OF  
YOUTH LEGAL SYSTEM  
INVOLVEMENT AND HOMELESSNESS

Coalition for Juvenile Justice  
National Network for Youth  
National League of Cities

## OUR THANKS & APPRECIATION

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## COLLABORATING FOR CHANGE

'Collaborating for Change' is a project of the Coalition for Juvenile Justice and its partners the National Network for Youth (NN4Y) and National League of Cities' (NLC) Institute for Youth, Education, and Families. This initiative brings together stakeholders from across multiple sectors to ensure that a youth's involvement with the legal system does not increase the likelihood that they will experience homelessness, and that communities support rather than criminalize youth who experience homelessness.

## INTRODUCTION

Each year, nearly 380,000 minors experience “unaccompanied” homelessness – meaning they are homeless and without a parent or guardian – for a period of longer than one week.[1] These young people, much like their adult counterparts, are often cited, arrested, charged, and/or incarcerated instead of being provided with the supports they need. One million youth are also involved with law enforcement or the juvenile justice system each year,[2] an experience that can increase their likelihood of becoming homeless.

Many young people experience both homelessness and involvement with the legal system. The following key principles and policy recommendations can help jurisdictions ensure that a youth’s involvement with the legal system does not increase the likelihood that they will experience homelessness, and that youth experiencing homelessness receive the services and supports they need instead of being cited, arrested, charged, or incarcerated. Juvenile justice agencies, youth homelessness service providers, and related stakeholders can improve outcomes for youth through collaboration, innovation, and the use of research and promising practices to inform their work. These recommendations should be used as a guide.

## EXECUTIVE SUMMARY

A young person’s involvement with the legal system can increase their likelihood of later experiencing homelessness for many reasons, including the fact that educational disruptions and juvenile delinquency records can make it harder to obtain employment. Adequate reentry planning and other recommendations in this document can change this though!

Youth experiencing homelessness, meanwhile, may also be swept into the youth legal system through laws that prohibit simply being in public spaces, such as juvenile curfews, or anti-sitting or sleeping ordinances. Both youth legal system involvement and youth homelessness have long-term negative consequences. The Principles in this document provide a roadmap for communities to help young people avoid experiencing legal system involvement and/or youth homelessness. This includes doing the following:

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**Principle 1:** Ensure that the laws and policies in your jurisdiction do not lead youth experiencing homelessness to be cited, arrested, or charged for survival acts or “quality of life” offenses.

**Principle 2:** Ensure that young people are diverted from legal system involvement whenever possible, and that any diversion programs or services are appropriately tailored to meet the needs of youth experiencing homelessness.

**Principle 3:** When legal system involvement cannot be avoided, ensure that comprehensive transition planning begins immediately after—and continues throughout—a youth’s confinement or probation supervision.

**Principle 4:** Ensure your community has both long- and short-term safe housing options available for youth who are, or have been, involved with the youth legal system.

**Principle 5:** Ensure your community provides youth and their families with related services and supports that can help them obtain and keep safe and stable housing.

**Principle 6:** Ensure that youth, and their families, are not kicked out of their homes or denied housing because the youth have been arrested or adjudicated for a delinquency offense.

**Principle 7:** Ensure youth help lead and shape the identification and implementation of policy and practice solutions to address the connections between the youth legal system and youth homelessness.

**Principle 9:** Ensure that law enforcement, courts, schools, and service providers employ gender-responsive and age- and culturally appropriate trauma-informed responses when working with youth.

**Principle 10:** Undertake and fund research to help better understand the issue of youth homelessness and identify solutions.

Throughout this document, the goal is to ensure efforts prioritize LGBTQ+ youth, gender non-conforming (GNC) youth, youth of color, youth with disabilities and other over-represented populations to address and reduce the disproportionalities that exist in the populations of youth experiencing homelessness and/or youth involved with the legal system.

## FRAMING THE ISSUE

Young people may be arrested for reasons that are directly related to their lack of safe and stable housing, such as spending a night in a park in violation of a municipal ordinance that prohibits sleeping in public spaces. But homelessness can also be associated with legal system involvement in more complex ways.

## DEFINING THE ISSUE

Definitions of youth homelessness—and eligibility for services—may vary from program to program and state to state. We suggest using the broadest possible definition in enacting the recommendations presented in this document to aid the greatest number of youth and to include populations or circumstances that may be particularly common among youth with legal system involvement.

For explanations of terms related to youth homelessness, see National Network for Youth’s website at [www.nn4youth.org/learn/definitions/](http://www.nn4youth.org/learn/definitions/).



### **PRINCIPLE 1: ENSURE THAT THE LAWS AND POLICIES IN YOUR JURISDICTION DO NOT LEAD YOUTH EXPERIENCING HOMELESSNESS TO BE CITED, ARRESTED, OR CHARGED FOR SURVIVAL ACTS OR “QUALITY OF LIFE” OFFENSES.**

Laws that disproportionately impact youth experiencing homelessness can make them more likely to enter the youth legal system. This can also increase a young person’s likelihood of homelessness. Youth legal system agencies, courts, schools, city and other local government leaders, community-based service providers (including runaway and homeless youth programs), law enforcement, and other stakeholders all have a role to play in ensuring that youth are not cited, arrested, charged, or incarcerated for their lack of stable, secure, and permanent housing.

