

# UNDERSTANDING YOUTH RIGHTS

Helping Providers Navigate the Laws and Policies Affecting  
Unaccompanied Homeless Youth




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**TNOYS**  
TEXAS NETWORK OF  
YOUTH SERVICES

[www.tnoys.org](http://www.tnoys.org)

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# INTRODUCTION

The laws about runaway, homeless, or unaccompanied youth can seem to be confusing and vague. While physically apart from their parent or guardian, homeless youth lack certain rights that can lead to confusion about legal issues of consent, eligibility for emancipation, parents' rights, accessing shelter, public education, health care, and public benefits. Recognizing these challenges, the following information is compiled to assist providers with the most common legal questions they may face when working with homeless or unaccompanied youth.

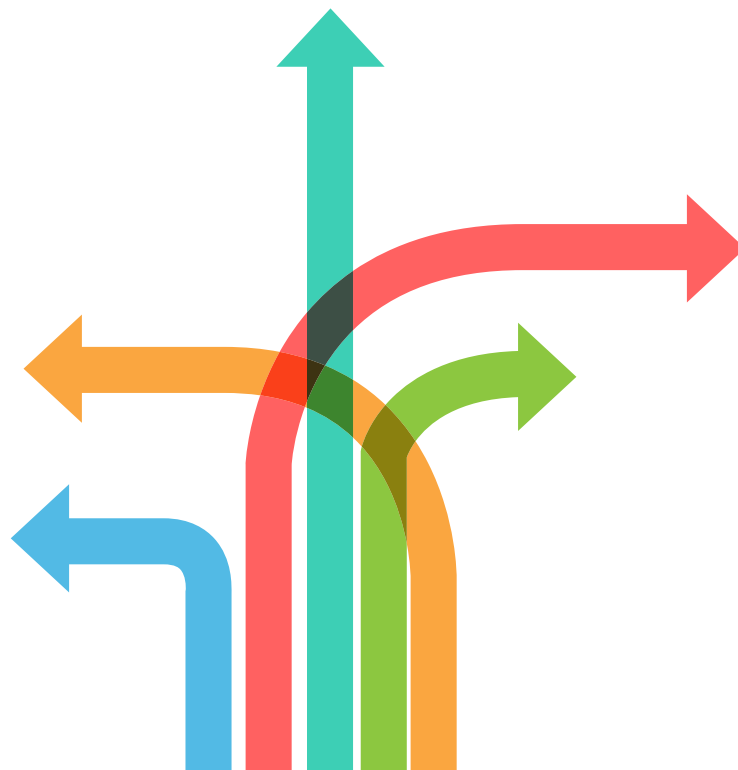
Texas Network of Youth Services sees youth as resources, not as problems to be fixed. Youth are resilient, resourceful people who can partner with adults in a joint effort to solve their problems as well as larger, community problems. In that spirit, this booklet begins and ends with a focus on adult-youth collaboration. The first three chapters of the booklet identify how providers can empower the youth voice, help youth understand their rights and responsibilities, as well as appreciate and understand the cultural diversity among homeless youth. The last chapter identifies the benefits of collaborative relationships between youth service agencies and law enforcement and juvenile justice systems.

The remaining chapters include information about the key applicable state and federal laws about: (1) emergency shelter/housing (2) emancipation (3) public education, (4) medical treatment, and (5) eligibility for state and federal benefits.

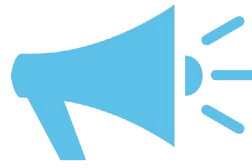
Each section of the booklet contains answers to the most frequently asked questions related to each subject and offers general guidelines for most situations. Also included are definitions of common terms and phrases used in the law and by government organizations.

The information in this publication is published as a public service and should not be used as a substitute for professional legal counsel.

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# 1. EMPOWERING YOUTH VOICE



*"Youth need opportunities to work in partnership with adults in order to meet their potential."*

## General Guidelines

Federally funded programs are required to provide youth with capacity-building opportunities, using a Positive Youth Development approach, including the opportunity for youth participation at all levels of programming. These youth leadership requirements are based on the idea that youth have a right to receive more than services and treatment: they must also be provided with healthy starts, education for marketable skills and opportunities for public service.

## FREQUENTLY ASKED QUESTIONS

### What is the Positive Youth Development (PYD) approach?

Positive Youth Development is an approach that encourages youth skill development, a sense of belonging, opportunities to exercise decision-making, connection with caring adults, connection to policy making bodies, and other protective factors. PYD "...acknowledges both youth as resources in rebuilding communities and that helping young people requires strengthening families and communities. PYD has three components:

1. Viewing young people and families as partners, rather than clients, and involving them in designing, delivering, and evaluating programs and services;
2. Giving all youth access to both prevention and intervention services and programs that meet their developmental needs;
3. Offering youth opportunities to develop relationships with caring, supportive adults."<sup>1</sup>

Establishing programs that "fix" young people and their problems is not enough. Preventing high-risk behaviors is not the same as preparing young people for community involvement. "Problem-free does not mean fully prepared."<sup>2</sup> Youth need opportunities to work in partnership with adults in order to meet their potential.

### How can adults encourage young people to take an active role in advocating for a voice in programs that serve them?

Invite young people to get involved with your project by sharing with them what benefits the group or project can accomplish with their participation. Once they agree to participate, assign adult mentors to coach, support, and encourage their ongoing participation. Encourage young people to share all their ideas and questions and respect their contributions and willingness to be part of the dialogue. For example, when community groups are working together to expand or develop services for transition-aged youth, organizers should ensure that the youth perspective is included in needs analysis, outreach methods, beneficial offerings, service delivery, and evaluation processes. In the area of advocacy for youth & family-related policy development organizations need to include youth and their "youth voice."

<sup>1</sup> National Clearinghouse on Families & Youth (1996) Reconnecting youth and community: A developmental approach. Washington D.C.: Family & Youth Services Bureau (FYSB) p. 11;

<sup>2</sup> Pittman, K., Irby, M., & Ferber, T. (2000). Unfinished business: Further reflections on a decade of promoting youth development. Washington, DC: The Forum for Youth Investment, Impact Strategies, Inc.

After all, youth are the “26% Solution”; meaning that youth comprise 26% of the population and 100% of the future.<sup>3</sup>

### What are Community Youth Development (CYD) organizations?

Organizations committed to CYD at an organizational level have these characteristics:

- Agency Board of Directors includes youth as members;
- Agency policy and procedures, program design, and program evaluation are reviewed by Youth Advisory groups for including the “youth perspective;”
- Agency Initiatives actively involve youth in community building, community service projects, community organization, and youth leadership activities;
- Adults in the agency find opportunities for youth/adult partnerships at all levels of the organization;
- Agency administrators have reviewed the organization’s mission and “program policies and procedures to ensure they provide a vision and structure for promoting youth development”<sup>4</sup>

### What are some tips for establishing youth/adult partnerships to empower youth voice?

Adults who are interested in partnering with youth to help empower youth voice can take active roles in mentoring youth. They work to ensure that age does not become a barrier to effective collaboration by using the following criteria:

- Envision youth as the solution rather than the problem
- Understand the “teen perspective”, that peer influence, and the stresses impact adolescents’ choices
- Encourage youth to help promote new programs
- Learn to communicate and, most importantly, listen to youth so their voices can be heard
- Know that youth can be impressionable; understand the importance of modifying your actions to be a healthy mentor
- Recognize the value of the youth point of view when creating curricula and programs that influence their lives
- Provide youth with support services to teach them skills that will last beyond the program’s lifespan
- Perceive youth as having the capability to teach others valuable lessons
- Realize that preaching and criticism (forms of Adultism) do not work: young people respond to openness and reciprocal relationships

