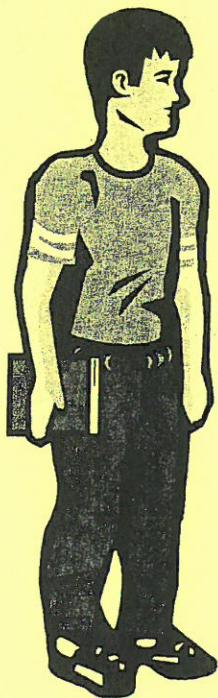


NATIONAL LAW CENTER

ON HOMELESSNESS & POVERTY

*“I look back each day, and I only wonder
how I am making it.”*



**LEGAL TOOLS
TO END
YOUTH
HOMELESSNESS**

The National Law Center on Homelessness & Poverty is a registered 501(c)(3) non-profit organization. NLCHP serves as the legal arm of the national movement to alleviate, prevent and end homelessness through impact litigation, public policy and public education.

Board of Directors

Pamela Malester, Co-Chairperson
Community Volunteer
Roderick De Armant, Co-Chairperson
Covington & Burling
Lynne M. Smith, Treasurer
Community Volunteer
Bruce Casino
Baker & Hostetler, LLP
Harold Moss
Abraham House
Margaret Pfeiffer
Sullivan & Cromwell
Jack Rothstein
Rothstein Investment Advisors
Noel Brennan
Department of Justice
William Breakey, M.D.
Johns Hopkins University
Deborah Dennis
Policy Research Associates
Judith Winston
Winston Withers & Associates, LLC
Terri Montague
Enterprise Foundation
Maria Foscarinis, President
Executive Director, The Law Center
(Affiliations for Identification Purposes Only)

Staff

Maria Foscarinis, Executive Director
Laurel Weir, Deputy Director
Becky Troth, Legal Director
Laura Butterbaugh, Office Manager
Heschel Falek, Development Director
Patricia Julianelle, Staff Attorney
Meagan Leatherbury, Membership Assistant / Americorps VISTA
Marion Manheimer, Staff Volunteer
Joy Moses, Staff Attorney
Melanie Mullen, Development Associate
Tulin Ozdeger, Staff Attorney
Jeremy Rosen, Staff Attorney
Sara Simon Tompkins, Staff Attorney / Equal Justice Fellow
Naomi Stern, Staff Attorney / Women's Law Fellow

I look at a lot of my friends and often tell them how blessed they are to even have a place to stay. I worry even now how my light bill will be paid by a certain date. Sometimes I feel like I want to give up. I look back each day, and I only wonder how I am making it.

High school senior, who ran away from home at age 14 due to parental alcoholism

According to the National Runaway Switchboard, one out of every seven children will run away before the age of 18. Tragically, 5,000 of those unaccompanied youth will die each year from assault, illness or suicide. Safe housing, reliable income, education and adult support can save these young people's lives. Federal laws offer many legal tools to help provide youth with these resources, to end their homelessness and give them the opportunity to lead safe, fulfilling lives. This booklet is an introduction to some of the federal laws that can support young people who have run away from home or have been forced out of their homes.

This booklet uses non-legal terms to outline some basic legal rights.

It does not provide legal advice.

Youth should get help for their particular situation.

This booklet contains websites and phone numbers for educators, advocates, and lawyers who can help.

Common Signs of Homelessness

Lack of Continuity in Education

- Attendance at many different schools
- Lack of records needed for enrollment
- Gaps in skill development

Poor Health/Nutrition

- Lack of immunizations and/or immunization records
- Unmet medical and dental needs
- Chronic hunger (may hoard food)
- Fatigue (may fall asleep in class)

Transportation and Attendance Problems

- Erratic attendance or tardiness
- Inability to contact parents
- Numerous absences
- Avoidance of class field trips

Poor Hygiene

- Wearing the same clothes for several days
- Lack of shower facility or washers to stay clean

Not Ready for Class

- Lack of basic school supplies
- Concern for the safety of belongings
- Incomplete or missing homework

Social and Behavioral Cues

- Change in behavior
- "Old" beyond years
- Protective of parents
- Poor/short attention span
- Poor self-esteem
- Difficulty or avoidance of making friends
- Difficulty trusting people
- Need for immediate gratification

Reactions/Statements by Parent, Guardian, or Child

- Anger or embarrassment when asked about current address
- Mention of staying with grandparents, other relatives, friends, or in a motel
- Comments such as:
 - "I don't remember the name of my previous school."
 - "We've been moving around a lot."
 - "Our address is new; I can't remember it" (may hide lack of a permanent address).
 - "We're going through a bad time right now."