Young people who are experiencing homelessness regularly come into contact with law enforcement and are frequently arrested. In a 2016 study [3], runaway and homeless youth in 11 cities across the country were interviewed. Among them, nearly 44% indicated that they had stayed in a jail, prison, or juvenile detention center, nearly 78% stated they had at least one interaction with the police, and nearly 62% reported that they had been arrested at some point in their lives.[4] Chapin Hall’s Voices of Youth Count found that among youth who said they had experienced homelessness, 46% had also been in a juvenile detention facility, jail, or prison, as compared to 15% of the general population.[5] Both youth homelessness and the youth legal system disproportionately impact Black, Hispanic, and LGBTQ+/GNC young people.[6]

Common reasons for the criminalization of youth experiencing homelessness are quality of life offenses and survival acts. Quality of life offenses are laws and policies that forbid sitting, sleeping, eating or performing other life-sustaining acts (survival acts) in public places. These laws and policies punish young people solely because they do not have a safe and stable place to live. Youth may also become involved with the legal system in other circumstances that are directly related to homelessness and poverty including:

- stealing food or property, or performing other illegal acts to obtain money to buy food or pay for shelter or other items necessary for survival.
- being arrested for sleeping in parks or trespassing while seeking shelter on a rooftop, in an unused home or commercial building, or after hours in a business.

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- being unable to pay fines or fees for minor or “non-criminal” offenses (e.g., unpaid traffic tickets), or not receiving notice of tickets or court dates due to lack of a current mailing address, and acquiring a warrant as a result. Tickets, including citations for acts like accessing public transit without payment (e.g., turnstile jumping) can also lead to a spiral of deeper legal involvement for young people who did not have the funds to pay even small amounts in the first place. Conditions of release or probation that require youth to remain housed also effectively criminalize youth for homelessness, and can lead youth to stay in exploitative or highly unsafe situations in order to avoid incarceration.



Protective physical altercations may also occur in situations of assault, robbery, sexual exploitation or labor trafficking, which occurs across *all genders*, with the majority affected being girls.[7] This often leads to the survivors being criminalized instead of supported, or having their underlying needs or traumas addressed. Acts of survival are carried out due to necessity and situations of crisis. As noted by the Family and Youth Services Bureau and the Administration on Children, Youth and Families, “researchers emphasize that criminal offenses or illegal acts committed by runaways and youth experiencing homelessness are frequently motivated by basic survival needs, such as food and shelter; the presence of adverse situations, such as hunger and unemployment; self-medication through use of alcohol and drugs; and a lack of opportunities for legitimate self-support.”[8] Because of the over policing of communities of color, Black and Latinx youth are more likely to come into contact with law enforcement and be penalized for behaviors stemming from their lack of housing.

High levels of incarceration for these types of low-level misdemeanors impose tremendous costs on society, with lasting negative effects on individuals, families, and communities. Research has shown the negative health consequences of mass incarceration.[9] In addition to negative consequences in terms of health, both mental

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and physical, the economic costs are substantial and detrimental. According to a report by the Justice Policy Institute, it costs approximately \$148,767 per individual young person per year to confine youth in facilities.[10]

Communities should collaborate to ensure that youth are not criminalized because they sit or sleep in public places, or engage in other actions that are necessitated by their lack of safe and secure housing and other unmet basic needs. Communities should work together to evaluate existing laws and repeal those that criminalize people experiencing homelessness. Examples of such laws could include curfews, prohibitions on being in a park after dark, and other similar measures. Instead of arrest or referral to the court system, communities should work to provide young people with the services they need to address their underlying challenges. Such services should be developed in partnership with young people and families, particularly youth who have been directly impacted by the legal system and homelessness.



## PROGRAM EXAMPLES & RESOURCES

- **Housing Not Handcuffs** is a national campaign to “stop the criminalization of homelessness, and push for effective housing policies that end homelessness,” led by the National Law Center on Homelessness & Poverty. Individuals, organizations, and government agencies can all endorse the campaign, view model policies, and find advocacy talking points and other resources on their website.[11]
- “*Alone Without A Home*,” a report by the **National Law Center on Homelessness and Poverty** and the **National Network for Youth**, discusses how youth experiencing homelessness can become involved with the youth legal system.

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The report also details laws that govern emancipation of minors, minors' abilities to sign contracts and consent to their own health care, access federal benefits and education, and homeless/outreach services.[12]

- The **U.S. Department of Justice** has discussed the constitutionality of, and relevant case law on, criminalizing sleeping in public for individuals who are experiencing homelessness and cannot access shelter beds. [13]
- The **Juvenile Law Center (JLC)** provides additional information about the impact of fines and fees on youth.[14] According to JLC, in every state, youth and their families face legal system costs, fees, fines, or restitution. Youth who can't afford to pay for their freedom, such as youth experiencing homelessness, often face serious consequences, including incarceration or extended probation. Many families either go into debt trying to pay these costs or must choose between paying for basic necessities (ex: groceries) and paying court costs and fees.
- The **California Homeless Youth Project** shares research on the effects of criminalization of homelessness on youth and suggested public policy responses in "Adding Insult to Injury: The Criminalization of Homelessness and Its Effects on Youth." [15]

## PRINCIPLE 2: ENSURE THAT YOUNG PEOPLE ARE DIVERTED FROM LEGAL SYSTEM INVOLVEMENT WHENEVER POSSIBLE, AND THAT ANY DIVERSION PROGRAMS OR SERVICES ARE APPROPRIATELY TAILORED TO MEET THE NEEDS OF YOUTH EXPERIENCING HOMELESSNESS.