Remember that all adults were once youth and that young people will soon be adults. Thus, the difference between them and you is actually quite minimal.<sup>5</sup>

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3 Lesko, W.S. (2003) Youth! The 26% solution – Youth activism project. Available online from <http://youthactivismproject.org/26Percent-Solution/Youth26Solution2008-Web.pdf>

4 National Clearinghouse on Families & Youth (1996) Reconnecting youth and community: A developmental approach. Washington D.C.: Family & Youth Services Bureau (FYSB) p. 14

5 Schulman, S. Ten guidelines for forming youth/adult partnerships. (2001) Community Youth Development Journal, Volume 2, No. 1 – Winter 2001

## 2. INCREASING CULTURAL COMPETENCY



*"In general, youth today are much more self-accepting of their cultural differences."*

### General Guidelines

By the year 2050, racial/ethnic groups will make up 48% of the total U.S. population. Cross cultural competence is quickly becoming a major proficiency needed by community services organizations and their staff to function effectively.<sup>6</sup> Assessments of youth serving organizations indicate that there is a range of competency from "cultural destructiveness" to "cultural proficiency"<sup>7</sup> and their proficiency can be measured and increased with training.

"Cultural competence is defined as the ability of individuals and systems to work or respond effectively across cultures in a way that acknowledges and respects the culture of the person or organization being served. Culturally competent youth development workers are aware and respectful of the values, beliefs, traditions, customs, and parenting styles of the audience being served."<sup>8</sup>

### FREQUENTLY ASKED QUESTIONS

#### How do youth-workers become more cross-cultural?

It is not enough for staff to know about their own culture, differences with other cultural / ethnic groups, and their biases: they also need a good working knowledge of their client's worldview in order to be cross-cultural in their work.<sup>9</sup> Becoming competent in cross-cultural work requires workers to:

- Be aware of cultural differences they encounter and accept the value of differences in their communications, while staying aware of their own positive and negative reactions to other racial, ethnic, and cultural groups to avoid stereotyping or working in ways that are detrimental to the client. (These workers generally have multi-cultural friend groups and are active in their neighborhoods and in multi-cultural events in the community.)
- Possess specific knowledge about the diverse groups they may work with (including cultural heritage, history, and the specific way in which clients are marginalized) and stay motivated to use their communication skills to continually enhance their working knowledge by asking clients questions about their culture. (These workers also usually maintain an interest in community minority events, social and political functions, and celebrations.)
- Become familiar with the ongoing research related to working across cultural boundaries and clinical approaches that impact different racial, cultural, and ethnic groups, as well as research related to differences in age, socioeconomic status, sexual preference, and religious choices.<sup>10</sup>

6 Williams, B.E. (2001) Accomplishing cross cultural competence in youth development programs. Journal of Extension 39:6. Retrieved online from <http://www.joe.org/joe/2001december/iw1.php>.

7 Mason, J. L. (1995). Cultural Competence Self-Assessment Questionnaire: A Manual for Users. Available online from <http://files.eric.ed.gov/fulltext/ED399684.pdf>.

8 Williams, op. cit., p.1.

9 Diller, J.V. (2007) Cultural diversity: A primer for the human services, 4<sup>th</sup> Edition. Belmont CA: Brooks/Cole, p.23.

10 Diller, op. cit., p.24.

## What is the difference between race, ethnicity & culture?

- “Race is a social construct that describes people with shared physical characteristics.”<sup>11</sup> However, since 85% of human genetic diversity is found within any racial group, racial groups are more similar than different. These labels, although still used, are limiting in describing identifiable populations and do not always have clear meaning beyond the confines of the United States.
- Ethnicity refers to “...the social identity and mutual sense of belonging that defines a group of people through common historical or family origins, beliefs, and standards of behavior (i.e. culture).”<sup>12</sup> Ethnicity, unlike race, is a distinctly cultural concept.
- Culture subsumes both race and ethnicity. “Cultural identity describes an individual’s affiliation or identification with a particular group or groups: ...not static; they develop and change across the life cycle. ...All people, regardless of race or ethnicity, develop a cultural identity.”<sup>13</sup>

## What are the intersecting factors in race, ethnicity, and culture?

Factors that may differentiate and/or join various populations of people, based on their cultural diversity, include a number of important individualizing variables, such as the following:

- Language and communication
- Geographic location
- Worldview, values, and traditions
- Family and kinship
- Religion and spirituality
- Socioeconomic status and education
- Immigration and migration
- Acculturation and cultural identification
- Heritage and history
- Gender roles
- Sexuality
- Perspectives on health, illness, and healing

As workers and organizations develop their cross-cultural skills and become more culturally competent it is important to remember “...that diversity occurs not only across racially and ethnically diverse groups, but within each group as well – there are cultures within cultures.”<sup>14</sup> Organizations and workers must design programs to “...create an environment that is responsive to the unique attributes and experiences of each client...”<sup>15</sup>

## How does cultural diversity and cross-cultural practice inform our work with young people?

In general, youth today are much more self-accepting of their cultural differences and the varieties of individual expression than many of the organizations and workers they come in contact with. As a result, there are many more cultural varieties of youth in the general population today. It is practically impossible to find a current list of the labels young people use to describe their various tribes and subcultures.

Working with young people and their subcultures has basically the same guidelines as working with any diverse cultural group. Remember the following:

- Homeless youth may have a distrust of organizations and workers they perceive as threatening their freedom.
- Homeless youth may have had bad experiences with human service organizations or workers.

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11 SAMHSA (2014) Improving cultural competence. Treatment Improvement Protocol (TIP) Series No. 59. HHS Publication No. (SMA) 14- 4849. Rockville, MD: SAMHSA, 2014, p.13.

12 SAMHSA (2014), op. cit., p.15.

13 SAMHSA (2014), op. cit., p.16.

14 SAMHSA (2014), op. cit., p.33.

15 Ibid.

- Many homeless street youth want to remain unknown; they are in the shadows by choice.
- Some homeless youth are on the streets and in crisis and may want services to help them off the streets.

### How can we typify the different characteristics of homeless youth in order to build rapport when working with them?

It may be helpful to think of homeless young people on a continuum of needs in order to develop helpful working relationships with them.

- Homeless young people in crisis -- homeless young people who want help finding a safe place to stay. They may have been kicked out of a placement, their home, or recently released from a care facility. In general, these young people are usually easy to talk to and work with to find shelter, support services, and other referral information.
- Homeless young people without the ability to stay in stable living environments -- young people who might have mental health or substance use issues and are unable to remain in stable living environments because of their behavior. They may be more challenging to work with if they only want to get support services that will allow them to remain "free" from the constraints of stable living situations. In general, these youth are easy to talk to if you can trade food, money, or supplies.
- Homeless young people identified by McKinney-Vento Homeless Education Act<sup>16</sup> -- young people who may be homeless "couch surfers" and temporarily stay with friends, in cars, or in abandoned homes or buildings. They may NOT want to be found: rather, they may want to fit into their neighborhood and "fly under the radar". They may be unwilling to participate or say they need no services from organizations or workers.
- Homeless young people who are street dependent and have embraced the street culture -- young people who may have lived on the streets long enough to adapt to street life and feel a sense of belonging and "family" with others on the streets. They may use organizations (drop in centers) or workers for support services to communicate with others; to get free services and supplies; or to find resource information. Generally, these young people may NOT want to share too much about themselves or be willing to get "signed up" for services.

