

**Creating a Pro Bono Program to Address the Special Legal Problems of Unaccompanied Youth**

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**Brief Description:** Two lawyers, with professional experience in representing the interests of homeless, runaway, and at-risk youth, will offer discussion on the following topics: (1) the current state of youth homelessness and lack of intervention by state child welfare agencies, (2) policies that would increase resources and opportunities for at-risk, abused, neglected, and homeless youth, (3) promising models of legal advocacy programs currently established for youth, and (4) tips on how to effectively communicate with and advocate for unaccompanied homeless youth or at-risk teenagers in rural and urban America. Participants are encouraged to ask questions and provide ideas!

**Topical Outline:**

- I. **Introductions** Round table introduction of Speakers and Participants (to facilitate dialogue).
  
- II. **General information regarding unaccompanied homeless youth**
  - a. Social Conditions and Demographics of Unaccompanied Homeless Youth
  - b. Causes of youth homelessness and Intersection with Child Protection or Child Welfare Services (where did these kids come from?)
  - c. Demographic information (who are these kids?)
  
  - d. Risks and Harms Associated with youth homelessness (what do they experience and endure?)

- e. National Statistics
  - i. 6 million youth are estimated to be homeless each year in the United States.<sup>1</sup>
  - ii. Approximately 200,000 youth each year live permanently on the streets.<sup>2</sup>
  - iii. 5,000 teenagers are buried each year in unmarked graves, because they are either unidentified or unclaimed.<sup>3</sup>
  - iv. A national study conducted in 1998 found that the single factor that correlated most highly with youth prostitution was having been on the streets more than 30 days.<sup>4</sup>
- f. Local variations
  - i. Hotshot trail
  - ii. The “disappearance” of “street” kids in Seattle and the Twin Cities
  - iii. Cultures and Homelessness: Communities of Color, Squatters, Street Families, Queens, Anarchistic Punks, Dumpster Divers.

### III. **MODELS for PRO BONO and LAW IN THE PUBLIC INTEREST PROGRAMS SERVING UNACCOMPANIED YOUTH**

- a. Minnesota Models
  - i. Legal Services Specialization – Youth Law Project
  - ii. Foster Youth Representation – Children’s Law Center
  - iii. Bar Association Legislative Initiatives – MSBA Children and the Law Section
- b. Washington Models
  - i. SYLAW Project
  - ii. School/bar outreach clinic program – Standing clinics
  - iii. Teamchild approach – using public defenders to make referrals
- c. Pennsylvania’s Model: Holistic Academic Team Approach – three way partnership between Law School Clinic, School of Social Work, and Medical School
- d. Representation of advocacy organizations/service organizations
- e. Board of Director Recruitment for Lawyers - YMCA/YWCA web based registry
- f. Information dissemination (websites/fact sheets etc.)

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<sup>1</sup> Robertson, M. & P.Toro. Homeless youth: Research, intervention, and policy. In The 1998 National Symposium on Homelessness Research. Prepared for U.S. Department of Housing and Urban Development, U.S. Department of Health and Human Services.

<sup>2</sup> Clatts, M., W. Davis, J.Sotheran, & A. Atillasoy (1998). Correlates and distribution of HIV risk behaviors among homeless youths in New York City: Implications for prevention and policy. *Child Welfare*, 77(2), 195-207.

<sup>3</sup> Sherman, D.J. (1992). The neglected health care needs of street youth. *Public Health Report*, 107(4), 433-440.

<sup>4</sup> Nandon, Susan M., Koverola, Catherine, and Schledermann, Eduard H., Antecedents to Prostitution: Childhood Victimization, 13 *Journal of Interpersonal Violence* 205, 205-7 (April 1998) in the Hofstede Committee Report: Juvenile Prostitution in Minnesota, November 3, 1999: p. 8.