A broad range of stakeholders have a role to play in ensuring that youth legal system involvement does not contribute to homelessness. A young person should not be arrested or brought into the legal system solely to enable the provision of services to address their housing needs. Instead, young people should be diverted as early in the process as possible, preferably without any court booking required. Diversion should focus on addressing unmet needs, and services should be determined in collaboration with the youth themselves.

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

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Interagency working groups, such as those focused on racial and ethnic disparities within the legal system or youth involved in both the child welfare and youth legal systems (dual status youth), should integrate services and strategies to promote housing stability and decrease youth experiences of homelessness. Historically, more white youth have been placed in diversion programs than young people of color who are charged with the same or similar behaviors. When developing programming, communities should strive to avoid these disproportionate outcomes.

It is also critical to avoid tying sanctions to diversion. According to the Annie E. Casey Foundation, youth placed in effective diversion programs reoffend 45% less often than comparable youth facing formal court processing and/or more invasive sanctions.[16] Studies find that youth on probation are more responsive to rewards and incentives for positive behavior than they are to punishments and sanctions for negative behaviors. [17] The use of sanctions as part of a diversion program can pull young people deeper into the system. For these reasons, the Annie E. Casey Foundation recommends that systems using sanctions shift to using rewards and incentives instead.

*Annie E. Casey Foundation Resources on Diversion:*

- *For more on sanctions, probation, and diversion, visit '[Transforming Juvenile Probation: A Vision for Getting it Right.](#)'*
- *Table on traditional vs. effective diversion - found [here](#).*
- *2020 report on expanding the use of diversion, found [here](#).*

As explained in Principle 1, young people experiencing homelessness may also be survivors of commercial sexual exploitation or labor trafficking. Young people who are identified as survivors of trafficking or sexual exploitation should be diverted from the legal system, not criminalized or incarcerated. One example of this would be Project ROSE, which served as an alternative to arrest for those who've experienced sex trafficking.[18] This initiative was geared towards adults, particularly women, yet a similar arrest alternative/diversion practice can be created with a focus on youth. Additionally, the California Department of Social Services (CDSS) administered the Commercial Sexual Exploitation of Children (CSEC) Program, which provided information to support awareness, identification, and prevention education of commercial sexual exploitation of children. [19] See Principle 9 for more information on gender-responsive and trauma-informed responses when working with youth.

## PROGRAM EXAMPLES & RESOURCES

- In 2017, Davidson County Juvenile Court began constructing a new youth complex that houses the Juvenile Court, community partners, and a youth employment hub. It features a respite center to accept youth beyond the capacity of their current respite provider, and a 24-hour assessment center where youth can be processed without having to go to the secure detention facility.[20]
- According to the National Assessment Center Association, “assessment centers are integral to a continuum of support that serves youth and families.” You can access a full assessment center framework on their website, <https://www.nacassociation.org>. [21]
- The Florida Department of Juvenile Justice uses civil citations and other similar pre-arrest diversion initiatives to address youth at their first encounter with the legal system. This provides an alternative to arrest for the young person. Florida’s program is not associated with fines and fees, and has been shown to have more equitable outcomes than other diversion programs.[22]
- Visit the National Juvenile Defender Center’s Nationwide Topical Issues Database under ‘Diversion’ to view specific examples of diversion programs put into practice in states and counties across the country. [23]
- The National League of Cities provides a wealth of resources outlining how law enforcement, city governments, and other stakeholders can offer alternatives to arrest.[24]

### **PRINCIPLE 3: WHEN LEGAL SYSTEM INVOLVEMENT CANNOT BE AVOIDED, ENSURE THAT COMPREHENSIVE TRANSITION PLANNING BEGINS IMMEDIATELY AFTER—AND CONTINUES THROUGHOUT—A YOUNG PERSON’S CONFINEMENT OR PROBATION SUPERVISION.**

Transition planning serves as an important tool to prevent youth homelessness. Without proper planning and service provisions, youth may experience homelessness after exiting secure confinement. This can be prevented if system professionals begin setting up an exit plan on the day a young person enters the youth legal system. This includes careful case planning and management so that youth in custody, or under probation or parole, receive needed services throughout their involvement with the youth legal system. It must also include a concrete transition or exit plan, which outlines a young person’s plan for housing, education, and other related services. This additional focus on housing is particularly important because public housing authorities or private landlords may bar individuals with criminal records.

Transition planning is essential to ensure that a young person is able to receive the services they need while in the legal system and then re-enter their community safely. Planning should begin as soon as possible and focus on ensuring that a young person obtains appropriate services and has a safe, secure, and stable place to live. Those involved should consider not just where the young person will stay the night they leave a facility, but for the foreseeable future. Backup plans should be made in partnership with the young person in case their living situations fall through. Thinking through these backup plans in advance, when a young person is not in a moment of crisis, is critically important.