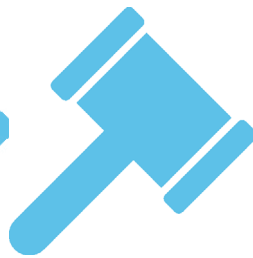
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<sup>16</sup> US Dept. of Education (2004) Sec. 1032. Education for homeless children and youths. Subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq.) Retrieved online at <http://www2.ed.gov/policy/elsec/leg/esea02/pg116.html>.



# LEGAL CONSIDERATIONS

## 3. YOUTH RIGHTS & RESPONSIBILITIES



*"STAR, or Services To At Risk Youth, is a free statewide service that provides crisis intervention services to youth and families in every county of Texas."*

### General Guidelines

In the absence of emancipation, unaccompanied homeless youth can be taken into police custody as a runaway, which is considered a status offense. The officer may release the youth into the custody of the youth's guardian, a school official, or to a juvenile court. Youth are also unable to enter into legally binding contracts, which prevents youth from being able to obtain certain goods and services needed for independent living. An exception is that youth aged 16 and older are able to consent to care at a transitional living program in a licensed residential child-care facility that is designed to provide basic life skills training toward independent living. However, this residential service program is not considered an independent living program.

### FREQUENTLY ASKED QUESTIONS

#### If a youth runs away from home, what can parents do?

Parents have the right to bring their child home as long as there is not a court order specifying otherwise. Parents have two options for reporting their child to the police if they leave home: as a runaway or as a missing person. A minor who is 16 years old or younger can be reported as both a runaway and a missing person. For a minor who is 17 years old, some police departments will take one report but not the other, both reports, or neither report, depending on the policy of the police department.<sup>17</sup> In both cases, the police have the authority to find the minor and return him or her to their parents or legal guardian. However, in the case of 17 year olds, police are not required to return the youth to their parents if they determine that the youth is safe. Some police departments will also take a missing person report on an 18year-old who is still attending high school, since he or she is still considered a minor.<sup>18</sup>

Parents have the option to access services in the STAR program. STAR or, Services To At Risk Youth, is a free statewide service that provides crisis intervention services to youth and families in every county of Texas. This may be an option for some families to help resolve problems that may be causing the teen to runaway. STAR programs can also provide or refer to youth shelters for runaway youth.<sup>19</sup>

#### What risk does a person assume if they house a runaway?

It is considered a crime to harbor a runaway child if the person knows or should know that the child is under 18 and has left home without the consent of their parents or guardians.<sup>20</sup> The person "harboring" can be charged with the crime of interfering with child custody or harboring a runaway.<sup>21</sup>

<sup>17</sup> Note: The law as stated in the Texas Family Code is incorporated in the Texas Administrative Code (TAC), and jurisdictions across the state may follow different procedures in administering the code and law.

<sup>18</sup> Texas Foster Youth Justice Project, (2014), "I'm under 18 and not with my parents: What are my rights?," Legal Aid of Northwest Texas Youth Rights Handbook Series, available online at <http://texasfosteryouth.org/resources-list/>.

<sup>19</sup> Services to At-Risk Youth (STAR), available online at [https://www.dfps.state.tx.us/prevention\\_and\\_early\\_intervention/about\\_prevention\\_and\\_early\\_intervention/programs.asp](https://www.dfps.state.tx.us/prevention_and_early_intervention/about_prevention_and_early_intervention/programs.asp).

<sup>20</sup> Texas Penal Code § 25.06(a).

<sup>21</sup> Texas Foster Youth Justice Project, (2014), "I'm under 18 and not with my parents: What are my rights?," Legal Aid of Northwest Texas Youth Rights Handbook Series, available online at <http://texasfosteryouth.org/resources-list/>.

## What is a “youth or child in need of supervision”?

Many states enact laws that enable courts and law enforcement to become involved when youth or families “need supervision.” Texas law uses the expression “conduct indicating a need for supervision.” Conduct indicating a need for supervision includes running away from home without the intent to return, habitual truancy, and violation of school rules.<sup>22</sup> In these cases, police can take a youth into custody and the youth can be returned home or to another adult; brought before a juvenile board or court; or brought to a detention facility. Some officers may issue a warning instead of taking a youth into custody in instances where the youth seems safe or if it’s a first offense.<sup>23</sup> Running away is considered a status offense and police do not require a warrant to take a youth runaway into custody.<sup>24</sup>

In the case of habitual truancy, defined as having unexcused absences for 10 or more days (or parts of days) within a six-month period, a youth may be referred to truancy court.<sup>25</sup> However, a youth cannot be referred to truancy court if absences are a result of homelessness, pregnancy, being the principal income earner in the family, or being in foster care.<sup>26</sup> As of September 2015, truancy was de-criminalized in the state of Texas. Therefore, the adjudication of a youth “...as having engaged in truant conduct is not a conviction of crime.”<sup>27</sup>

## Can youth sign a lease or enter into other legally binding contracts?

Youths under the age of 18 are unable to enter into contracts with a landlord or other person or agency, unless the youth has been legally emancipated. However, landlords are under no legal obligation to sign a lease with an emancipated youth.<sup>28</sup> Recent legislation has enabled youth aged 16 and older to consent to care within a transitional living program, even if the parent or guardian objects, if they live apart from their parent or guardian and manage their own financial affairs.<sup>29</sup> A youth of any age may also consent if they are unmarried and pregnant or are the parent of a child.<sup>30</sup> A transitional living program is designed to provide basic life skills training toward independent living, but is not considered an independent living program.<sup>31</sup>

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22 Texas Family Code § 51.03.

23 National Law Center on Homelessness & Poverty and the National Network for Youth, (2012), “Alone Without A Home: A State-By-State Review of Laws Affecting Unaccompanied Youth,” p. 59.

24 Texas Family Code § 51.02(15)(B).

25 Texas Family Code § 65.003.

26 Texas Education Code § 25.0915(a-3).

27 Texas Family Code § 65.009.

28 Texas Family Code § 31.006.

29 Texas Family Code § 32.203(b).

30 Ibid.

31 Texas Family Code § 32.203(a).

## 4. EMERGENCY SHELTER OR CARE FOR YOUTH



*"Texas state law allows unaccompanied youth ages 16 and over to stay in a transitional living program without parental consent."*

### General Guidelines

Youth care facilities may provide shelter to unaccompanied homeless youth in cases of emergency, such as when the physical health or safety of the youth is threatened. The maximum time limit for care in emergency situations is 15 days, without parental consent. Youths are able to consent to their own care if they are either pregnant or a parent of a child, or if they are 16 or older, living apart from their parent or guardian, and managing their own financial affairs.

Texas law allows unaccompanied youth ages 16 and over to stay in a transitional living program without parental consent. Programs are required to attempt to notify parents of the youth's whereabouts, but the youth can remain in the program even if parents object.<sup>32</sup>

A person is in violation of Texas law if he or she knowingly harbors a runaway youth less than 18 years of age and who has escaped from the custody of:

- A peace officer;
- A probation officer,
- The Texas Juvenile Justice Department (TJJD),
- A detention facility for children, or
- If the youth is voluntarily absent from home without the consent of a parent or guardian for a substantial length of time or without the intent to return.<sup>33</sup>

### FREQUENTLY ASKED QUESTIONS

#### When can a shelter facility provide shelter and care to a minor?

An emergency shelter facility or a transitional living program may provide shelter or care to a minor only in cases where there is an immediate danger to the minor's physical health or to the safety of the minor's children, if the minor is a parent.<sup>34</sup> Care must cease after 15 days unless the facility receives consent from the minor to continue services, or if the minor has qualified for financial assistance and is on the waiting list for housing assistance.<sup>35</sup> In all other circumstances the shelter must try to notify the minor's parent within 24 hours.<sup>36</sup> This period of time can be used to build rapport with the minor to get their permission to call a parent or caretaker. If it is impossible to contact a parent or guardian, the shelter must notify the appropriate public agency (Child Protective Services, Juvenile Probation, or a police department).<sup>37</sup> The shelter facility must record all efforts to contact the minor's parent or guardian and all contact with public agencies.<sup>38</sup>

#### When is a youth able to consent to emergency shelter or care at a transitional living program?

A youth may consent to care at an emergency shelter or with a transitional living program if they are 16 years

<sup>32</sup> Texas Family Code § 32.203.

