

Building a Safety Net for the Safety Net: Legal Aid in Partnership with Youth



Insights from



BAY AREA LEGAL AID
YOUTH HOMELESSNESS PROJECT

JULY 2018

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INTRODUCTION

This report documents nearly seven years of intensive work with children and youth experiencing or at risk of homelessness in the San Francisco Bay Area. Bay Area Legal Aid's Youth Homelessness Project (YHP) is a community-based, comprehensive civil legal assistance program designed to end youth homelessness by facilitating access to legal entitlements and supports, connecting youth with immediate safety and long-term stability, and amplifying youth voice to transform systems.

Since 2007, BayLegal has provided legal support and representation to youth ages 14 to 24 from across seven Bay Area counties. In 2011, BayLegal launched YHP, with the goal of expanding legal aid to youth experiencing homelessness. YHP conducts outreach at local youth homeless shelters and receives referrals from community-based organizations, county agency staff, and other advocates. YHP has a no-wrong-door approach, embedding the project in the community with partners and allies throughout the Bay Area. Staff attorneys provide legal services to help youth secure safe and stable housing, economic benefits, healthcare, and mental health services, and navigate the foster care and justice systems as appropriate, while social workers support youth engagement, provide clinical case management, and facilitate access to community resources.

When we conceived the project, we suspected that there were unaccompanied minors and young adults experiencing homelessness in our community whose needs were going unmet. From the experience of local youth homeless shelters and other service providers, we quickly discovered that the situation of these young people was harrowing, and their needs were complex. Many had left households that were profoundly unsafe or persistently incapable of providing for their most basic needs, and many cycled in and out of homelessness. We knew that it would take every tool in the toolbox to help them reestablish a safe, healthy, and sustainable living situation.

As we served more and more youth over time, we also recognized that their experience illustrates a pattern of missed opportunities and failed attempts to intervene. Close to 75% of the children and young adults served by the project were currently or formerly involved in the foster care or juvenile justice systems. That is, nearly three quarters of the homeless youth in our sample had been subject to an earlier intervention by the county child protection or juvenile probation systems, but nonetheless wound up homeless and in need of emergency support and advocacy. Working collaboratively with our partners and with these youth, we also quickly realized that there were legal entitlements that were being inappropriately denied everywhere—and, consequently, that a lawyer could make a difference in the lives of youth experiencing homelessness. As



BAY AREA LEGAL AID

Bay Area Legal Aid (BayLegal) is committed to providing equal access to high quality civil legal assistance throughout the Bay Area, regardless of a client's location, language or disability. The organization serves residents of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo and Santa Clara counties with incomes at or below 200% of the Federal Poverty Level. BayLegal prioritizes its resources on serving the most underserved and vulnerable populations including individuals and families with limited English proficiency, individuals with disabilities, survivors of abuse, the formerly incarcerated, the LGBTQ community, and adults and youth experiencing or at-risk of homelessness.

the project progressed, we came to understand that we were essentially building a safety net for the safety net— that we had found a way to catch many of the youth who “fall through the cracks.”

The legal imperative to build a safety net for youth experiencing homelessness is most evident at the front door of the foster care system. By law, there should be no such thing as a youth under 18 years of age who is homeless on their own. Until a young person turns 18, someone is responsible for providing for their basic needs—shelter, food, safety, healthcare, and schooling. For most children it is a parent or family member. For minors who are subjected to abuse or not adequately provided for by their parents or legal guardians, the government is responsible for meeting those basic needs. The more children we served through this project, the clearer it became that part of the problem is that minors who qualify for foster care—especially adolescents—face a set of unique challenges in accessing the supports and services to which they are entitled, including foster care. This report details our observations about how youth who are homeless experience the systems that are designed to serve them, with a special focus on the front door of the foster care system.

