ADDRESSING THE INTERSECTIONS OF JUVENILE JUSTICE INVOLVEMENT AND YOUTH HOMELESSNESS: PRINCIPLES FOR CHANGE



OUR THANKS AND APPRECIATION

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COLLABORATING FOR CHANGE

s the National Network (NLC) Institute for Youth, Education, and Families. This initiative

justice system does not increase the likelihood that they will experience homelessness, and that communities support rather than criminalize youth who experience homelessness.

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Youth might trade sex for shelter (or money to obtain shelter) and be charged with solicitation. Even for youth introduce uncertainty into a currently stable living situation.

The Administration on Children, Youth and Families interviewed 656 homeless youth, ages 14-21, in 11 cities across the country. They found that:

PART I: KEY PRINCIPLES FOR CHANGE

transient youth, leading to warrants for failure to appear or pay, in favor of text notifications. To the extent that fines and fees are used generally, they should be waived for any minor, and for any older young person who is particularly minors

should always be released without requiring bail for similar reasons.⁵

should:

Comply with all federal and state law requirements for schools to meet the needs of youth experiencing homelessness and take advantage of available training and technical assistance on how best to do so. Schools should be active participants in community discussions about proposed laws that could lead to juvenile justice involvement for youth experiencing homelessness.

Ensure youth are not subject to school discipline for experiencing homelessness. Students, for example, should not be punished for being unable to meet school dress code standards that require wearing dean dothes or a uniform if there is a lack of access to clean laundry. Smilarly, they should not be punished for tardiness or absenteeism due to lack of access to adequate transportation. (Schools should also consider making laundry machines available, which has been shown to increase attendance.⁶)

Ensure youth are not subject to overly harsh school discipline for behaviors triggered by past traumatic experiences, such as getting into a fight because they feel threatened. Schools should also ensure youth are not disciplined for actions that are directly related to homelessness (e.g., bringing household items

youth experiencing homelessness in Principle 9.)

Ensure that student privacy is respected. Avoid the use of School Resource Officers or investigators to disrupt

safe, although temporary, housing situations.

should ensure that all youth have access to counsel and legal resources for any court involvement, as early in the process as possible. Even non-delinquent offenses can result in fines and fees leading to the consequences discussed above, thus making counsel imperative in all cases. Attorneys and legal advocates should also help youth experiencing homelessness enforce their right under the McKinney-Vento Act to stay in the same school throughout the duration of their homelessness or immediately enroll in a new school wherever they are.

should advocate for better policy on these issues and should provide or fund training and technical assistance. They should create an expectation that the communities they fund will not criminalize youth in the ways described above. They should also provide adequate funding and resources for programs to help ensure that young people can have the services they need without a juvenile justice or child welfare case having to be filed.

⁵ For more information on bail in juvenile courts, see Szymanski, L. National Center for Juvenile Justice. (2005)

voluntary diversion programs, see the Coalition for Juvenile Justice's National Standards for the Care of Youth Charged with Status Offenses, Standard 2.1.

should use truancy review boards and other methods to identify and respond to the underlying reasons for missed classes (e.g., unmet special education needs) rather than filing truancy charges. Schools should also use supportive school discipline policies to reduce school push-out and address youth engaging in disruptive behaviors or minor school-based offenses, rather than over-relying on suspensions and expulsions, or calling law enforcement. Schools should partner with community-based providers to provide support services that address the underlying causes of truancy or other behaviors that may lead to court involvement. Schools should also

McKinney-Vento rights and responsibilities (see below), since being out of school may make youth more likely to get involved in the juvenile justice system.