<sup>33</sup> Texas Penal Code § 25.06.

<sup>34</sup> Texas Family Code § 32.201(b).

<sup>35</sup> Texas Family Code § 32.201(c).

<sup>36</sup> Texas Administrative Code § 748.4201(a).

<sup>37</sup> Texas Administrative Code § 748.4201(b).

<sup>38</sup> Texas Administrative Code § 748.4201(c).

of age or older, live apart from their parent or guardian, and manage their own financial affairs, regardless of whether a parent or guardian consents. A youth may also consent if they are unmarried and pregnant or are the parent of a child, irrespective of age.<sup>39</sup> An emergency shelter facility or transitional living program may rely on the youth's written statement stating that they have the capacity to consent.<sup>40</sup>

### Are shelter facilities obligated to contact the youth's parent or guardian regarding their location?

As stated above (first question in this section), shelter staff are obligated to try to notify the youth's parent within 24 hours of the youth's entry.

Transitional living program staff must attempt to notify the youth's parent or guardian regarding their location, although youth in transitional living programs may remain there without parent consent.<sup>41</sup>

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39 Texas Family Code § 32.202(a).

40 Texas Family Code § 32.202(e).

41 Texas Family Code § 32.203(d, e).

## 5. EMANCIPATION



*"There are limitations associated with becoming emancipated."*

### General Guidelines

Emancipation, or the "removal of disabilities of minority," is the removal of barriers to independence that typically affect minors, such as not being able to control their finances, obtain housing, consent to medical treatment, or enter into other contracts necessary to live independently. Through emancipation, a 16 or 17-year-old can become a legal adult while still under the age of majority (18). To successfully petition for emancipated status, the youth must support themselves and manage their own financial affairs.

### FREQUENTLY ASKED QUESTIONS

#### How does a youth become an emancipated minor?

There are three ways a youth can become emancipated. Youths are considered automatically emancipated if they either get married or join the military--acts that generally require parental consent. A youth may also petition a court for emancipation.

To be granted emancipation, a youth must be: 1) a resident of Texas; 2) 17 years of age, or at least 16 years of age and living separate and apart from their parents or guardian; and 3) self-supporting and managing their own financial affairs.<sup>42</sup> A parent or guardian must verify the petition, except in cases where they are unavailable or their whereabouts are unknown. In such cases, an amicus attorney or attorney ad litem is appointed by the court to represent the interests of the youth at the emancipation hearing and may verify the petition.<sup>43</sup> The court will grant emancipation if that is in the best interest of the youth.<sup>44</sup>

#### What does it mean to be emancipated?

Except for specific constitutional and statutory age requirements, an emancipated minor has the legal capacity of an adult.<sup>45</sup> This means the emancipated youth can legally sign a lease, make educational decisions, finance a car, and consent to health care. A minor can be fully emancipated or emancipated for a limited purpose, based on the specifications of the original petition. For example, a youth can petition for emancipation for the limited purpose of being able to consent to special education testing at school.<sup>46</sup>

#### Are there disadvantages to becoming emancipated?

There are limitations associated with becoming emancipated. While an emancipated youth is able to consent to contracts, emancipation does not provide all of the same legal rights as an adult, such as being able to purchase alcohol or tobacco products. There is also no legal requirement that others must enter into contracts with the youth, such as a landlord. This means that an emancipated minor may not

<sup>42</sup> Texas Family Code § 31.001.

<sup>43</sup> Texas Family Code § 31.004.

<sup>44</sup> Texas Family Code § 31.005.

<sup>45</sup> Texas Family Code § 31.006.

<sup>46</sup> Texas Foster Youth Justice Project, (2014), "I'm under 18 and not with my parents: What are my rights?," Legal Aid of Northwest Texas Youth Rights Handbook Series, p. 17, available online at <http://texasfosteryouth.org/resources-list/>.

be able to secure a lease, even if they have the means. If emancipated, a youth's parent or guardian is not legally obligated to financially support an emancipated minor or let them move back home in cases where circumstances change, such as if the youth becomes unemployed.<sup>47</sup>

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<sup>47</sup> Ibid.

## 6. RIGHT TO PUBLIC EDUCATION



*"Homeless youth have the right to immediately enroll in any school, including their school of origin."*

### General Guidelines

The federal McKinney-Vento Homeless Assistance Act (the "McKinney-Vento Act") establishes the right of homeless children and youth to access education.<sup>48</sup>

Homeless youth have the right to immediately enroll in any school, including their school of origin. School districts must eliminate all barriers to the enrollment and retention of homeless youth, including issues of transportation. Moreover, under the McKinney-Vento Act, every public school must designate a liaison that coordinates services and represents the interests of the youth.<sup>49</sup>

### FREQUENTLY ASKED QUESTIONS

#### What resources are available for homeless or unaccompanied youth for public education?

Every public school must designate a Homeless Student Liaison or HSL who helps homeless or unaccompanied youth with enrollment, obtaining clothing and school supplies, and securing transportation to and from school.<sup>50</sup> If the student is an unaccompanied youth, the HSL also acts in his/her best interest to request resources such as health care services, educational programs and other services.<sup>51</sup>

#### Can a youth experiencing homelessness stay enrolled in their school of origin even if they are now staying in a different district or state?

School choice is made according to the youth's best interest, and many studies have found that changing schools significantly impedes a student's academic performance and social progress.<sup>52</sup> Therefore the school district must, to the extent possible, keep a homeless or unaccompanied youth in his or her school of origin, except when doing so is contrary to the wishes of the youth's parent or guardian.<sup>53</sup> Under the McKinney-Vento Act, the school of origin means the school that the child or youth attended when permanently housed or the school in which the child or youth was last enrolled.<sup>54</sup>

#### How long are students allowed to stay at their school of origin?

Students have the right to remain in their school of origin for the duration of homelessness, even if the child's homelessness extends over multiple school years.<sup>55</sup> In addition, students that are placed by the Texas Department

48 For purposes of this Section, all homeless youth who are eligible to attend school will be referred to as "homeless youth".

49 42 U.S.C. § 11432(g)(1)(J)(ii).

50 Texas Foster Youth Justice Project, (2014), "I'm under 18 and not with my parents: What are my rights?" at 12-13, Legal Aid of North-West Texas Youth Rights Handbook Series.

51 42 U.S.C. § 11432(g)(6)(A)(iii).

52 National Association for the Education of Homeless Children and Youth (NAEHCY), (2009) "The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations," p. 10.

53 42 U.S.C. § 11432(g)(3)(B)(i).

54 42 U.S.C. § 11432(g)(3)(G).

55 National Association for the Education of Homeless Children and Youth (NAEHCY), (2009), "The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations", at 10; see also 42 U.S.C. § 11432(g)(3)(A)(i).

of Family and Protective Services (“DFPS”) at a residence outside the attendance area for the school can remain at their school of origin without paying tuition until they complete the highest grade level offered by the school at the time of placement.<sup>56</sup>

### Who provides for transportation in cases where a homeless student wants to stay at their school of origin?

Federal law requires school districts to eliminate barriers to school enrollment and retention of homeless students.<sup>57</sup> This means that school districts must provide transportation to students experiencing homelessness in certain situations, such as:

1. Upon the request of the parent, guardian or Homeless Student Liaison and regardless of whether the district provides transportation for other students. If two districts are involved, they must agree upon a method to apportion the cost and responsibility of transportation, or split it equally.
2. If a student is unable to attend school without transportation, the district must eliminate lack of transportation as a barrier to the child attending school.<sup>58</sup>
3. For transportation other than to and from the school of origin, districts are required to provide similar transportation as given to housed students.