Transition planning must go beyond just housing though. Transition planning should also explore financial support, child care if applicable, continued education, medical care, mental health services, substance abuse treatment, employment, and other issues that are important to the individual as they reenter their community. Alongside employment opportunities, occupational training should also be provided to make sure youth are adequately prepared for the workforce and any challenges they may face. Additionally, it is important to follow through to ensure a young person is maintaining employment. LGBTQ/GNC young people may face additional barriers to finding and keeping employment, as well as youth of color. To secure employment, organizations can provide supports and services such as vocational programming and training on the

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skills necessary to perform in a work environment, as well as education on your state's rights and protections against discrimination.



*Points to consider when doing reentry planning with young people:*

- Where will a young person live? Are there alternative housing options available if the original plan falls through?
- Is a young person looking for employment as part of the transition planning process? Do the employers you're considering offer health benefits for their employees to receive both mental and physical care? If the answer is no, what other options are available? (i.e. applying for Medicaid, finding mental health services in the area, etc.)
- Does the company a young person is interested in working for have vocational training and/or know-your-rights programming for youth transitioning into a workplace? If not, how else can this training be found?
- Does the young person you are working with need help acquiring identification that accurately reflects their gender and preferred name?
- Are there other individual needs that should be considered such as child care?

Adequate transition planning and reentry services are essential for preventing homelessness among system-involved young people. Unfortunately, this programming does not always meet the needs of LGBTQ/GNC youth.

- Programming (mentoring programs, substance abuse treatment, and other services) should allow youth (of all genders and sexual orientations) to choose if they want a sponsor, mentor, or other resource adult of a particular gender.
- Substance abuse treatment programming is often based on a faith narrative that may not be effective for youth who have traumatic experiences with faith communities. This may be particularly true for young people who were subject to conversion

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- therapy, or thrown out of their homes based on their families' religious beliefs. Professionals should identify and refer to substance abuse providers who are not affiliated with religious institutions, or who have programs that are culturally competent and appropriate for LGBTQ/GNC youth.
- Young people should be re-enrolled in their original school whenever safely possible. For young people who experienced anti-LGBTQ/GNC discrimination, bullying, or harassment, special efforts may be needed to make that school safe. Youth should also have the option to attend a different school or alternative program.

## PROGRAM EXAMPLES & RESOURCES

- 'Youth Homelessness and the Juvenile Justice System: A Roadmap of What to Ask, Offer, and Expect'[25]
- 'Reentry + Rehabilitation,' a presentation created by CJJ's Emerging Leaders Committee[26]
- 'Reentry Planning: Preparing for a Safe Return'[27]
- Reentry Assistance[28]
- See Principles 4 and 5 for information on housing.



## PRINCIPLE 4: ENSURE YOUR COMMUNITY HAS BOTH LONG- AND SHORT-TERM SAFE HOUSING OPTIONS AVAILABLE FOR YOUTH WHO ARE, OR HAVE BEEN, INVOLVED WITH THE YOUTH LEGAL SYSTEM.

If a permanent placement option, such as a living arrangement with family or friends, is not identifiable, communities should ensure that there are alternative housing options available that are appropriate and accessible for youth. A young person should never have to remain in or be sent to a detention facility because of a lack of housing options.

### *Providing Alternative Housing Options:*

- **Independent living homes** are a great way to provide secure accommodations for young people exiting the legal system who are in need of housing. For example, as of 2022, New Jersey is in the process of setting up three independent living homes for up to four young people each where they can go for 1-2 years after exiting the legal system if they lack a stable alternative for housing.
- **Supported living** is another alternative housing option that offers a broad range of services. With supported living, a young person has the freedom to live alone, but have someone come in to help with daily living skills. This could include anything from cooking to using the internet. Programs are offered through cities and towns, through high school and community college partnerships, and through private companies.
- **Shelters** - while homeless shelters have been set up across the country, there are a large number of sex-segregated shelters that often turn away transgender youth. According to a 2015 survey by the National Center for Transgender Equality, many transgender people who experience homelessness avoid staying in a shelter because they fear being mistreated based on their gender identity. Seven out of 10 respondents who stayed in a shelter in the previous year reported mistreatment, including harassment, sexual or physical assaults, or evictions due to their gender identity. It is vital to create and fund shelters that are inclusive of transgender youth exiting the legal system and that are reflective of their needs.[29]
- **Host homes** have been successful in providing housing to youth experiencing

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homelessness in rural and suburban areas where there is not a runaway and homeless youth program or center. A social services agency can recruit and train the families, and partner with schools, law enforcement, courts and/or the juvenile justice system in order to receive referrals of youth who need a safe place to stay. Access a host homes handbook at <https://www.pointsourceyouth.org/host-homes>.

Special attention may be needed to ensure that housing efforts reach the youth who need them most. Some examples include:

- Limiting the use of out-of-home placement for youth in the legal system and developing more effective community-based programs (see Annie E. Casey probation reform model).[30] Young people of color are disproportionately placed in out-of-home and secure placements. According to the Sentencing Project, in 2013, Black youth were more than four times as likely to be committed to secure placements as white youth charged with similar behaviors, Hispanic youth were 61% more likely, and American Indian/Alaska Native youth populations were more than three times as likely.[31]
- Ensuring that youth of color and LGBTQ/GNC youth returning from an out-of-home placement have help connecting with community-based supports, including assistance re-engaging with educational, health and mental health, and other support services.