Note: These are general guidelines. There is significant variability among the school-age homeless population.

Warning signs adapted from flyers developed by the Illinois and Pennsylvania Departments of Education.

LEGAL TOOLS TO END YOUTH HOMELESSNESS: QUESTIONS AND ANSWERS

Q: WHAT DO WE MEAN BY “UNACCOMPANIED YOUTH”?







A: In this booklet, “unaccompanied youth” means young people under age 18, who are living apart from their parents or legal guardians in unstable or inadequate living situations.

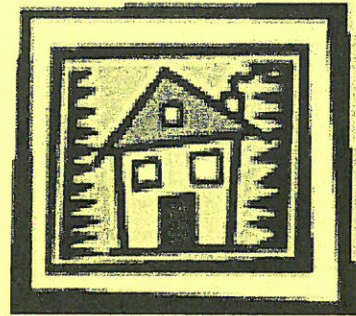
Q: WHY DO YOUTH LEAVE HOME?

A: Youth leave home for many reasons. Some leave home without a parent’s permission; others are forced out of their homes by their parents or guardians. Studies of unaccompanied youth have found that 20% to 50% were sexually abused in their homes, while 40% to 60% were physically abused. Severe dysfunction in the home is also common. 40% of callers to the National Runaway Switchboard identified harmful family dynamics as the leading reason for leaving home. For example, over two-thirds of unaccompanied youth surveyed in a recent study reported that at least one parent abused drugs or alcohol. Many young people are not welcome in their homes due to their sexual orientation or identity, pregnancy, or other types of family conflict. Youth often leave home to remove themselves from an immediately dangerous situation, but without plans for what to do next.

Q: WHERE DO UNACCOMPANIED YOUTH LIVE?

A: Unaccompanied youth live in a wide variety of situations, including:

-  Shelters;
-  The streets;
-  Abandoned buildings;
-  Doubled-up with friends or relatives;
-  Cars; and
-  Campgrounds.







Helping Unaccompanied Youth Access Safe Housing

The Runaway and Homeless Youth Act

Q: HOW CAN THE RUNAWAY AND HOMELESS YOUTH ACT HELP UNACCOMPANIED YOUTH?

A: The Runaway and Homeless Youth Act can help youth in many ways:

-  The Basic Center Program: emergency shelters for up to 15 days for unaccompanied youth under 18 years old.
-  The Transitional Living Program: transitional housing for up to 18 months and life skills trainings for youth 16-21 years old.
-  The Street Outreach Program: outreach and services to youth on the streets.
-  The National Runaway Switchboard, trainings for youth workers, and other information and supports.

Q: DOES THE LAW SAY ANYTHING SPECIAL ABOUT YOUTH EXPERIENCING HOMELESSNESS?

A: YES! All the programs under the Runaway and Homeless Youth Act are specifically designed to help prevent and end homelessness among unaccompanied youth.

Q: CAN A YOUNG PERSON STAY IN RUNAWAY AND HOMELESS YOUTH ACT HOUSING WITHOUT A PARENT OR GUARDIAN?


A: YES, but the law requires the program to contact the youth's family within 72 hours of the youth entering the shelter or housing. State laws may require the program to contact a parent sooner, or to get consent from a parent after the youth enters the program.


Q: WILL PARENTS' OR GUARDIANS' INCOME COUNT WHEN DECIDING IF AN UNACCOMPANIED YOUTH CAN STAY IN THE HOUSING?

A: NO! There is no income limit for Runaway and Homeless Youth Act programs.


Q: WHO CAN HELP AN UNACCOMPANIED YOUTH FIND RUNAWAY AND HOMELESS YOUTH ACT HOUSING?


A: Here are some ideas:

 The National Runaway Switchboard, 1-800-621-4000 or www.nrscrisisline.org.