### Can state-run GED programs or a distance learning course be considered a “school of origin”?

Yes. Students experiencing homelessness must be given comparable services to those available to housed students, including access to GED programs and distance learning courses.<sup>59</sup>

### If a homeless or unaccompanied youth does not want to stay enrolled at the school of origin, what options are available to them?

All public schools in Texas are required to immediately enroll homeless youth, regardless of the residence of the parent or guardian or even of the youth.<sup>60</sup> Schools are not required to admit students that have, within the preceding year, been expelled or removed to a disciplinary alternative education program, are on probation or conditional release for engaging in delinquent conduct, or have been convicted of a criminal offense and are on probation or conditional release.<sup>61</sup> If the youth is emancipated, but not homeless, they are only able to enroll in a public school in the school district that they reside in.<sup>62</sup>

### What documents do youth need to provide to enroll in a school?

Schools are required to enroll students experiencing homelessness immediately, even if the student is unable to provide documents typically required for enrollment, such as previous school records or medical records.<sup>63</sup> Once the student is enrolled, the school must immediately contact the previous school for records.<sup>64</sup> If the records cannot be transmitted immediately, the enrolling school can speak with staff from the previous school to get

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<sup>56</sup> Texas Education Code § 25.001(g).

<sup>57</sup> 42 U.S.C. § 11432(g)(1)(I), (g)(7); see also National Association for the Education of Homeless Children and Youth (NAEHCY), (2009), “The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations”, at 13.

<sup>58</sup> National Association for the Education of Homeless Children and Youth (NAEHCY), (2009), “The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations”, at 13; see also 42 U.S.C. § 11432(g)(1)(I), (g)(7).

<sup>59</sup> National Association for the Education of Homeless Children and Youth (NAEHCY), (2009), “The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations”, at 12, 13.

<sup>60</sup> Texas Education Code § 25.001(b)(5).

<sup>61</sup> Texas Education Code § 25.001(d)(1)-(3).

<sup>62</sup> Texas Education Code § 25.001(b)(8).

<sup>63</sup> 42 U.S.C. § 11432(g)(3)(C)(i).

<sup>64</sup> 2 U.S.C. § 11432(g)(3)(C)(ii).



basic information about the student, including whether the child was expelled or suspended.<sup>65</sup> Though enrollment must happen immediately, students must provide the following documents within 30 days: a birth certificate or other document suitable as proof of identity, a copy of school records from the school most recently attended, and an immunization record.<sup>66</sup> Schools cannot require verification or proof of residency as a condition of enrollment for homeless youth.<sup>67</sup>

### Are there age limitations for school enrollment?

Schooling is available to any youth who, on the first day of September of any school year, is between the ages of 5 and 21 years old.<sup>68</sup> Youths who are at least 21 and under 26 are also able to enroll in school to complete the requirements of a high school diploma.<sup>69</sup>

Prekindergarten classes are available to certain disadvantaged youth, such as children experiencing homelessness.<sup>70</sup> According to Texas law, a school district must offer prekindergarten classes if the district identifies 15 or more children who are eligible and are at least 4 years of age.<sup>71</sup> A school district has the option to offer prekindergarten classes if the district identifies 15 or more eligible children who are at least 3 years of age.<sup>72</sup> A district may not charge tuition for a prekindergarten class.<sup>73</sup>

### When are youths exempt from compulsory school attendance?

A youth between the ages of 6 and 19 must attend school, though in certain circumstances, children must attend school beginning at age 6 or younger.<sup>74</sup> Homeless youth that are at least 17 years old are only exempt from this rule if they are attending a course of instruction to prepare for the high school equivalency exam.<sup>75</sup>

### What happens if a school expels a student?

Student discipline and expulsion rules apply to homeless students in the same way that they apply to housed students. However, schools must not penalize students related to their homelessness. For example, a school must excuse absences caused by homelessness even if it would lead to suspension for housed students.<sup>76</sup>

### Are free school meals available for homeless and unaccompanied youth?

Any unaccompanied youth or child identified as homeless by a Homeless Student Liaison or shelter director is automatically eligible for free school meals. The student does not need to complete an application or provide documentation of income, and the meals should commence as soon as the HSL or shelter director informs the school.<sup>77</sup>

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65 National Association for the Education of Homeless Children and Youth (NAEHCY), (2009), "The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations", at 17;

66 Texas Education Code § 25.002(a)(1)-(3).

67 42 U.S.C. § 11432(g)(3)(C).

68 Texas Education Code § 25.001(a).

69 Ibid.

70 Texas Education Code § 25.001(a) and § 29.153(b)(5).

71 Texas Education Code § 29.153(a-1).

72 Ibid.

73 Ibid.

74 Texas Education Code § 25.085(b).

75 Texas Education Code § 25.086(a)(5)(A)(iv).

76 National Association for the Education of Homeless Children and Youth (NAEHCY), (2009), "The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations", at 24; see generally 42 U.S. Code § 11432(g)(1)(I) and § 11432(g)(7) (discussing the state and local education agencies obligation to review and revise any policies that act as a barrier to education for homeless youth).

77 National Association for the Education of Homeless Children and Youth (NAEHCY), (2009) "The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations", at 24.

## What other educational benefits are available to homeless youth?

All homeless youth are automatically eligible for Title 1 services, regardless of whether they live in a Title 1 school attendance area or meet the academic standards for eligibility.<sup>78</sup> Title 1 funds can be used to provide services that are not ordinarily provided to other students, including educationally related support services to children in shelters. For example, funds can be used for attaining: clothing, personal school supplies such as backpacks and notebooks, a birth certificate necessary to enroll in school, immunizations, food, medical and dental services, eyeglasses and hearing aids, counseling services, and tutoring services, among others.<sup>79</sup>

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<sup>78</sup> Ibid. at 31.

<sup>79</sup> Ibid. at 31-32.

## 7. MEDICAL TREATMENT



*"A youth over the age of 16 is able to consent for their own care if they are living apart from their parent or guardian and managing their own financial affairs."*

### General Guidelines

For the most part, youth under the age of 16 are unable to consent to their own medical and health care. Exceptions exist in cases where the youth is believed to be abused or neglected, or if the youth is seeking treatment or counseling for suicidal thoughts, chemical addiction, or an infectious disease that must be reported to a health care worker. A youth 16 years or older is able to consent for their own care if they are living separate and apart from their parent, guardian or conservator and managing their own financial affairs.<sup>80</sup> In almost all cases, physicians, dentists or psychologists may notify a youth's parent, guardian or conservator about the treatment the youth has received, with or without the youth's consent.<sup>81</sup>

### FREQUENTLY ASKED QUESTIONS

#### Who can consent to medical, dental, psychological and surgical treatment for a youth?

In general, only a parent or legal guardian can consent to medical, dental, psychological and surgical treatment of a youth. If a parent or legal guardian cannot be contacted, and they have not given actual notice to the contrary, the following people can give consent in their absence:

1. An adult relative, including a grandparent, brother, sister, aunt or uncle.
2. A school where the child is enrolled that has received written authorization to consent from a parent or legal guardian.
3. An adult who has the actual care, control, and possession of the child and has written authorization to consent from a parent or legal guardian.
4. The court with jurisdiction over a suit affecting the parent-child relationship involving the youth.
5. An adult responsible for the actual care, control and possession of a child under the jurisdiction of a juvenile court or committed by a juvenile court to the care of an agency of the state or county.
6. A peace officer who has lawfully taken custody of a minor, if the peace officer has reasonable grounds to believe the minor is in need of immediate medical treatment.<sup>82</sup>

#### In what case is a physician, dentist, or psychologist able to provide care without consent?

A physician, dentist, or psychologist may examine a child under 16 without the consent of the child, parent or legal guardian if they have reasonable grounds to believe that the child's physical or mental condition has been adversely affected by abuse or neglect. An examination can include x-rays, blood tests, photographs, and necessary penetration of tissue. A physician, dentist, or psychologist may not examine a youth who is 16 years of age or older and refuses to consent, or when it is prohibited by a court order.<sup>83</sup>

<sup>80</sup> Texas Family Code § 32.003(a)(2)(A).