Since its launch in 2011, the YHP has served over 750 youth and achieved a range of positive outcomes, from reuniting youth with family to supporting youth in establishing safety and resilience in independent living settings. By working in close collaboration with the many local government agencies and nonprofit organizations that work with vulnerable youth populations throughout the Bay Area, we are able to provide a range of options for addressing young people’s immediate needs and supporting them in reestablishing long-term stability. And because we provide legal representation on a stated interest basis, it is always the youth themselves who choose both the goals and strategies.

This report details BayLegal’s Youth Homelessness Project’s history, methodology, outcomes, and insights, and provides recommendations for service providers, advocates, local systems, and policymakers.

THE YOUTH JUSTICE PROJECT

Bay Area Legal Aid's Youth Justice Project (YJP) began with a single fellow in 2007. A second attorney joined the unit in 2010 to work with delinquency-involved youth through the Alameda County Collaborative Mental Health Court. In 2011, thanks to a 3-year project demonstration grant, YJP created the Youth Homelessness Project (YHP) and hired a third staff attorney to focus full-time on youth experiencing or at risk of homelessness. The grant funded a partnership between BayLegal, DreamCatcher Youth Shelter, and the Alameda County Foster Youth Alliance that provided integrated services to youth in Alameda County who were either homeless or at serious risk of homelessness, including immediate shelter, legal representation, case management, and mental health assessment and referral.

Over the next several years, YHP expanded steadily, adding full time attorneys to support civil legal representation to youth in other jurisdictions around the greater Bay Area. Project attorneys developed increasing specialization in the civil legal needs of minors and young adults who are homeless, and began leveraging their knowledge, insights, and data to pursue local systems change, as well as to provide training and technical assistance to attorneys, providers, and government officials throughout the state and the country. In 2015, YHP added full time social workers to the team to drive engagement of some of the hardest to reach young people, as well as to enhance the case management provided to support young people in translating legal protections and benefits into services access and positive outcomes. Today the Youth Justice Project's team includes 10 full-time attorneys and 2 full-time social workers. Each team member works in whole or in part with youth experiencing or at risk of homelessness.

YOUTH HOMELESSNESS PROJECT GOALS

- ✓ End youth homelessness by ensuring lasting safety, stability, and permanency.
- ✓ Provide civil legal assistance to ensure that youth are able to access essential rights, services, and benefits to support them in avoiding homelessness or transitioning from homelessness to stability.
- ✓ Increase the knowledge and capacity of community-based organizations to respond and connect to, and advocate on behalf of, youth who are homeless.
- ✓ Support and strengthen the regional infrastructure for preventing youth homelessness by partnering with government agencies, non-profit service providers, and advocates to improve and optimize public systems.

YHP METHODOLOGY & STRATEGIES

YHP identifies and locates youth who are homeless and at extreme risk of homelessness, helps them establish safety, addresses their immediate needs, and supports them in developing a vision and plan for the future. The project's model of intake and case planning fully integrates civil legal representation with clinical case management and is built from a truly youth centered model of advocacy based on BayLegal's stated interest representation.

EMBED, OBSERVE, LISTEN

Develop multiple access pathways

Youth who struggle with homelessness are in constant motion. Multiple points of access and referral are necessary to identify and engage them. Furthermore, vulnerable young people are often understandably suspicious of offers to assist. Attorneys and social workers can often gain support more quickly through a trusted relationship with a community provider that the young person already knows. In addition to conducting weekly legal clinics at area shelters and other locations frequented by youth who are homeless, attorneys and social workers attend meal nights, special events, and coordinate meetings with community partners to establish trusted relationships and referral pathways. A tight network of relationships also facilitates appropriate referrals and warm handoffs to meet non-legal needs. As YHP attorneys expand their network, an increasing proportion of the youth are referred directly by service providers, advocates, other attorneys, and community members. This often presents an opportunity to engage and support youth before they wind up on the streets or in a shelter.

These access and referral pathways have to be constantly maintained and refreshed. The biggest increases in intakes came in response to direct outreach. When shelter staff and project attorneys participated in community meetings and events, offered training, and leveraged social media and peer networks to advertise their services, many youth were newly referred to the project, and others re-engaged with YHP after a brief initial contact.