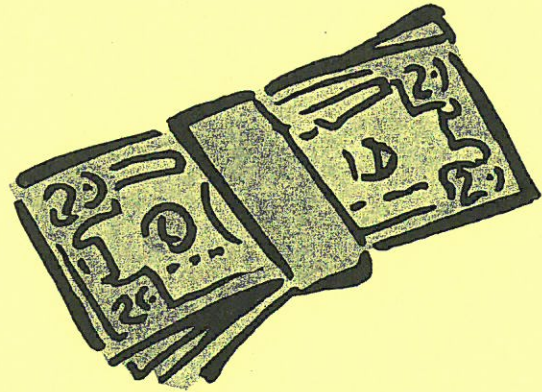
 The Covenant House National Runaway Hotline, 1-800-999-

9999 or www.covenanthouse.org.

 The National Clearinghouse on Families and Youth, 301-608-8098 or www.ncfy.org.

 The National Network for Youth, 202-783-7949 or www.nn4youth.org.

Helping Unaccompanied Youth Access Reliable Income



Temporary Assistance for Needy Families (TANF)

Q: HOW CAN TANF HELP UNACCOMPANIED YOUTH?

A: TANF provides a monthly cash payment to low-income families. Unaccompanied youth who are pregnant or have children may be eligible to receive TANF benefits. To receive benefits, youth must participate in school, a GED program, work, or job training while they are pregnant and after their child is 12 weeks old. Youth who receive TANF benefits are also eligible for childcare assistance during school and work hours. It is important to know there is a 5-year lifetime limit on receiving TANF benefits. This time limit usually does not start running until a youth turns 19 years old, if the youth is participating in school or work full-time.

Q: DOES THE LAW SAY ANYTHING SPECIAL ABOUT YOUTH EXPERIENCING HOMELESSNESS?

A: YES! To receive TANF benefits, youth must live with a parent or legal guardian, another adult relative, or in another approved living situation. To be approved, a living situation usually has to be supervised by an adult: for example, a group home for pregnant or parenting teenagers should qualify. The law allows a state to approve other living situations, such as independent living programs, in certain cases, if the youth is in a safe living situation that meets her needs. The state must assist the youth in finding an appropriate, adult-supervised living situation.

Q: CAN A TEEN PARENT APPLY FOR TANF WITHOUT HIS/HER PARENTS?


A: YES! Unaccompanied youth have the right to submit an application on their own.


Q: WILL PARENTS' OR GUARDIANS' INCOME COUNT WHEN DECIDING IF AN UNACCOMPANIED YOUTH CAN GET TANF?


A: NO! Parents' or guardians' income will only count if the youth lives with her parents or is being supported by her parents.

Q: WHO CAN HELP AN UNACCOMPANIED YOUTH GET TANF?

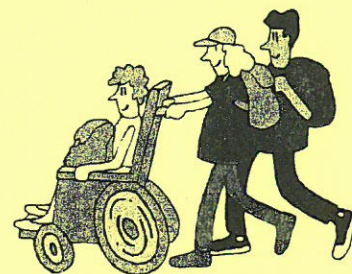
A: Here are some ideas:

 A case manager from a youth services provider or homeless assistance program.

 Local legal services: Visit www.lsc.gov/fundprog.htm or www.ptla.org/ptlasite/links.htm for a list of legal services organizations in your area.

 Youth can apply for TANF directly at a local welfare office, but should get help from a case manager or other advocate. Youth should not be turned away without filing an application.

Supplemental Security Income (SSI)



Q: HOW CAN SSI HELP UNACCOMPANIED YOUTH?

A: SSI is the only public benefit that provides a monthly cash payment to single unaccompanied youth with disabilities.

Unaccompanied youth with disabilities who have children may also receive SSI benefits, to supplement their TANF income. Youth who receive SSI are also automatically eligible for Medicaid, which gives them access to low cost health care.

Q: DOES THE LAW SAY ANYTHING SPECIAL ABOUT YOUTH EXPERIENCING HOMELESSNESS?

A: Not specifically. Unaccompanied youth are eligible for children's SSI benefits under the same rules as other youth under 18. Once a youth turns 18 years old, his or her disability case will be reevaluated to determine if he or she qualifies for SSI under the adult standards.

Q: CAN A YOUNG PERSON APPLY FOR SSI WITHOUT HIS/HER PARENTS?