<sup>81</sup> Texas Family Code § 32.003(d).

<sup>82</sup> Texas Family Code § 32.001(a)(1)-(8).

<sup>83</sup> Texas Family Code § 32.005(c)(1)-(2).

## Who can give consent for immunizations?

The same people who are able to give consent for medical care are also able to give consent for immunizations, except in cases where the person has knowledge that a parent or guardian has refused to give consent for the immunization.<sup>84</sup> As an exception, the Texas Youth Commission may consent to immunizations even if the parent refuses to consent, but only in cases where the parent does not deny the authority to consent to the Texas Youth Commission.<sup>85</sup>

## When are youth able to give consent for their care?

Youth can consent to medical, dental, psychological, or surgical treatment if:

1. They are on active duty with the U.S. armed services;
2. They are at least 16 years of age, living apart from their parents, guardian or conservator, and managing their own financial affairs;
3. They are consenting to the diagnosis and treatment of an infectious, contagious, or communicable disease that is required by law to be reported to a local health officer or the Texas Department of Health;
4. They are unmarried and pregnant and consent to hospital, medical, or surgical treatment related to the pregnancy (other than abortion);
5. They consent to examination and treatment for drug addiction or dependency;
6. They are unmarried, are the parent of a child, and have actual custody of the child and consent to medical, dental, psychological, or surgical treatment for the child; or
7. They are serving a term of confinement in a facility operated by or under contract with the Texas Department of Criminal Justice.<sup>86</sup>

## In what cases would a parent or guardian be notified about treatment?

In all cases, the certified physician, dentist, psychologist, counselor or social worker may advise the child's parent or guardian of the treatment given or needed by the child, but there is no legal obligation to do so.<sup>87</sup>

## Who is able to consent for counseling for a youth?

Regardless of age, a youth may consent to counseling for suicide prevention, chemical addiction or dependency, or sexual, physical, or emotional abuse.<sup>88</sup> A certified physician, psychologist, counselor, or social worker may counsel a youth without the consent of a parent or guardian if they have reasonable grounds to believe the youth has been sexually, physically, or emotionally abused, is contemplating suicide, or is suffering from a chemical or drug addiction.<sup>89</sup>

## Does a parent who has not consented for counseling have to pay for treatment?

No. A parent or guardian who has not consented to counseling is not obligated to compensate a physician, psychologist, counselor or social worker for services.<sup>90</sup>

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84 Texas Family Code § 32.101(c)(1).

85 Texas Family Code § 32.101(d)(1)-(2).

86 Texas Family Code § 32.003(a)(1)-(7).

87 Texas Family Code § 32.003(d).

88 Texas Family Code § 32.004(a)(1)-(3).

89 Texas Family Code § 32.004(b)(1).

90 Texas Family Code § 32.004(e).

## Is a pregnant youth able to get an abortion without consent from a parent or guardian?

A physician may not perform an abortion on an unemancipated minor unless 48 hours' notice is given to a parent or guardian, a court authorizes the minor to consent, or the physician determines that a medical emergency exists.<sup>91</sup> If a physician believes the pregnancy to be a medical emergency (i.e., life-threatening), he/she must still provide 48 hours' notice to the parent or guardian and certify the judgment in writing to the Department of State Health Services and the patient's medical record.<sup>92</sup>

A pregnant minor also may file an application to the court to authorize consent without notification to a parent or guardian.<sup>93</sup> In such a case, the court will determine by clear and convincing evidence (which is a very high standard) whether the minor is mature and sufficiently well-informed to decide to have an abortion without the consent of her parent or guardian, or whether seeking consent from a parent or guardian would go against the best interest of the youth.<sup>94</sup>

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91 Texas Family Code § 32.002(a).

92 Texas Family Code § 33.002(a)(3).

93 Texas Family Code § 33.003(a).

94 Texas Family Code § 33.003(i)(1)-(2).

## 8. ACCESS TO STATE & FEDERAL BENEFITS



*"Youth who receive SSI are also automatically eligible for Medicaid."*

### General Guidelines

Most state and federal benefit programs determine eligibility through "household" income rather than "family" income. This means that, in most cases, a youth that is residing apart from his or her parent or guardian will remain eligible for benefits even if the income of their family of origin would make them ineligible otherwise. In addition, in almost all cases, Texas laws include language that exempts youths from the requirement that, in order to receive benefits, they must live with a parent or other legal guardian.

### FREQUENTLY ASKED QUESTIONS

#### Are unaccompanied youth able to receive Supplemental Security Income (SSI) benefits?

SSI provides a monthly cash payment to youth with disabilities which means to have a physical or mental impairment that severely limits a youth's ability to function, and either has lasted or is expected to last for at least a full year or is expected to result in death. Unaccompanied youth are eligible for SSI under the same rules as other youth. Youth are able to apply without a parent's signature if they are 18 years or older or between the ages of 16 and 18 and not in the care of another person or institution.

Youth under the age of 18, who are mentally incompetent, or physically unable to sign the application, may have a court appointed representative or a person who is responsible for their care, including a relative, sign the application.<sup>95</sup> If a youth is in the care of an institution, the manager or principal officer of the institution may sign the application. Youth who receive SSI are also automatically eligible for Medicaid.<sup>96</sup>

Youth under the age of 16, or youth between the ages of 16 and 18 and under the care of another person or institution, must have a court appointed representative, the person caring for them, or the manager of an institution where they are residing sign the application.<sup>97</sup> Youth who receive SSI are also automatically eligible for Medicaid.<sup>98</sup>

#### Does a parent's or guardian's income count when determining an unaccompanied youth's eligibility for SSI?

No. The income of a parent or guardian will only be counted if the youth lives with them.<sup>99</sup>

#### Are unaccompanied youth able to receive Social Security Benefits for Children?

A youth can receive Social Security benefits based on a parent's contributions to Social Security if: 1) the parent is disabled or retired and entitled to Social Security benefits, or 2) the parent is deceased and worked in a job

<sup>95</sup> 20 Code of Federal Regulations § 416.315.

<sup>96</sup> National Association for the Education of Homeless Children and Youth (NAEHCY), (2011), "Access to Social Security Benefits for Unaccompanied Youth".

<sup>97</sup> 20 Code of Federal Regulations § 416.315.

<sup>98</sup> National Association for the Education of Homeless Children and Youth (NAEHCY), (2011), "Access to Social Security Benefits for Unaccompanied Youth".