(e.g., McKinney-Vento liaisons) should ensure young people are accessing all legal rights that could meet their needs and address the root causes of their behaviors. This could include immediate enrollment in school, transportation, and other services through the McKinney-Vento Homeless Assistance Act, as well as family preservation or independent living services through Title IV-E. It could also include behavioral or physical health services through Medicaid, if youth are eligible. For young women, particularly young mothers, advocates should ensure they are receiving any relevant protections afforded by Title IX, which guarantees e

courts about services available in the community that can serve as alternatives to justice involvement. They should be trained on key issues like adolescent development and crisis intervention/de-escalation, in addition to the collateral consequences of a juvenile adjudication in their jurisdiction.

should take advantage of local drop-off options and other alternatives to arrest for eligible offenses. If these options do not exist, they should work with city and county leaders to establish such resources. These programs often have intake and service referral procedures that can identify and respond to homelessness and issues that lead to homelessness, such as high family conflict. Although program design varies by location, the recommendations throughout this document about avoiding arrest, charging, etc., for youth should still be followed. Law enforcement should also partner with schools, behavioral and public health agencies, runaway and homeless youth service providers, child welfare agencies, and community-based services. Collaboration can range from requesting training (e.g., adolescent brain development and legal rights) to initiating joint response protocols and programs.

should advocate for, and make funding available to,

such as where and with whom they feel safest. Services should also be offered to families as appropriate (e.g., helping a parent or potential guardian find stable housing or employment may lead to a young person having a safe home after system involvement).

should put strict accountability mechanisms in place to ensure that youth receive transition planning.

If housing does become an issue for youth, despite early and consistent planning on behalf of the juvenile justice agency, it is important that communities have youth-appropriate housing options available and that youth and advocates know how to access them.

At least one jurisdiction has documented the phenomenon of youth staying longer than necessary in justice

Advocates report anecdotally that this is true in
many other jurisdictions as well. Youth should *never* spend a single extra day in juvenile justice system custody because there are no housing options in the community.

Juvenile justice stakeholders must work with other community stakeholders to ensure that long- and short-term housing options exist and that youth with past juvenile justice involvement can access them. This must include options for youth who are pregnant and parenting. Many stakeholders have a role to play in making this happen:

should put strict accountability mechanisms in place and ensure youth are released from juvenile justice custody at the earliest possible date.

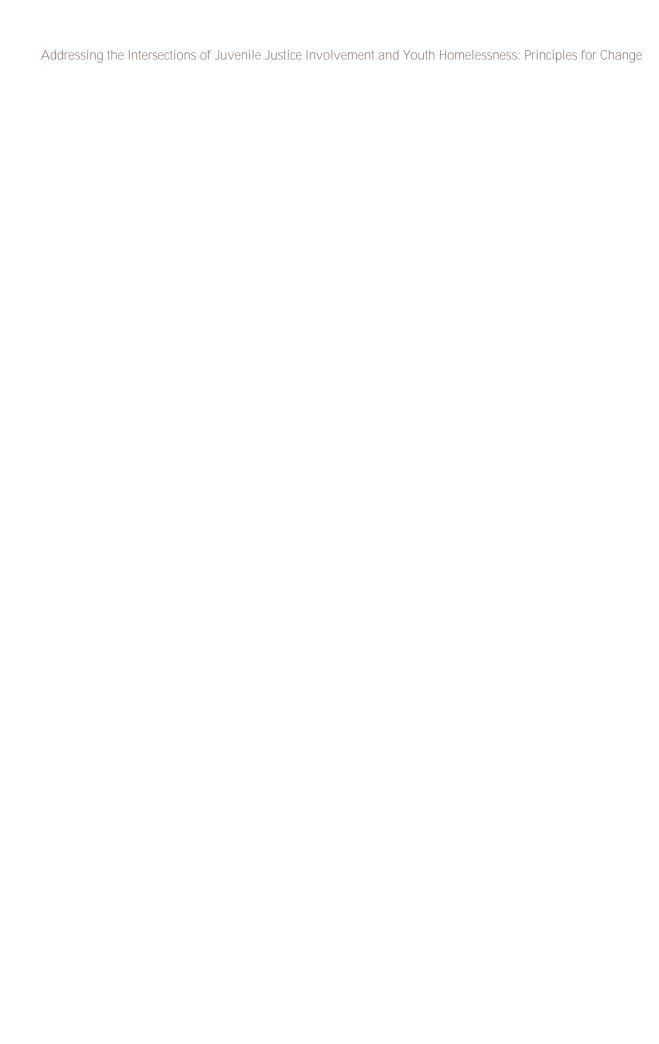
should ensure that their jurisdiction has a public system of care for youth that cannot return home for any length of time. This includes:

Ensuring that their community has a spectrum of housing and service options that are youth-centric and appropriate, from prevention to aftercare services. (See Principle 5 for more on services.)

Removing barriers so that youth can access available housing options. Common barriers include exclusion based on juvenile justice history and requiring parental consent to stay in a shelter or longer-term housing option. A lack of parental consent should not keep minors from accessing housing. Minors should be able to self-refer when parental consent is being withheld, the minor fears for his or her safety, or agencies have documented unsuccessful attempts to reach the parent or legal guardian.

Ensuring they possess and are appropriately using data regarding how many youth are homeless in their jurisdiction. This means establishing an effective identification, information, and referral system to identify youth who need housing and/or services and then get them connected quickly to services and stable housing.

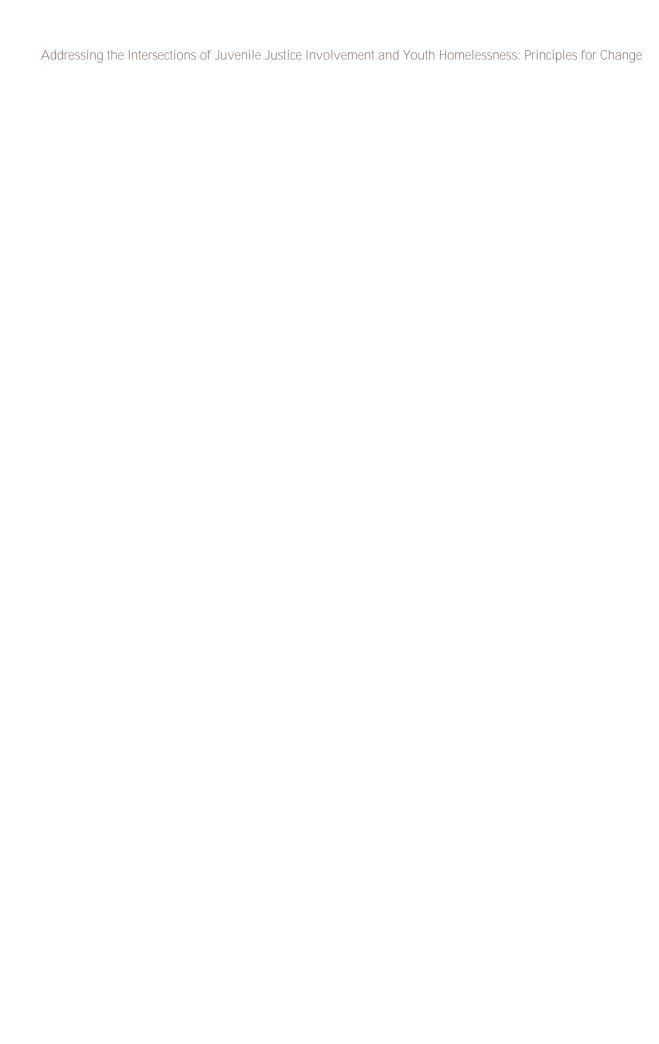
¹⁰ Columbia Legal Services. Falling Through the Gaps: How a Stay in Detention Can Lead to Youth Homelessness. Available at www.columbialegal.org/sites/default/files/Detention_to_Homelessness_Web_0.pdf.