## PROGRAM EXAMPLES & RESOURCES

- In Harris County, Texas the TRIAD Prevention program is a partnership between the juvenile probation, child protection and mental health agencies.[32] It offers 24-hour intake for youth ages 10-17, and provides emergency shelter, evidence-based services, service referrals, and follow up. The program serves youth who are alleged to have committed status offenses and certain misdemeanors, as well as youth in crisis. Local advocates report that this includes providing respite care and family counseling when families are unwilling or unable to take youth back after a stay in juvenile detention.
- Oklahoma is using support from the Corporation for Supportive Housing and the federal Pay for Success program to provide supportive housing to youth exiting the youth legal system. Corporation for Supportive Housing defines supportive

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housing as “an innovative and proven solution to some of communities’ toughest problems [which] combines affordable housing with services that help people who face the most complex challenges to live with stability, autonomy and dignity.” [33]

- The U.S. Interagency Council on Homelessness works to support federal agencies in coordinating and collaborating in their efforts to end youth homelessness. Learn more about these efforts, including the Council’s Federal Framework to End Youth Homelessness, and Coordinated Community Response.[34]

### **PRINCIPLE 5: ENSURE YOUR COMMUNITY PROVIDES YOUTH AND THEIR FAMILIES WITH RELATED SERVICES AND SUPPORTS THAT CAN HELP THEM OBTAIN AND KEEP SAFE AND STABLE HOUSING.**

Education, workforce development programs, and developmentally appropriate programs aimed at addressing past and on-going trauma are all essential to help address the needs of a young person who is experiencing homelessness. Communities should work to make these programs available, and to connect young people and their families with appropriate and culturally competent services. Communities should also share information on housing rights to help young people understand when, for example, they may be experiencing discrimination based on race, or their sexual orientation or gender identity. This can apply to youth with disabilities, youth of color, LGBTQ/GNC youth, and others.

In their report, *Expanding Housing Opportunities for People with Intellectual and Developmental Disabilities*, the California State Council on Developmental Disabilities (CSCDD) acknowledges the extreme housing crisis for individuals with intellectual and developmental disabilities (I/DD).[35] The ongoing housing shortage has unfortunately remained invisible to the general public and policymakers. However the CSCDD’s Statewide Strategic Framework has put forth more than 20 recommended system-wide improvements, some of which include collecting more accurate regional and statewide housing data, and leveraging existing I/DD service system funding to create more housing opportunities.

In the article, Five Facts about Housing Access for LGBT People, Housing Matters gathered some stark statistics on the discrimination that LGBTQ+ people face in obtain-

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ing housing. Not only do LGBTQ+ people face housing discrimination on the basis of sexuality and gender identity but homeless service providers also see more health problems in LGBTQ+ and gender-queer youth. Recommendations on how to strengthen the housing foundation for LGBTQ+ people include staff trainings to improve and spread awareness.[36]

## PROGRAM EXAMPLES & RESOURCES

- **Lambda Legal** is a national legal organization that offers legal representation or advocacy specifically for LGBTQ+ people and those living with HIV. Check out their page on working with LGBTQ+ youth experiencing homelessness to gain a deeper understanding of this work.[37]
- The Los Angeles LGBT Center created what's known as the **RISE Initiative**, which includes a 6 hour training on working with LGBTQ+ youth, as well as their families. You can access their training content and objectives in order to outline a similar framework for your respective organizations.[38]
- **Homeless Hub** recommends agencies working with homeless or at-risk youth offer a range of youth-focused staff trainings on as many of the following topics as possible:
  - harm reduction;
  - working with people with mental health issues and addictions;
  - trauma informed care/service provision;
  - working with survivors of violence;
  - self-care for people in helping professions/stress management;
  - case management;
  - LGBTQ and Gender Non-Conformity;
  - crisis response and management;
  - non-violent crisis intervention;
  - understanding and managing aggressive behavior;
  - anti-racism/anti-oppression;
  - suicide risk assessment/intervention or ASIST;
  - foundations to criminal justice;
  - measuring success/evaluation strategies; and
  - sex workers and survivors of human trafficking.[39]
- **Covenant House** began exploring opportunities to replicate and scale the groundbreaking [study at Covenant House New York](#) that shed new light on the

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link between homelessness and human trafficking.[40] Their mission was to find out the prevalence and nature of human trafficking among youth – and arm the anti-trafficking community with better knowledge to fight this crisis.

- The Coalition for the Homeless serves clients regardless of their immigration status, although eligibility for each of their programs is specific and immigration status may influence eligibility for some programs.[41]
- The National Network for Youth provides both context and a variety of resources on the specifics of human trafficking and it’s link to homelessness. [42]

## **PRINCIPLE 6: ENSURE THAT YOUTH, AND THEIR FAMILIES, ARE NOT KICKED OUT OF THEIR HOMES OR DENIED HOUSING BECAUSE THE YOUNG PERSON HAS BEEN ARRESTED OR ADJUDICATED FOR A DELINQUENCY OFFENSE.**

Communities should restrict or eliminate the use of criminal background checks as part of the screening process for housing, as this may result in the denial of housing for some youth and their families. Attorneys should also work with young people to ensure that records are sealed or expunged when possible so they are able to avoid collateral consequences such as denial of public or private housing by landlords. When this is done, it should be at no cost to the young person or their family.