A: YES! Youth between the ages of 16 and 18 may sign their own applications, as long as they are mentally competent, have no court appointed representative, and are not in the care of another person or institution. There is no specific rule for youth under the age of 16. If a Social Security office does not allow youth under the age of 16 to apply for SSI on their own, a case manager may be able to sign the application on a youth's behalf.


Q: WILL PARENTS' OR GUARDIANS' INCOME COUNT WHEN DECIDING IF AN UNACCOMPANIED YOUTH CAN GET SSI?


A: NO! Parents' or guardians' income will only count if the youth lives with his or her parents.

Q: WHO CAN HELP AN UNACCOMPANIED YOUTH GET SSI?

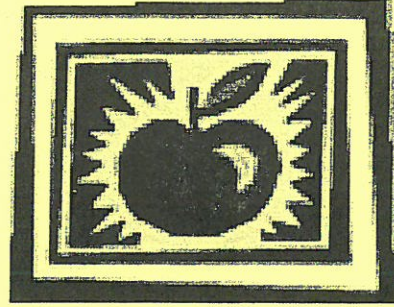
A: Here are some ideas:

 A case manager from a youth services provider or homeless assistance program (including Health Care for the Homeless programs, community mental health centers, or PATH funded programs).

 Local legal services: Visit www.lsc.gov/fundprog.htm or www.ptla.org/ptlasite/links.htm for a list of legal services organizations in your area.

 Youth can apply for SSI directly at a Social Security field office, but should get help from a case manager or other advocate.

Food Stamps



Q: HOW CAN THE FOOD STAMP PROGRAM HELP UNACCOMPANIED YOUTH?

A: The food stamp program provides a debit card, called an electronic benefit transfer (EBT) card, that youth can use to buy food at grocery stores, certain retail stores, and some restaurants.

Q: DOES THE LAW SAY ANYTHING SPECIAL ABOUT YOUTH EXPERIENCING HOMELESSNESS?

A: YES! No one can be denied food stamps simply because they do not have an address or photo identification. Also, people who are homeless can use their food stamps at certain shelters and restaurants.

Q: CAN A YOUNG PERSON APPLY FOR FOOD STAMPS WITHOUT HIS/HER PARENTS?


A: YES! There is no age limit in the food stamp program. Unaccompanied youth can apply for food stamps without a parent's or guardian's signature.


Q: WILL PARENTS' OR GUARDIANS' INCOME COUNT WHEN DECIDING IF AN UNACCOMPANIED YOUTH CAN GET FOOD STAMPS?


A: NO! If a young person lives on his/her own, the parents' income should not be counted. However, young people under 22 years old who live with their parents are considered part of their parents' "household," and the food stamp office will ask about the parent's income. The same rules apply if the youth has a child of his or her own. In practice, the food stamp office often asks unnecessary questions about an unaccompanied youth's parents. Advocates can help educate their local food stamp offices about the rights of unaccompanied youth to apply for food stamps without their parents. If a young person is staying at a shelter, it is often helpful to bring a letter from the shelter to the food stamp office.

Q: WHO CAN HELP AN UNACCOMPANIED YOUTH GET FOOD STAMPS?

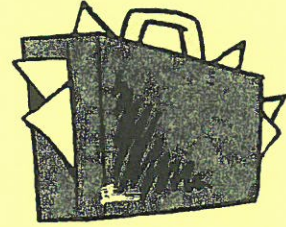
A: Here are some ideas:

 A case manager from a youth services provider or homeless assistance program.

 Local legal services: Visit www.lsc.gov/fundprog.htm or www.ptla.org/ptlasite/links.htm for a list of legal services organizations in your area.

 Youth can apply for food stamps directly at a food stamp office, but should get help from a case manager or other advocate.

Job Training under the
Workforce Investment Act



Q: HOW CAN THE WORKFORCE INVESTMENT ACT HELP UNACCOMPANIED YOUTH?

A: Two Workforce Investment Act programs in particular can help unaccompanied youth: Youth Services and Job Corps. Youth Services programs prepare youth ages 14-21 for work or college. They provide training and mentoring for work and school, and other support services. Job Corps is a residential education and job training program for at-risk youth, ages 16 through 24. It provides academic, vocational and social skills training to nearly 70,000 students a year, at 118 different sites.

Q: DOES THE LAW SAY ANYTHING SPECIAL ABOUT YOUTH EXPERIENCING HOMELESSNESS?