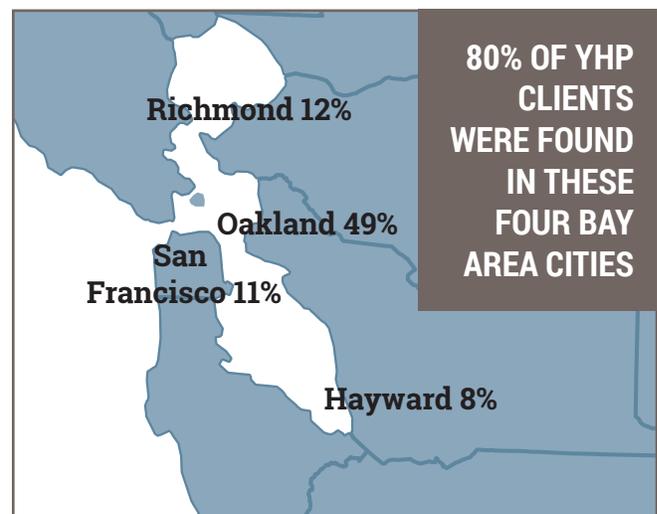
Regional scope of service

A regional presence and practice is essential to ensuring that the project can provide representation to youth across cities and counties. Since its founding, YHP has grown into a robust regional safety net that spans Contra Costa, Alameda, San Francisco, Santa Clara, and San Mateo counties.

After a three-year Alameda County pilot, YHP staff endeavored to replicate the model and support more youth through civil legal advocacy in adjacent parts of the Bay Area. YHP staff quickly discovered that not only were attorneys meeting more youth in our expansion counties, but we were also reconnecting with former Alameda County clients. Youth, always moving, were attempting to access supports in multiple jurisdictions, and having a presence in those jurisdictions was key to continued engagement.

YHP staff also learned that each Bay Area county was unique, comprised of different service providers, resources, and system practices. As attorneys identify needs and partners in each county, they are able to more quickly and effectively advocate for youth who move across the region. YHP's regional scope also means that YHP is well-positioned to identify statewide trends and systemic barriers and to disseminate promising practices across neighboring jurisdictions.

Focus on youth engagement



ANDREA'S STORY: REGIONAL SCOPE OF SERVICE

Andrea was a 16-year-old youth in foster care who had high-level mental health needs when she first met a YHP attorney while staying at a youth homeless shelter in Oakland. With YHP's assistance, Andrea reconnected to the foster care system, moved into a transitional housing program with wraparound mental health services, and re-enrolled in school. About a year later, YHP learned through another provider that Andrea had been exited from her transitional housing program and was homeless again. Andrea did not have a phone, and nobody could locate her.

It was YHP that finally found Andrea, who was staying at a youth homeless shelter in another county, where YHP had recently started a weekly clinic. Andrea was excited to re-engage with her legal services team. YHP worked with Andrea to identify a safe, stable transitional housing placement in a third county through YHP's contacts with the local independent living program. Andrea's frequent moves had disrupted her Medi-Cal coverage, so YHP worked with her to reinstate it.

Several months later, Andrea was exited from the second transitional housing program. She called her YHP attorney, but her phone died shortly thereafter. She later re-engaged with YHP because YHP was holding a monthly clinic in a drop-in center that Andrea often visited to eat and meet with friends and former case managers. YHP again helped her move from homelessness to housing—this time in her home county with appropriate mental health supports. Without having access points in multiple counties and at regular intervals, it is unlikely that YHP would have been able to engage and re-engage Andrea during these periods of homelessness.

In designing the YHP methodology, we drew upon local shelter and service providers' many years of experience serving minors and transition age youth experiencing homelessness. Anyone who works with adolescents and young adults recognizes the need to be available in the evenings and weekends and to get out and meet youth in the community. It sounds simple, but attorneys need to leave the office. Young people do not tend to wander into law offices asking for help. Nor should they have to. Providing responsive services means holding clinics, taking meetings in parks, adapting schedules to provide evening hours, utilizing technology, and generally working to meet youth "where they are."