National Disability Rights Network's "Orphanages, Training Schools, Reform Schools and Now This? Recommendations to Prevent the Disproportionate Placement and Inadequate Treatment of Children with Disabilities in the Juvenile Justice System" addresses the overrepresentation of youth with disabilities in the youth legal system and provides concrete strategies for reform.[43]

As outlined in the report, “Youth from particular racial and ethnic backgrounds and youth with disabilities are incarcerated at disproportionately higher rates. Prevalence studies have found that 65-70% of youth in the justice system meet the criteria for a disability, a rate that is more than three times higher than that of the general population.”[44]

Youth of color and LGBTQ/GNC youth are disproportionately likely to become involved in the justice system. This can contribute to increased levels of homelessness among LGBTQ/GNC youth when public housing authorities and private landlords perform background checks.

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### *Action Items:*

- Government officials, housing providers, and advocates for young people should ensure that housing providers adhere to the accommodations/modifications requirements of the Fair Housing Act Amendments, which can prevent eviction of youth with disabilities and their families.
- Child welfare agencies should provide housing, or financial assistance to obtain housing, to all youth who are eligible for their services. This housing should also accommodate the children of parenting youth. This should happen in partnership with existing housing providers and the youth legal system to expand capacity to specifically house youth involved in the child welfare and systems. They should also provide assistance with record expungement, enrollment in public benefits, employment, and other matters that can decrease barriers to housing. Homelessness alone may not qualify a minor for child welfare services, depending on the state.
- Policymakers, as well as public housing authorities and private landlords, should restrict or eliminate the use of criminal background checks. When this is not possible, they should, at a minimum, limit restrictions to those required by law. They should also clarify to potential tenants—and to staff—that a juvenile delinquency adjudication is not the same as a criminal conviction, and that juvenile records may not need to be shared. Policymakers should also consider whether existing laws on sex offender registries should be amended with respect to acts committed by minors.

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- The Juvenile Law Center's publication "Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records" discusses how juvenile records can serve as barriers to housing and interfere with education, employment, and other contributors to self-sufficiency.[45]
- The Gault Center has created both a guide and a collection of resources on collateral consequences of system involvement that follow youth into adulthood and can affect their obtainment of housing and employment.[46]
- Every year, the National Low Income Housing Coalition publishes the "Advocates' Guide to Housing and Community Development Policy" to educate advocates of all kinds about the programs and policies that make housing affordable to low-income people across America.[47]

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- The June 2016 Coalition for Juvenile Justice/Collaborating for Change webinar, “Addressing the Housing Needs of Youth and Young Adults in Contact with the Justice System,” provides additional information about helping justice-involved youth access housing.[48]

### **PRINCIPLE 7: ENSURE YOUTH HELP LEAD AND SHAPE THE IDENTIFICATION AND IMPLEMENTATION OF POLICY AND PRACTICE SOLUTIONS TO ADDRESS THE CONNECTIONS BETWEEN THE YOUTH LEGAL SYSTEM AND YOUTH HOMELESSNESS.**

Collaborations with young people who have current or previous experience with homelessness, and youth who have current or previous experience with the legal system are essential. These partnerships help ensure that programs are being crafted in ways that truly address young people’s underlying needs. These partnerships should be meaningful, and should include employing youth who have experienced homelessness, as well as youth panels or boards, and peer-to-peer outreach (See Principle 3 for more on employment). Opportunities for young people with lived experience should occur at all levels of an organization.

Community-based providers, government officials, youth-serving agencies, advocates, and reform or oversight committees/workgroups should partner with young people to shape policy and practice. These stakeholders can increase the success of partnerships with youth by using affirmative recruitment methods to ensure that youth partners are diverse in both experience (e.g., homelessness, youth legal system involvement, child welfare) and the communities they are from (e.g., rural, suburban, and urban), as well as reflecting the populations that are overrepresented in the youth legal system and among youth experiencing homelessness (e.g., youth of color and/or LGBTQ+ youth).

Training young people to take an active role in crafting a policy advocacy plan, speaking about federal, state, and local policies that impact their lives, and educating policymakers to transform systems, is a sound way to both pass on your expertise, and make sure youth voices are heard in the policy world. In addition to providing training to youth who work with your organization, these groups can serve as a way to recruit future employees and board members. In order to ensure inclusivity, reach out to organizations focused on different intersectionalities (e.g. immigration or LGBTQ+ rights) to see if they have youth members who have experienced homelessness and/or justice system involvement who may want to participate in your work. If there are

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young people that would like to be involved in your homeless and housing work, this can bring in a variety of perspectives, backgrounds, and expertise to address disproportionality and intersectionality. Youth who engage in this work should always be compensated for their time and expertise.