A: YES! Youth Services programs specially target young people who are homeless, in foster care, or have run away from home. Youth who are homeless are also eligible for Job Corps.

Q: CAN AN UNACCOMPANIED YOUTH PARTICIPATE IN THE PROGRAMS WITHOUT A PARENT'S OR GUARDIAN'S SIGNATURE?

A: For the Youth Services program, there is no federal requirement for a parent's or guardian's signature. But the law does not prevent a program from requiring a parent's or guardian's signature, and most local programs do require the signature.

The Job Corps law does not require a parent's or guardian's signature, but federal Job Corps policy does. Job Corps programs can waive that requirement for youth who have no parent or guardian, cannot find a parent or guardian, or are legally emancipated. The requirement can also be waived for youth whose parents are not willing to sign, as long as they do not object to the youth participating. McKinney-Vento liaisons (described below) have used this exception to advocate successfully for unaccompanied youth to participate in Job Corps without a parent's signature.

Q: WILL PARENTS' OR GUARDIANS' INCOME COUNT WHEN DECIDING IF AN UNACCOMPANIED YOUTH CAN PARTICIPATE?

A: Only low-income youth can participate in Youth Services and Job Corps. The income of a youth's "household" will be counted. If the youth is not living with parents or guardians, their income will not be counted. But if the youth is living with friends or other family members, the income of those hosts will be counted.

Q: WHAT CAN THE PROGRAMS DO TO MAKE SURE UNACCOMPANIED YOUTH CAN PARTICIPATE?

A: Local Youth Services programs should allow unaccompanied youth to participate without a parent's or guardian's signature. Job Corps should revise its policy to create a clear exception to the parental consent requirement for unaccompanied youth .

Q: WHO CAN HELP AN UNACCOMPANIED YOUTH GET INTO YOUTH SERVICES OR JOB CORPS PROGRAMS?

A: For information about Job Corps, call 1-800-733-JOBS or visit <http://jobcorps.doleta.gov/>. For information about Youth Services Programs, call the U.S. Department of Labor at 1-877-US2-JOBS.

Helping Unaccompanied Youth Access School

Enrolling in School

**Q: WHY IS SCHOOL SO IMPORTANT FOR UNACCOMPANIED YOUTH?**

A: School provides youth with many opportunities to grow and succeed. Schools offer academics, adult and peer support, meals, basic medical and mental health services, sports and clubs, and other activities. Schools can also connect youth to other resources and supports available in the community. They can teach youth the skills they need to find safety and security as adults.

Q: DOES THE LAW SAY ANYTHING SPECIAL ABOUT YOUTH EXPERIENCING HOMELESSNESS?

A: YES! The McKinney-Vento Act is a law that makes sure youth experiencing homelessness can attend school. The law protects youth living doubled-up with friends or relatives, in shelters, cars, abandoned buildings, bus and train stations, cars,




campgrounds, and other unstable situations. It specifically applies to unaccompanied youth (defined as youth experiencing homelessness out of the physical custody of a parent or guardian), and it requires schools to give extra support to young people who have left home. Every school district must have a staff person (called a “liaison”), who makes sure unaccompanied youth are enrolled in school and get all the services they need. The law also says youth can stay in the same school even if they are staying temporarily in a different school district.

Q: DOES THE LAW REQUIRE A PARENT’S OR GUARDIAN’S SIGNATURE FOR YOUTH UNDER 18 TO ENROLL IN SCHOOL?

A: NO! Under the McKinney-Vento Act, the lack of a parent or legal guardian cannot delay the enrollment of an unaccompanied youth. Schools must immediately enroll youth experiencing homelessness in school, even if they do not have documents that are usually required, like proof of residency, school records, medical records, or guardianship papers.

Q: WHAT CAN SCHOOLS DO TO MAKE SURE UNACCOMPANIED YOUTH CAN ENROLL?

A: The McKinney-Vento Act requires schools to revise any policies that prevent or delay youth enrolling in school and staying in school. Schools enroll unaccompanied youth in different ways:

-  Let youth enroll themselves in school.
-  Let adult caregivers who are not legal guardians enroll youth.
-  Let school district liaisons complete enrollment papers.


Whatever approach they choose, schools should set it out in a clear policy and share it with secretaries, registrars, counselors and administrators. Schools must also work with groups that serve unaccompanied youth, such as shelters, street outreach teams, and drop-in centers, to make sure youth are attending school.