#### **IV. LEGAL ISSUES**

- a. Youth Rights in American Society – Framework imposed by Parental Custody and Parens Patriae
- b. Typical Legal Issues Confronted by Youth Clients
  - i. Dependency/Foster Care
  - ii. CHINS/CHIPS
  - iii. Emancipation
  - iv. Runaway
  - v. Paternity/Custody/Guardianship
  - vi. Education
    1. Truancy
    2. Discipline
  - vii. Disability
  - viii. Homelessness/Housing
  - ix. Immigration
  - x. Access to Benefits
  - xi. Access to Treatment
  - xii. Employment
  - xiii. Consumer law – cars, credit cards, bad credit history due to parents using youth’s name on utilities or phone charges
- c. Systemic issues
  - i. Foster care
    1. Racial disproportionality
    2. Access to Intervention and Services
    3. De-emphasizing adolescents
  - ii. Government services
  - iii. Education
    1. Racial disproportionality
    2. Discipline
      - a. Zero tolerance
      - b. Jurisdictional issues
    3. McKinney Vento

#### **V. REFERRAL TO PRO BONO PRIVATE ATTORNEYS**

- a. How Minnesota Programs utilizes pro bono assistance (explain how YLP and CLC use pro bono attorneys; highlight types of legal issues)
- b. How Washington Programs utilize pro bono assistance from firms, etc.; highlight types of legal issues)
- c. What types of cases cannot be easily referred out – then what?

#### **VI. POLICY CONSIDERATIONS**

1. CHIPS/CHINS Legislation
  - a. Include Homeless, runaway youth
  - b. Services mandated to state or county social services
  - c. Early Intervention provided – family reunification, family group conferencing

- d. After care planning with due process review
  - e. Alternative placements secured
  - f. Culturally competent and culturally oriented services
  - g. Allow courts to emancipate the youth or grant “independent living” as a disposition in the Court Order.
2. DELEGATION OF PARENTAL AUTHORITY: statutory authority to allow temporary transfer of physical and legal custody without court intervention.
  3. POLICE 72-HOUR HOLDS: Should only be allowed when youth is threatening themselves or others – not for mere status offenses like runaway or for petty misdemeanors like loitering, trespassing, etc. Furthermore, runaway youth should never be housed with juvenile delinquents.
  4. HEALTH CARE DECISION: Minors should have the power to consent to medical care, mental health counseling and assessment, chemical/alcohol counseling and assessment, and reproductive health decisions without parental consent or notification.
  5. RUNAWAY CIRCUMSTANCES
    - (a) Runaways should not be defined as juvenile delinquents but youth in need of protection/services.
    - (b) Juvenile delinquency does not have the capacity to mediate family conflicts or issues
    - (c) Adults should not be threatened with criminal sanctions for harboring runaways if there was no criminal intent and the youth wished to reside with the adult
  6. THIRD PARTY CUSTODY: Allow grandparents, relatives, and kin an opportunity to petition the court to transfer custody for the best interest of the child.
  7. ORDER FOR PROTECTION: Youth experiencing physical or sexual assaults should be able to bring petitions for restraining orders against perpetrators and should be given the option to seek a transfer of custody or emancipation when the abuse is found to be from caretakers or invitees of caretakers.
  8. EMANCIPATION
    - (a) Only when in the best interest of the youth
    - (b) Only allow the juvenile (not the guardian/parent) to initiate
    - (c) Reject parental consent as a precedent to Ordering Emancipation
    - (d) Allow youth to control income, medical care, living/housing, employment decisions, school enrollment and extra-curricular activities and to enter contracts.

## **VII. POINTS TO REMEMBER**

- a. How to choose what to work on and what to avoid
- b. Overlooking the forest for the trees (missing out on systemic issues due to lack of substantive review/coordination)
- c. Special approaches to adolescent clients – understanding their world

Youth Development Theory

Relationship based construct of the world)

Building Trusting Relationships

Permanency and Resiliency

Community Integration

Street Credibility

Flexibility of Communication

Harm Reduction Approach

Nonjudgmental Engagement

Confidentiality

Meet the youth where they're at

Manipulation and Survival Skills

Street Families – help them by you ability to help their friends

Concise Communication

Let them respond to their internal advice

Listen!