For an example of an organization bridging the gap between policymakers and formerly homeless youth, see the National Youth Advisory Council created by the National Network for Youth.[49] Additionally, CJJ's Emerging Leaders Committee (ELC) serves as a partnership between CJJ and emerging leaders in youth legal reform, many of whom bring lived expertise to their work. This committee helps shape CJJ's work, while further developing the leadership, advocacy skills, and professional interests of the emerging leaders. Members, aged 16 to 24, serve on the committee and ensure youth perspectives are integrated into every aspect of CJJ's work, from promoting youth engagement to shaping recommendations on federal and state policy.

## PROGRAM EXAMPLES & RESOURCES

- National Network for Youth's National Youth Advisory Council members are "an important bridge between formerly homeless youth and policymakers, service providers and community officials throughout the country... [they] identify practices and perspectives that help young Americans overcome homelessness... [and] actively alert policymakers to barriers, misconceptions and human rights issues that demand attention." [50]
- A Way Home America is an organization dedicated to ending youth homelessness and is youth led in its staff and board.[51]
- The U.S. Department of Housing and Urban Development's Youth Homeless Demonstration Project (YHDP) incorporated Youth Action Boards (YABs) as part of their work. The document, 'YAB Pathways to Leadership,' spotlights the 23 communities from round three of YHDP, and explores ways in which they were able to foster youth leadership. The report highlights lessons learned to help other communities that are seeking to establish effective youth collaboration.[52]
- Youth Action Hub, a group of Connecticut-based youth researchers, is working with the statewide Youth/Young Adult Homelessness Workgroup to determine best practices for young people to access supports/services (e.g., their Coordinated Entry System). Their findings have been instrumental in helping reshape Connecticut's system.[53]

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- The Link in Minneapolis, Minnesota, has a Juvenile Justice Advisory Committee made up of youth who have experience with the youth legal system. The committee designs and oversees programs and helps hire relevant staff. They also have a gender-specific youth legal system advisory committee called VOICE which is made up of girls who have had involvement in the legal system. This group helps oversee their POWER Program (Positive Opportunities for Women of Every Race) and provides gender-specific support for girls on probation within Hennepin County.[54]



### **PRINCIPLE 9: ENSURE THAT LAW ENFORCEMENT, COURTS, SCHOOLS, AND SERVICE PROVIDERS EMPLOY GENDER-RESPONSIVE AND AGE- AND CULTURALLY-APPROPRIATE TRAUMA-INFORMED RESPONSES WHEN WORKING WITH YOUTH.**

Young people who experience homelessness, and those who come into contact with the youth legal system, are disproportionately more likely to have experienced previous trauma. Service providers and other stakeholders should recognize that each individual is unique and that trauma may manifest itself in many different ways. Agencies should understand that young people who they work with may have survived abuse, human trafficking, and other traumas, but should steer clear of requiring any of these labels in order to access services, as young people may be hesitant to self identify due to stigma and a number of other factors.

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### *Human Trafficking: What You Need to Know (Provided by the National Network for Youth)*

- One in five runaway and homeless youth is a victim of human trafficking, including sex and labor trafficking.
- 68% of youth who had been trafficked or engaged in survival sex or commercial sex had done so while homeless.
- LGBTQ youth and youth who have been in foster care experience trafficking at higher rates than other youth.
- 81% of labor trafficking cases involved forced drug dealing, often occurring as a result of familial and cultural coercion as well as pressure from suppliers and gangs.
- Survivors of childhood sexual abuse experiencing homelessness are at particularly high risk for sex trafficking.
- Many young people engage in survival sex to meet basic needs, including clothing, food, and shelter.
- Homelessness and trafficking begin early, often well before age 18.
- Girls and young women are more likely to experience trafficking, but boys and young men also experience high levels of trafficking.
- When sex trafficking victims were asked what could have helped prevent their being trafficked, the most common response was having supportive parents or family members.
- Youth experiencing homelessness who have also been victims of sex trafficking are more likely to have mental health and substance use issues, to have experienced physical and emotional abuse by parents or guardians, and to have a history of sexual abuse.
- Using this research, policymakers, service providers, and advocates can and must bring about change to meet young people's basic needs to prevent and address homelessness and trafficking.[55]

### ***Gender-Responsive Practice:***

While research on programs for girls is lagging behind the research on effective programming for boys, programs that are gender-responsive for girls rely on a theoretical framework that dictates research-based principles for effective female programming. Boys may also benefit from many of these program qualities. These include:

- being strength-based, trauma-informed, and relational;
- ensuring clients' physical, psychological, and emotional safety;
- employing staff who are sensitive to trauma and understand girls' socialization; and

- providing ongoing staff training and support-
  - Training should be routine, include content on gender and sexuality, and cover the impact of heterosexism, cissexism, racism, ageism, and other systems of oppression on the conditions of LGBTQ+ youth's lives. Training should not only be outside-facing but also engage staff and advocates in self-reflection.