Finally, schools must provide services to help unaccompanied youth stay in school and graduate from high school.


Unaccompanied youth struggle with the realities of being on their own. To help support them, schools should offer credit-for-work programs, vocational training, flexible schedules, partial or pro-rated credits, mentoring, and other services.


Q: WHO CAN HELP AN UNACCOMPANIED YOUTH ENROLL IN SCHOOL?


A: Here are some ideas:

 The local school district McKinney-Vento liaison: contact the school district office to reach the liaison.

 The State McKinney-Vento Coordinator: view a list at www.serve.org/nche/statecoordinators.htm.

 The National Law Center on Homelessness & Poverty : 202-638-2535 or www.nlchp.org.

 The National Center for Homeless Education: 800-308-2145 or www.serve.org/nche.

 The National Association for the Education of Homeless Children and Youth: 202-364-7392 or www.naehcy.org.

School Services for Youth with Special Needs

Q: WHAT SCHOOL SERVICES ARE AVAILABLE FOR UNACCOMPANIED YOUTH WITH SPECIAL NEEDS?

A: Depending on their needs, unaccompanied youth can get many services at school, such as: extra help with reading, writing and math; individual counseling; group counseling; speech therapy; transportation; and help with physical disabilities.

Q: DOES THE LAW SAY ANYTHING SPECIAL ABOUT YOUTH EXPERIENCING HOMELESSNESS?

A: YES! The Individuals with Disabilities Education Act (IDEA) requires states to reach out to youth who have disabilities and are homeless. Schools must assess the students' needs and make sure that they receive the services they need.

Q: DO THE PROGRAMS REQUIRE A PARENT'S OR GUARDIAN'S SIGNATURE FOR YOUTH UNDER 18 TO PARTICIPATE?


A: Yes. IDEA requires an adult to sign for special education services. Specifically, the following adults can sign for services: a parent, guardian, adult relative with whom the youth is living, a person legally responsible for the youth, or in many cases a foster parent. If a young person cannot locate any such adults, or if the youth is involved in the foster care system, the school district must help the youth name a "surrogate parent." The surrogate parent must be trained in special education procedures and must help the youth get all the services the youth needs.


Q: WHAT CAN SCHOOLS DO TO MAKE SURE UNACCOMPANIED YOUTH CAN RECEIVE THE SPECIAL EDUCATION SERVICES THEY NEED?


A: Schools should work with young people to locate adults who can sign for special education services or to name a surrogate parent. McKinney-Vento liaisons and special education directors should make sure youth get the services they need to stay in school and graduate from high school. Schools can work with groups that serve unaccompanied youth, such as shelters, street outreach teams, and drop-in centers, to make sure unaccompanied youth are attending school and receiving appropriate services.


Q: WHO CAN HELP AN UNACCOMPANIED YOUTH GET SPECIAL SERVICES?

A: Here are some ideas:

 The local school district McKinney-Vento liaison: contact the school district office to reach the liaison.

 The State McKinney-Vento Coordinator: view a list at www.serve.org/nche/statecoordinators.htm.

 There are also free programs in every state to help. You can find resources in your state by calling 1-888-248-0822, or looking on the web at www.protectionandadvocacy.com or www.taalliance.org/Centers/index.htm.

 The National Law Center on Homelessness & Poverty can also help: 202-638-2535 or www.nlchp.org.

Going on to College



Q: HOW CAN THE HIGHER EDUCATION ACT HELP UNACCOMPANIED YOUTH?

A: The Higher Education Act provides scholarships and loans to help low-income youth pay for college. The Free Application for Federal Student Aid (FAFSA) is based on this law.

Q: DOES THE LAW SAY ANYTHING SPECIAL ABOUT YOUTH EXPERIENCING HOMELESSNESS?

A: No. But since the scholarships and loans are based on income, most youth experiencing homelessness will be eligible.

Q: DOES THE FAFSA REQUIRE A PARENT'S OR GUARDIAN'S SIGNATURE FOR YOUTH UNDER 18 TO APPLY FOR SCHOLARSHIPS OR LOANS?

A: Yes, the FAFSA requires a parent's or guardian's signature for all students, except "independent students." To be considered independent, a student must be an orphan, a ward of the court, a veteran, a graduate student, married, or have a dependent. A financial aid administrator at a college can also designate a student as independent due to "other unusual circumstances."