<sup>99</sup> Ibid.

where he or she paid Social Security taxes. Qualified youth are able to apply for benefits until they turn 18, or 19 if they are full-time students. Youths of any age are able to get benefits if they were disabled before age 22 and remain disabled. To receive benefits, the youth must provide proof of the parent's death or disability, the parent's Social Security number and last income tax return, and the youth's Social Security number and birth certificate.<sup>100</sup>

### Are youth able to receive SSI or Social Security benefits directly?

A youth under 18 may receive benefits directly if he or she shows an ability to manage the benefits. This ability is not legally defined, but likely means that the youth can show that they would use the benefits for food or other costs of living.<sup>101</sup>

### Are unaccompanied youth able to receive Supplemental Nutrition Assistance Program (SNAP) benefits?

There is no age restriction to receive Supplemental Nutrition Assistance Program (SNAP) benefits, and youths are able to apply without a parent's or guardian's signature or even a permanent address.<sup>102</sup> Any document that reasonably establishes an applicant's identity will be accepted, and there is no requirement for a specific type of document, such as a birth certificate. In some cases, a collateral contact such as a shelter worker or employer can be used to establish identity.<sup>103</sup>

### When a youth is applying for SNAP benefits, could the household income of their family of origin make them ineligible?

No. SNAP eligibility is based on "household" income, not family income, meaning that if a youth lives separately from his or her parents or guardians, their income will not be counted against the youth's eligibility. A household is defined as an individual or a group of people who buy food and prepare meals together. Youth who buy and prepare their own food should be considered their own household, even if they are staying with others. If the youth is staying with others and food is provided, then youth should be counted as part of household where they are staying. The household can apply for SNAP benefits together, with the youth added to the application.<sup>104</sup>

### Are unaccompanied youth eligible for Medicaid's Children's Health Insurance Plan (CHIP)?

A youth age 18 or under is eligible for health coverage under CHIP if their monthly income is below \$1,354 in the case of Medicaid or \$2,021 in the case of CHIP. Family status is determined by household, meaning that the income of the legal parent or guardian is not counted against a youth's eligibility if the youth lives apart from his or her parent or guardian. A youth living outside the home may be considered a family of one, even if living with another family, as long as the adults in the home are not relatives or legal guardians in charge of caring for the youth.<sup>105</sup>

### Can an unaccompanied youth enroll in Job Corps without parental approval?

Job Corps policy does require a parent or guardian signature, but federal Job Corps law does not. If the youth or a caregiver advocates to the program, this requirement can be waived for a youth who has no parent or guardian, cannot find a parent or guardian, is legally emancipated, or has a parent that is unwilling to sign, as long as they do not object to the youth participating.<sup>106</sup>

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100 Ibid.

101 Ibid.

102 National Association for the Education of Homeless Children and Youth (NAEHCY), (2011), "Access to the Supplemental Nutrition Assistance Program (SNAP/Food Stamps) for Unaccompanied Youth".

103 7 Code of Federal Regulations § 273.2.

104 7 Code of Federal Regulations § 273.1(a).

105 Texas Health and Human Services Commission, (2014), "Can I Get It", available online at <https://chipmedicaid.org/en/Can-I-Get-It>.

106 National Association for the Education of Homeless Children and Youth (NAEHCY), (2009), "The Most Frequently Asked Questions on the Education Rights of Children and Youth in Homeless Situations".

## 9. BUILDING RELATIONSHIPS WITH LAW ENFORCEMENT & JUVENILE JUSTICE



*"When staff sees their collaboration benefitting youth and families, it can make their extra work seem worthwhile."*

### General Guidelines

Despite interlocking goals of reducing the number of homeless youth, each agency within the system of care has its own staff, language, strategy, and issue focus, making it increasingly difficult to coordinate and collaborate with other organizations. For effective collaboration, agencies must take care to integrate outside representatives into the creation of new programs and policies, promote intra-agency interactions, and introduce training on external terminology and procedures, while taking care not to overburden staff or create a culture of uncertainty.

### FREQUENTLY ASKED QUESTIONS

#### What are the principles guiding systems of care?

The guiding principle of a system of care is that service delivery "is not the responsibility of a single agency, but [involves] a collaborative network of child-serving agencies that includes mental health, education, juvenile justice, and other appropriate agencies."<sup>107</sup> Juvenile justice systems and youth-care facilities frequently come into contact with the same populations of homeless and unaccompanied youth, but often lack the means for effective coordination and communication. Despite similar goals – to reduce the number of homeless and unaccompanied youth, to prevent new cases of homelessness, and to quickly set youth on a path to attain safe and stable housing – major barriers exist to setting up an effective 'system of care' that emphasizes community and coordination, especially for facilities and agencies that traditionally work independent of one another.

#### What efforts currently exist to promote communication and collaboration across systems and organizations?

In 2010, the United States Interagency Council on Homelessness (USICH) released the nation's first comprehensive plan addressing homelessness: "Opening Doors: Federal Strategic Plan to Prevent and End Homelessness." A key aim of the report is to promote collaboration and engagement across organizations and systems at all levels.<sup>108</sup>

In response to USICH's work, the Texas Interagency Council for the Homeless (TICH) conducted outreach to better understand the impact of homelessness on Texas citizens and means to create effective systems of care. The research behind their report, "Pathways Home," reveals that attaining the objective of reducing and preventing homelessness requires "heightened communication and collaboration among state agencies; non-government entities; and local, state, and federal units of government," and, as a result, TICH has made efforts to enable frequent and substantive communication among providers and decision-makers.<sup>109</sup>

<sup>107</sup> Hodges, S., Nesman, T., and Hernandez, M., (1999), "Promising practices: Building collaboration in systems of care," Systems of Care: Promising Practices in Children's Mental Health, 1998 Series, Volume VI. Washington, D.C.: Center for Effective Collaboration and Practice, American Institutes for Research.

<sup>108</sup> See: United States Interagency Council on Homelessness, (2010), "Opening Doors: Federal Strategic Plan to Prevent and End Homelessness.

<sup>109</sup> See: Texas Interagency Council for the Homeless, (2011), "Addendum: Pathways Home."



## What are the major barriers for organizations serving youth to communicate, coordinate, and collaborate effectively?

Barriers to effective communication, coordination and collaboration between agencies and within systems of care can be categorized as systemic, personal, or environmental.

Systemic barriers refer to barriers resulting from established procedures and policies. For example, barriers may exist due to the limited resources of agencies (including time, technology, funding, and staff); confidentiality issues that limit the ability to share information on youth across agencies; unique data collection systems that complicate information-sharing initiatives; and the political context that affects levels of oversight and resource allocation.

Personal barriers affect motivations and incentives for collaboration, such as the fear of losing decision-making power, autonomy, or identity, or the fear of having job responsibilities redefined and workloads increased.

Environmental barriers may occur when staff or agencies are segmented by disciplinary lines (ex: social work; mental health, or education), resulting in the silos of experience and unique terminology. Language systems reflect and reinforce an agency's primary mission but may also create artificial barriers. In addition, terms such as "homeless" may carry different definitions across multiple organizations within the system of care, thereby making effective conversations difficult.<sup>110</sup>

## What are some strategies to improve relationships between youth-serving facilities and the juvenile justice system?

Organizations that serve homeless and unaccompanied youth can benefit from developing collaborative relationships with the juvenile justice system. A recent document drafted by the Technical Assistance Partnership for Child and Family Mental Health as part of the Juvenile Justice Resource Series identified a number of strategies for forging good relationships between mental health agencies and the larger juvenile justice system. The identified strategies include:<sup>111</sup>

- Involving representatives from the juvenile justice system as early as possible in the development of proposals or programs. This ensures that justice system goals and concerns are addressed immediately and acts as an important building-block in the successful formation of cross-agency relationships.
- Hiring a liaison, ideally with experience working in the juvenile justice system, to identify common goals, bridge gaps, and act as a recognizable and easily-accessible link between the organizations.
- Highlighting the efficiencies and resource-saving that could result from improved collaboration and communication. For instance, juvenile justice representatives may be more likely to sustain relationships with youth-care providers if the providers can reduce the need for costly placements in correctional facilities.
- Building collaboration into the agency structure by incorporating written policies that promote inter-agency communication into procedural documents. This will also ensure that relationships are maintained during more uncertain times of staff turnover.
- Providing cross-training to staff related to juvenile justice policies and procedures. Trainings should be supplemented by program manuals and other written materials that list common acronyms, terminology, and service approaches as a means to remedy the 'language' barrier.