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should partner to identify

placements outside the justice system that could serve justice



offenses. Private landlords and public housing authorities may believe they have to, or are allowed to, deny housing more often than required or allowed by law. Private landlords have more discretion in accepting or rejecting tenants, but still have to comply with anti-discrimination laws. Public and private landlords could benefit from more education about the law in this area, as well as about supports that may be available to both tenants and landlords.

As will be further discussed in Principle 8, youth of color and LGBTQ/GNC¹³ 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 market-rate (private) landlords perform background checks. Stakeholders should ensure that all of the recommendations below are inclusive of youth of color and LGBTQ/GNC youth, and address any additional discrimination they may face.

should assist youth exiting the justice system by addressing collateral consequences of justice system involvement. This can include expunging/dearing juveniois teofice eTm[(hav)8(h14(o)-5(r2(h)3(o)-5(u)3(s5(m16houl)13(c)-2(o)5(m)-)-5(ry(s hav)(lv)8(b)3(

Ensuring that all juvenile justice and homelessness advisory committees, interagency working groups, and similar bodies designate a specific minimum percentage (or number) of seats for young people with relevant lived experiences. Having one or two young people can lead to tokenism, while having several peers can allow youth to work together,

voices. Ensuring that these seats remain filled at all times will require planning and sometimes intense recruitment efforts.

Training staff on positive youth development as well as the need for gender and cultural responsiveness, adolescent brain development, and trauma and toxic stress. Equipping staff with facilitation skills can also position them to work well with, and better support, youth.

Ensuring youth are co-creating solutions, not simply listening in to conversations or sharing their personal stories. Young people should always be at the table and part of the conversations where solutions are being crafted. Often, this requires making sure the young people are prepared for these conversations in advance, listened to by those present, and that their recommendations are incorporated as part of the final product.

Seeking out specific funding for youth engagement work so that it can be sustained and prioritized, and ensuring youth are paid for the time they contribute. While adults often serve on boards in a professional capacity and get paid by their employer for that time, youth representatives may actually lose out on hourly wages at their jobs during their participation.

Characteristics of youth who are experiencing homelessness and/or are involved with the juvenile justice system

In a study of 656 youth ages 14-21 in 11 cities across the country, conducted for the federal Administration on Children and Youth:

41.1% identified as Black or African American;

33.3% identified as White only; 25.7% identified as being Hispanic or Latino/Latina; and

21.7% identified as being two or more races.

When asked about sexual orientation and gender identity:

20% identified as bisexual; 9.9% identified as gay or lesbian; 6.8% identified as transgender; and

categories above)1.

Other national research has indicated that up to 40% of homeless youth nationally may be LGBT.² Additionally, a previous study also found a high prevalence of disabilities among youth who had run away from home, particularly among youth who had also been maltreated.³

¹Administration on Children, Youth and Families, Family and Youth Services Bureau. Street Outreach Program Data Collection Project Final Report. Available at bit.ly/154L4sY.

Hiring young people with relevant lived experiences for paid staff positions within their organizations. While volunteer positions on advisory committees are a good way to get young people involved in this work initially, juvenile justice, homelessness, and other relevant organizations should ultimately be led by individuals whose experiences match the youth they serve. Oreating and nurturing a leadership pipeline from junior staff to management is part of that process.

Using affirmative recruitment methods to ensure that youth partners are diverse in both experience (e.g., homelessness, juvenile justice, 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 juvenile justice system and among youth experiencing homelessness (e.g., youth of color or LGBTQ youth). (See Principle 8 for more information.)

can support these efforts by explicitly requiring some of the above practices, such as requiring a percentage of seats on a committee for youth with relevant life experiences.

should partner with youth to learn what their most pressing needs are, and fund programs and projects that are designed to meet those needs. Funders should also create an expectation that all grantee efforts on behalf of youth are informed and co-led by youth, as well as

Moreover, youth of color and LGBTQ youth are overrepresented among youth who are removed from their homes and placed in juvenile justice facilities. A large body of research has documented the connection between placement in secure juvenile detention facilities and worsened life outcomes for young people, including an increased likelihood of dropping out of school, reduced employment prospects, and a greater likelihood of engaging in future criminal behavior.¹⁶

can take the following steps to prevent homelessness among justice-involved youth:

Provide and require meaningful gender and cultural responsiveness staff training that increases knowledge and skills, with a particular focus on LGBTQ youth, youth of color, youth with disabilities, and the reasons they are more at risk for homelessness and justice involvement.