Homelessness or separation from parents can be considered an unusual circumstance. McKinney-Vento liaisons and unaccompanied youth have worked with financial aid administrators to have unaccompanied youth designated as independent. Contact the financial aid administrator at the college of your choice for more information.

Q: DOES THE FAFSA REQUIRE PARENTS' OR GUARDIANS' INCOME INFORMATION FOR YOUTH UNDER 18 TO APPLY FOR SCHOLARSHIPS OR LOANS?



A: Yes, the FAFSA requires parents' or guardians' income information for all students, except "independent students." Just as with the parent or guardian signature requirement, unaccompanied youth may be considered independent due to "other unusual circumstances." Contact the financial aid administrator at the college of your choice for more information.

Q: WHAT CAN SCHOOLS, COLLEGES AND UNIVERSITIES DO TO MAKE SURE UNACCOMPANIED YOUTH CAN SUBMIT A FAFSA?

A: School district McKinney-Vento liaisons and high school counselors should work with financial aid administrators to help unaccompanied youth fill out the FAFSA without parental signature or income information. Financial aid administrators at should learn about the needs and circumstances of unaccompanied youth and assist youth in applying for aid and enrolling in college.

Q: WHO CAN HELP AN UNACCOMPANIED YOUTH SUBMIT A FAFSA?

A: Here are some ideas:

-  The high school counselor or local school district McKinney-Vento liaison: contact the school district office to reach the liaison.
-  The financial aid offices at the colleges and universities where the youth is applying.

Two Final Issues: Emancipation and Reporting Runaway Youth to Police or Social Services



Q: IS EMANCIPATION AN OPTION?

A: Emancipation is a court process that makes a young person a legal adult, even before the youth turns 18 years old. An emancipation process is available in 27 states, but the specific requirements are different in each state.

Most states have a minimum age for emancipation:

- 17 is the minimum age for emancipation in Wyoming.
- 16 is the minimum age for emancipation in Alaska, Arkansas, Connecticut, Florida, Illinois, Maine, Michigan, Montana, Nevada, New Mexico, North Carolina, Oregon, Pennsylvania, South Dakota, Texas, Vermont, Virginia, Washington, and West Virginia.
- 15 is the minimum age in Louisiana.
- 14 is the minimum age in California.
- There is no specific minimum age in Indiana, Kansas, Mississippi, Oklahoma, and Tennessee.

Other common requirements for emancipation include:

- Living apart from parents;
- Managing one's own money and affairs; and
- Being able to support oneself financially.
- In 5 states youth cannot be emancipated unless their parents approve.

Deciding to ask a court for emancipation is a very important step. Emancipation can help youth, by giving them many of the legal rights of adults, such as making their own decisions, controlling their own finances, entering into contracts, owning property, consenting to medical treatment and marrying.

However, emancipation also gives youth many of the legal responsibilities of adults, and it relieves the youth's parents of any responsibility to care for the youth. Before trying to get emancipated, youth should talk to lawyers, counselors, case managers, social workers, teachers, or other adults they trust, to make sure emancipation is the right decision for them.

Q: IS IT AGAINST THE LAW TO RUN AWAY FROM HOME?

A: Running away from home is against the law in 9 states: Georgia, Idaho, Kentucky, Nebraska, South Carolina, Texas, Utah, West Virginia, and Wyoming. It is considered a "status offense", which means it is against the law only when someone under 18 years old does it.

Almost every state allows police or other law enforcement officers to take runaway youth into custody without a court order and without the youth's permission. 5 states have laws that allow police to hold runaway youth in secure detention facilities: Alabama, Georgia, Indiana, Nevada, and South Carolina. Other states also allow this practice, although it is not written in their laws. 36 states have laws that allow police to return youth directly to their homes, without considering the youth's wishes.

Almost all states also offer services to runaway youth and their families, such as counseling, family mediation and alternative placements. These services are offered through the juvenile or family court. The court process has different names in different states, but it is commonly called a “Child in Need of Supervision” (CHINS) process. Runaway youth are considered CHINS in 34 states. Although the CHINS process can provide services to youth and families, it can also result in punishments, such as fines, suspended driving privileges, and mandatory drug screening.