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110 Hodges, S., Nesman, T., and Hernandez, M., (1999), "Promising practices"; Shufelt, J. L., Cocozza, J. J., & Skowrya, K. R. (2010). "Successfully Collaborating With the Juvenile Justice System: Benefits, Challenges, and Key Strategies." Washington, DC: Technical Assistance Partnership for Child and Family Mental Health.

111 Shufelt, J. L., Cocozza, J. J., & Skowrya, K. R., (2010), "Successfully Collaborating With the Juvenile Justice System".

## How can staff be encouraged to work with other agencies and systems?

For all youth serving staff to comfortably and successfully work with individuals from different agencies and disciplines, they must be adequately trained, fully informed on program goals and procedures, and given explicit roles and responsibilities that do not overwhelm their existing workload. Uncertainty in roles and how organizations fit together in the service network may cause staff resistance to change. The above steps could ease anxiety about organizational changes. Sustaining effective systems of collaboration and cooperation produce positive working relationships through needed major changes.<sup>112</sup> Moreover, when staff sees their collaboration benefitting youth and families, the results can make extra work seem worthwhile. Consequently, organizational leaders should make efforts to share data and build ongoing communication mechanisms internally to share results of the collaboration to the front line staff.

# COMMON TERMS AND PHRASES

**Amicus Attorney:** An attorney appointed by the court to provide legal services necessary to protect a child's best interest rather than to provide legal services to the child.<sup>113</sup>

**Attorney ad Litem:** An attorney appointed by a court to provide legal services on behalf of a person, including a child.<sup>114</sup>

**Consent:** A voluntary agreement made by someone who is legally and mentally competent.

**Emancipation:** Also known as "removal of disabilities of minority." This is a legal process through which a 16 or 17-year-old can become a legal adult before reaching 18 years of age.

**Guardian:** A person or state agency that has legal control over a minor through a court order.

**Homelessness:** Having no fixed and regular night time residence, or having a primary night time residence that is: 1) a privately or publicly operated shelter designed to provide temporary living accommodations, 2) an institution that provides temporary residence, 3) a temporary accommodation for not more than 90 days in the residence of another individual, or 4) a place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.<sup>115</sup>

**Informed Consent for Medical Treatment:** Understanding and appreciating the nature and consequences of medical treatment, and having the ability to reach an informed decision regarding the risks and benefits of treatment.<sup>116</sup>

**Managing Conservatorship:** A parent is presumed to act as the managing conservator of a child, or joint managing conservators in the case of two parents, meaning to have the rights and responsibilities for caring for the child.<sup>117</sup> If a court finds that this is not in the best interest of the child, a nonparent, licensed child-placing agency, or authorized agency may be appointed as a managing conservator.<sup>118</sup>

**Minor:** Any unmarried person under 18 years old.

**Parent:** Any person who is the mother or father of a child by birth or adoption and who has not had his or her parental rights terminated by a court.

**Runaway:** A youth over the age of 10 and under the age of 18 who leaves home without the consent of a parent or legal guardian and does not intend to return home. This does not include someone who has been emancipated, joined the military, or has ever been married.<sup>119</sup>

**School of Origin:** The school the student attended when permanently housed or the school in which the student was last enrolled.<sup>120</sup>

**Status Offense:** An act that is only a crime if committed by someone of a certain age.

**Transitional Living Program:** A residential services program for children, provided by a facility licensed or certified by the Texas Department of Family and Protective Services that is designed to provide basic life skills

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113 Texas Family Code § 107.001(1).

114 Texas Family Code § 107.001(2).

115 42 U.S.C. § 11302(a).

116 Texas Health and Safety Code § 313.002(3).

117 Texas Family Code § 153.131.

118 Texas Family Code § 153.371.

119 Texas Family Code § 51.03(b)(3); Texas Family Code § 51.03(e-1).

120 42 U.S.C. § 11432(g)(3)(G).

training, but is not an independent living program.<sup>121</sup>

**Unaccompanied Youth:** Any person under 18 years old who is not in the physical custody of parents or legal guardians and is either their own caretaker or is cared for by another adult who is not their legal guardian.

**Youth Emergency Shelter:** Short-term housing in a youth-specific facility or a separate, youth-oriented wing of an adult shelter facility.<sup>122</sup>

**Youth:** Any unmarried person under 18 years old.

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<sup>121</sup> Texas Family Code § 32.203(a).

<sup>122</sup> National Association for the Education of Homeless Children and Youth (NAEHCY), (2011), "Access to Shelter and Housing for Unaccompanied Youth".

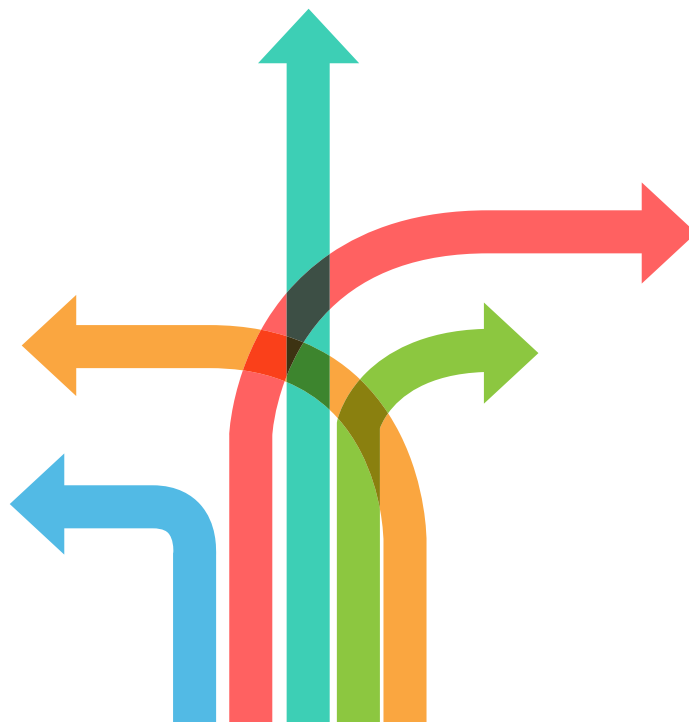
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# RELEVANT LAWS

## FEDERAL

McKinney-Vento Homeless Education Improvements Act  
Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act  
Social Security Act  
Food Stamp Act  
Child Nutrition Act  
No Child Left Behind Act

## STATE

Texas Family Code  
Texas Human Resources Code  
Texas Education Code  
Texas Penal Code  
State statutes can be accessed at <http://www.statutes.legis.state.tx.us/>

## RESOURCES

[National Association for the Education of Homeless Children and Youth](#)

[National Center for Homeless Education](#)

[National Law Center on Homelessness & Poverty](#)

[National Network for Youth](#)

[Texas Appleseed](#)

[Texas Department of Family and Protective Services](#)

[Texas Foster Youth Justice Project](#)

[Texas Health and Human Services Commission](#)

[Texas Interagency Council for the Homeless](#)

[Texas Youth Connection](#)

[The Texas Homeless Education Office](#)

[United States Interagency Council on Homelessness](#)