Enact, expand, or update comprehensive anti-harassment and non-discrimination policies. Ensure that both youth and staff are aware of and follow these policies. Staff must be expected to lead by example and model affirming behavior to the youth in their programs.

Making re-entry programming work for LGBTQ/GNC youth

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

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 therapy, or thrown out of their homes based on their

not affiliated with religious institutions, or who have programs that are culturally competent and appropriate for LGBTQ/ GNC youth.

Mentoring programs, substance abuse treatment, and other services may prohibit matching young people and adults of a different biological sex (fearing romantic relationships forming). This can be exclusionary for youth who are not gender binary (e.g., do not identify solely as male or female), and also means that someone who is attracted to people of the same sex may have a same sex sponsor. Programming should allow youth to choose if they want a sponsor, mentor, or other resource adult of a particular gender.

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. If that is not possible, youth should have the option to attend a different school or alternative program.

Re-entry and transition planning/services should connect all young people to health care that is specific to their needs. Professionals should identify and refer youth who are LGBTQ to health providers who are culturally competent and can meet their specific health needs (e.g., HIV-related care for a young person living with HIV).

LGBTQ/GNC young people may face additional barriers to finding and keeping employment. Vocational programming should help all youth navigate the practical aspects of getting and keeping a job, in addition to training them on necessary skills. This should include educating LGBTQ young people on any state rights protecting them from discrimination. For transgender youth, help should also be provided in obtaining identification that matches their gender, and guidance on navigating an interview process if a legal ID has a different name than what is listed on their resume.

Source: Meghan Maury, Senior Policy Counsel and Criminal and Economic Justice Director, National LGBTQ Task Force

should advocate for and encourage systems and providers to take the above steps through specific incentives linked to demonstrated proficiency and service provision. They can also support current and broader efforts to better serve disproportionately-affected populations through targeted funding and require, where appropriate, that policies and programming meet the above recommendations.

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should receive training about

should recognize that girls and boys accessing their services

may have experienced sexual and/or labor trafficking, and ensure that their services can meet the needs of youth with those experiences. As the same time, however, youth-serving systems and programs should avoid as this may

prevent young people from accessing needed services if they do not share their personal history. Focusing on resilience, rather than victimization, is also more in line with the principles of positive youth development.²²

should

provide and/or fund training on Adverse Childhood Experiences and trauma, and should change their systems, policies, and practices to be more trauma-informed.

should:23

Screen youth for traumatic stress symptoms using evidence-based screening tools, while ensuring that assessment information is never used to incriminate youth.

Offer mandatory staff training on trauma and on how gender and race impacts services. Ensure that training is provided to allow staff to properly recognize and respond to "disruptive" behaviors that result from trauma.

Ensure that attorneys and other legal or court professionals who work directly with youth receive training on trauma, including its impacts on young people, and how to interview dients using trauma-informed strategies in order to reduce further trauma.

Provide evidence-based or empirically-supported interventions, such as Trauma-Focused Cognitive Behavioral Therapy and Trauma Affect Regulation: Guide for Education and Therapy (TARGET), as needed and appropriate.²⁴

Front-load or speed up service delivery so youth can receive any needed trauma-related treatment as soon as possible, noting that not all youth involved in these systems will require treatment for trauma.