Q: ARE ADULTS REQUIRED TO REPORT RUNAWAY YOUTH TO POLICE OR SOCIAL SERVICES?

A: State laws determine whether people are required to report runaway youth to police or social services. Some states do require certain adults to report runaway youth to a state agency. Youth service providers and legal services organizations may have information about those laws. Visit www.lsc.gov/fundprog.htm or www.ptla.org/ptlasite/links.htm for information about legal services organizations in your area.

In addition, most states have laws that require certain people, such as school staff, doctors, nurses and social workers, to contact the police or social services if they have reasonable cause to suspect that a child has been abused. The fact that a youth has run away from home does not necessarily provide reasonable cause to suspect child abuse. Therefore, people should not automatically report runaway youth under state mandatory reporting laws. Also, when reporting suspected child abuse, reporters should contact social services over the police. Social services agencies should

have the training and facilities to respond more appropriately to such reports. Every state's mandatory reporting law allows reporting to a social services agency, except those from Kentucky, Nevada and Texas, which require reporting to law enforcement.

OBTAINING MEDICAL CARE

For information about medical care and other health services for unaccompanied youth, contact the Center for Adolescent Health and the Law, www.cahl.org.



For more information about the laws in this booklet, contact the National Law Center on Homelessness & Poverty, www.nlchp.org.

Legal information in this booklet was taken from some of the following laws and regulations:

Runaway and Homeless Youth Act: 42 U.S.C. §§5701 et seq.; 42 U.S.C. §5712(b)(3); 45 C.F.R. 1351.18(e).

Personal Responsibility and Work Opportunity Reconciliation Act (TANF): 42 U.S.C. §608(a)(4) and (5).

Social Security Act: 20 C.F.R. 416.906; 20 C.F.R. 416.987; 20 C.F.R. 416.202; 20 C.F.R. 416.315; 20 C.F.R. 416.1165.

Food Stamp Act: 7 C.F.R. 273.3(a); 7 CFR 2.7.3..11(h); 7 C.F.R. 274.10(g); 7 C.F.R. 271.2 (8), (9); 7 C.F.R. 273.1(a); 7 C.F.R. 273.1(b)(1)(ii).

Workforce Investment Act: 20 C.F.R. 664.200; 29 U.S.C. §2884(3)(C); Job Corps Policy Requirements Handbook; 29 U.S.C. §2801(25).

McKinney-Vento Act: 42 U.S.C. §§11431 et seq.; 42 U.S.C. §11434A; 42 U.S.C. §11432(g)(3)(C); 42 U.S.C. §11432(g)(1)(I); U.S.C. §11432(g)(H).

Individuals with Disabilities Education Act: 20 U.S.C. §§1400 et seq.; 34 C.F.R. 300.125, 300.515, 300.20.

Higher Education Act: 20 U.S.C. §1087vv(d).

Remember, this booklet outlines only some basic information about the law. It does not provide legal advice. Each individual case will vary, and youth should get help.

Visit www.lsc.gov/fundprog.htm or www.ptla.org/ptlasite/links.htm for information about legal services organizations in your area.

Yes, I want to join NLCHP's efforts:

- Please send me more information about NLCHP.
- Please send me information about the National Membership Network.
- Please send me a list of your publications.
- Please send me information on volunteer opportunities.

Name _____

Organization _____

Address _____

Phone _____

E-mail _____

Enclosed is my tax-deductible contribution (please circle)

\$35

\$75

\$100

\$150

\$250

\$500

Other _____

Contributors receive a free subscription to the Law Center's quarterly newsletter, IN JUST TIMES.

(Please detach or copy and return to NLCHP.)

NLCHP works to end homelessness through outreach and education, legislative advocacy and litigation. We seek long-term, constructive responses at the local, state and federal levels.

For more information on our activities and a listing of our publications, including many works on Children and Youth Experiencing Homelessness, please contact us through the information below.

We would like to thank our Anonymous Donor, the W. K. Kellogg Foundation, the Freddie Mac Foundation, the Butler Family Fund, and Hogan & Hartson LLP for their support of our work with children and youth in homeless situations.

**NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY**

**1411 K Street, NW Suite 1400
Washington, DC 20005**

Tel: (202) 638-2535 Fax: (202) 628-2737

www.nlchp.org nlchp@nlchp.org