While addressing gender discrepancies, it is vital to move beyond the gender binary. In addition to the gender-responsive work for young women outlined above and disproportionate number of young men of color in the justice system, it is important to note that not all youth fall under either of these categories (whether they be intersex or non-binary). 'Non-binary' is an umbrella term for those whose gender identities are not exclusively male or female. See here for more on defining terms. Currently, about one-third of transgender individuals primarily identify as non-binary.[57] Recent studies found that non-binary people are at higher risk for suicide, experience more psychological distress, and experience higher levels of depression and anxiety.[58] Policymakers and service providers, need to not only create environments that include and affirm non-binary individuals, but provide the resources necessary for their wellbeing and success. The National Center for Transgender Equality[59] and the National Alliance to End Homelessness[60] have provided a variety of resources and data on housing and homelessness geared towards transgender and gender non-conforming individuals.

External partners or services that youth are referred to (including mental and physical health professionals) should provide gender and culturally responsive services that meet the specific needs of the youth being referred. For example, professionals should identify and refer youth who are LGBTQ to health providers who are culturally competent and can meet their specific health needs. This includes providing access to a health provider with expertise on the medical needs of transgender young people or HIV-related care for a young person living with HIV.

To support gender-responsive practices, stakeholders should ensure that elements of gender-responsive practice are present throughout, from first contact with the system, through service and treatment

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provision. To the extent that gender-specific programming is offered, youth should participate according to their gender-identity rather than their biological gender, if they are not the same.[61]

It is essential that intervention strategies are also trauma-responsive in all aspects of how they approach and support young people to facilitate healing and recovery, including engagement or reunification with families when it is appropriate. Youth also need interventions to enhance skills, competencies, and existing strengths to help them to reach positive developmental milestones and become healthy, productive adults. Barriers to use of services and interventions that were identified by LGBTQ study participants included lack of LGBT-friendly policies and staff.[62] Services and programs need to be especially sensitive to LGBTQ and other special populations, like youth who have been in foster care and pregnant and parenting youth, who are overrepresented in the homeless youth population and are at even higher risk of experiencing physical, mental and/or behavioral health issues.

## PROGRAM EXAMPLES & RESOURCES

- Often times, undocumented and refugee young people may be overlooked as trafficking victims, as their identity as undocumented or a refugee diverts law enforcement attention to their documentation status. Refugee Cash and Medical Assistance, the Matching Grant Program, the Public Housing Program, and Job Corps all have resources tailored towards young trafficking survivors who come from outside the U.S. Trafficking survivors may not be able to obtain these resources by themselves and may need social services providers to assist them in accessing benefits and services to rebuild their lives.
- Refer to the Demonstration Initiative’s sexual assault guide for comprehensive services for survivors of sexual violence, including mental health services.[63]
- “A Descriptive Study of the Use of Restraint and Seclusion in a Special Education School” touches on trauma-informed care by focusing on a special education school’s use of restraint. Similar to other studies, they found that the use of restraint was very low, even though many students were reported to be “aggressive” and portray “self-injurious behaviors”. During this study it was found that both aggressive and self injurious behaviors were managed without the use of restraints. This study is another example of how de-escalation and other techniques can be used rather than restraints.[64]
- The Televerde Foundation provides a variety of reentry services, including financial

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literacy, particularly for system-involved women. While the organization is not specifically aimed at youth, they do host a mentoring program that connects women to supports that range from initial transition to professional mentoring.[65]

### PRINCIPLE 10: UNDERTAKE AND FUND RESEARCH TO HELP BETTER UNDERSTAND THE ISSUE OF YOUTH HOMELESSNESS AND IDENTIFY SOLUTIONS.

In order to implement the policies and practices listed above, communities need information about a range of issues, including how homelessness should be defined and how many young people experience unaccompanied homelessness. Research should be funded and undertaken to address this, and other essential questions.

Strong research and data collection can also be used to determine exactly what areas of our work and our systems need extra attention. Data can be used to hold systems accountable by examining racial, ethnic, and gender disparities. Given the permeating racial disparities at all levels of our nation's youth legal system, every state and neighborhood within those states should be collecting, disaggregating, and analyzing data to identify policies, practices, and programs that may adversely and/or unfairly impact youth based on their race, gender, or ethnicity. Local leaders in youth legal system should use this data to inspect their systems in order to pinpoint any factors that could be

perpetuating inequity and disparities. [66]

Data can also help track young people's success post-release, whether it be after leaving a detention facility, a group home, or independent living services. Finding out what does and does not work for youth is important in order to make sure appropriate practices are continued and supported. What has worked in keeping young people off the streets and in a safe, secure environment? Once those solutions have been identified and confirmed as beneficial by youth themselves, we can push for more funding geared towards successful solutions.



## PROGRAM EXAMPLES & RESOURCES

- Voices of Youth Count is a "national policy and research initiative designed to link evidence and action by capturing the diverse experiences of unaccompanied youth experiencing homelessness and housing instability, or who have runaway, more clearly defining the size of the population, and driving compelling knowledge into the hands of the broad national community dedicated to ending youth homelessness." [67] In 2016 they released a toolkit to help communities undertake a count of youth experiencing homelessness. [68]
- As discussed in Principle 7, the Youth Action Hub, a group of Connecticut-based youth researchers, collaborates with the statewide Youth Homelessness Workgroup to determine best practices for youth to access supports and services (e.g., their Coordinated Entry System). Their findings have been instrumental in helping to shape Connecticut's system. [69]
- The Interagency Working Group on Youth Programs drafted a strategic plan for federal collaboration with young people that includes framework on programs, practices, and outcomes. [70]

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