Avoid court involvement and secure confinement, and minimize out-of-home placement and placement changes. Therapeutic, rather than punitive, settings should be chosen if out-of

are only placed with high-quality providers who use evidence-informed practices.) These steps will help minimize system-induced trauma.

should fund and disseminate this research, and advocate for practice and policy change based on research findings. They may also use this research to help guide funding priorities, bearing in mind that funding is needed both to spur and support innovation, and to continue expanding proven practices. They should also encourage expanded attention to these issues in any research they are currently funding (e.g., asking about youth living arrangements in current national data collection efforts in juvenile justice, and asking about justice involvement in current data collection on youth homelessness). Finally, public and private funders should encourage, and provide financial support for, outcome data, including measures related to homelessness to be part of all programming they fund.

should partner with researchers to identify gaps in knowledge and to design and carry out new research to address those gaps, and improve current data collection methods. They should also use existing research to advocate for better policy and practice and to guide their own work. Universities may be particularly useful partners in this work, as they are research focused and often adept at working across schools and issue areas.



PART II: PUTTING THE PRINCIPLES INTO ACTION: RESOURCES AND EXAMPLES

The following list of resources and examples aims to help stakeholders identify important tools and programs that can help them as they seek to implement change. Each tool is listed in relation to the principle to which it most directly relates.

may be directly related to homelessness for many reasons that ar

provider outside the school district of attendance. To learn more about why and how schools should respond to truancy by uncovering the underlying causes and connecting youth to necessary services, see *Safety Opportunity and Success Project* at bit.ly/2kTroBo.

on of homelessness, and push

& Poverty. Individuals, organizations, and government agencies can all endorse the campaign, view model policies, and find advocacy talking points and other resources at housingnothandcuffs.org.

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

abilities to sign contracts and consent to their own health care, access federal benefits and education, and homeless/outreach services. Learn more at bit.ly/2lirh3j.

The 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. Learn more at bit.ly/2kKBAK2.

The has said that school districts have an ongoing obligation to review and revise barriers to the education of youth experiencing homelessness, including status offense laws or ordinances that criminalize homelessness. Learn more at bit.ly/2187Wdu.

The provides additional information about the impact of fines and fees on youth at debtorsprison.jlc.org/#!/map.

shares research on the effects of criminalization of homelessness on youth and suggested public policy responses in Learn more at bit.ly/1L3lt5o.

from the National

Center for Homeless Education includes sample questions that professionals can ask to determine whether

e.g., Learn more

at

exiting the criminal justice system connect to available housing resources. While it is not focused on the

juvenile justice system in order to receive referrals of youth who need a safe place to stay. Learn more at bit.ly/2lLOMIW.

Oklahoma is using support from the Corporation for Supportive Housing and the federal Pay for Success³⁰ program to provide

to some of communities' toughest problems [which] combines affordable housing with services that Learn more at bit.ly/290A4N9.

The works to support federal agencies in coordinating and collaborating in their efforts to end youth homelessness. Learn more about these efforts, including the dinated Community Response, at https://www.usich.gov/goals/youth.

is a national initiative to prevent and end youth homelessness. At the national level, it works to create attention and momentum around this issue, as well as identifying and disseminating action steps and policy changes needed to ensure all youth have safe and stable housing. At the local level, the initiative supports 100-day challenges in communities across the United States that set ambitious goals for housing youth experiencing homelessness. As of February 2017, 428 young adults (ages 18-25) in three communities had been moved in to housing. Learn more about A Way Home America at

legal matters, juvenile and criminal defense, and policy work/impact litigation for minors as well as young adults through at least age 25.) Learn more at www.americanbar.org.

a 2015 report from the Washington State Department of Social and stration, provides information about the risk factors that may increase the likelihood of homelessness among youth aging out of foster care. It may help advocates, agencies and policymakers make the case for addressing these risk factors early on, and for allocating additional resources where they are needed most. Learn more at bit.liv/2lkl6vw.

Attorneys and other advocates can learn more about ways to ensure youth experiencing homelessness have their educational rights

Learn more at

The Juvenile Law Center publication

discusses how juvenile records can serve as barriers to housing and interfere with education, employment, and other contributors to self-sufficiency. Learn more at bit.ly/2licJAN.

has resources on collateral consequences available at

njdc.info/collateral-consequences.

has authored several resources darifying the limits to barring individuals from housing based on court involvement. These include:

o Legal guidance explaining the limits on use of criminal records to deny housing under the Fair Housing Act.³³ The guidance discussed the racial and ethnic disparities in the criminal justice system, and explained that policies or actions related to housing could be impermissibly discriminatory if they had a disproportionate impact on protected classes, even if their intent

criminal his

nondiscriminatory interest and take into consideration such factors as the type of the crime and the length of the time since conviction. Where a policy or practice excludes individuals with only certain types of convictions, a housing provider will still bear the burden of proving that any

o Guidance for Public Housing Agencies (PHAs) and owners of Federally-Assisted Housing darifying that arrest records cannot be used to deny admission to housing, evict tenants, or cut off federal assistance.³⁵

o Guidance

so- rules that deny admission to anyone with a criminal record or that require automatic eviction any time a household member engages in criminal activity in violation of

registration for youth. Learn more at bit.ly/2mlMOGg.

are available from Strategies for Youth

(<u>strategiesforyouth.org</u>); the International Association of Chiefs of Police (<u>iacpyouth.org</u>); the Department of Justice (<u>cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf</u>); and the State of Connecticut (bit.ly/2mi9dUM).

The for Justice has several resources related to barriers and solutions to accessing public housing. These include:

- o "Public Housing for People with Criminal Histories," a fact sheet on pilot projects in New York City, Chicago, and Oakland aimed at allowing formerly incarcerated people to return home or join family members in public housing, available at bit.ly/2kKCG80.
- o A more detailed report on New York Oty's program, available at bit.ly/2fOvN7k.

Through the

, 20 young adults ensure "that our national conversation is informed by and filtered through the perspectives of young people who have experienced homelessness, and that strategies to end homelessness are generated by youth and young adults themselves." The Forum is facilitated by the True Colors Fund and National Alliance to End Homelessness. Learn more at bit.ly/2kqYqu7.

and policy initiative that highlights the issues and challenges faced by unaccompanied young people who are homeless or lack more at cahomelessyouth.library.ca.gov

that assist local jurisdictions in ensuring fair treatment of LGBT

APPENDIX I: DAVIDSON COUNTY, TENNESSEE: HOW ONE JUVENILE COURT IS WORKING TO DECRIMINALIZE AND ADDRESS YOUTH HOMELESSNESS PUBLISHED FEBRUARY 2017

Davidson County Juvenile Court, which serves metropolitan Nashville, TN, is currently putting into practice many of the recommendations shared throughout this document. Juvenile Court Administrator Kathryn Snback explains that under the leadership of Judge Sheila Calloway,

The court also devotes staff time to partner on larger efforts to address and prevent youth homelessness, including serving on the Steering Committee of the Nashville Youth Homelessness Task Force, which developed

Agency with an application to be part of Demonstration Program.

Youth Homeless

Snback adds that they are also currently in the planning process for construction of a new youth complex that will house the Juvenile Court, community partners, and a youth employment hub. It will also feature a respite center to accept youth beyond the capacity of the current respite provider (Oasis Center), and a 24 hour

APPENDIX II: STATES AT THE INTERSECTIONS

The following is a non-exhaustive list of work that states are doing to ensure that youth do not become homeless as a result of juvenile justice involvement, and likewise, that they do not become system-involved because they are homeless:

is working ensure youth have sustainable housing after discharge, as discussed in Objective 2.2 of its Re-entry Strategic Plan, available at http://bit.ly/2kVum57. Their strategic planned activities include screening to "identify youth requiring alternative living arrangements" and "updat[ing] policies to support sound permanency planning, increase adult y



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