Adolescents often "vote with their feet" and simply leave programs and environments that they do not experience as empowering. Traumatic experiences in the family home, homelessness, exploitation, and profound unmet needs can make it difficult to trust and maintain engagement. Additionally, communication and making appointments can be challenging. However, when legal services are accessible, confidential, and driven by a youth's stated interest, then youth can embrace legal services as a key source of support. In other words, youth will engage when they find empowerment in the support of professionals who listen.

Organizationally, over time, YHP staff recognized that a key driver of engagement on civil legal matters was the ability to be responsive to requests for assistance on other matters. Consequently, BayLegal hired two social workers dedicated to working with youth experiencing homelessness. The social worker-attorney collaborative practice allowed the team to stabilize the highest needs youth by engaging and establishing a trusted relationship, and effectively connecting them to long term support and resources. Social workers focus on engagement, case management, and follow up, allowing attorneys to focus on legal cases. Project social workers provide a range of services, including crisis and family counseling; benefits, education, and housing advocacy; and linkage with mental health and youth development services.

YOUTH AND COMMUNITY IDENTIFY NEEDS AND ISSUES

Stated interest representation

BayLegal’s model of stated interest representation distinguishes its youth practice from that of most advocates and public systems that may be involved in a child’s life. Court-appointed attorneys in the child welfare system, juvenile court judges, social workers, and others all orient their advocacy around the child’s perceived best interest. This is of course modeled on the traditional role of parents. Stated interest representation, by contrast, means that BayLegal attorneys only pursue the goals that youth, including minors, have set for themselves.

It is critically important to allow youth to define the scope and goal of legal services. Many young people, especially adolescents who have taken care of themselves from a young age, have felt disempowered by adults acting in their “best interests.” It is empowering for youth to receive counsel and direct their own legal plan. It undoubtedly requires additional time counseling and explaining options. If a youth at first prioritizes an issue that seems non-urgent to the attorney, that issue could be very important to the youth, and taking it seriously is an essential step towards establishing trust. YHP’s model recognizes that young people are experts on their own lives and, given the appropriate time and support, are capable of defining their own best interest.

Once youth understand that their own goals and choices form the basis of the partnership with YHP attorneys, they are much more willing to stay engaged over time and to take full advantage of the resources available to them.

JOY’S STORY: YOUTH ENGAGEMENT AND STATED INTEREST REPRESENTATION

“Joy” found her way to a homeless shelter for minors with only a backpack’s worth of belongings. Initially, she told shelter staff that she only needed to stay at the shelter while her family found a new home. Over time, however, Joy disclosed a long history of physical abuse by her father and gross neglect by her mother—family conditions that she came to the shelter to escape.

YHP assigned a social worker-attorney team to Joy’s case, because of her ambivalence about entering foster care and concerning signs of depression, namely low self-esteem and a history of self-harming behaviors. During the first few months Joy would only allow BayLegal to assist her in applying for CalFresh (food stamps) but she continued to talk to her BayLegal attorney and social worker about her options for a safe and stable future and whether foster care could play a role.

Eventually, Joy chose to disclose the full extent of her childhood abuse and neglect and decided to petition to enter foster care, but the process was arduous. She felt responsible for tearing her family apart. There were many times she wanted to give up on foster care, but she persevered because she thought it was the safest and most stable option for her, both short-term and long-term. Her YHP attorney and social worker facilitated Joy’s entry into foster care and successfully advocated for a foster care placement near her school, job, and support services in the Bay Area. YHP also helped Joy enroll in summer school under the expedited process mandated by the McKinney-Vento Act.

Joy is now a young adult, participates in the extended foster care program, lives in transitional housing, is on track to graduate high school, and is learning to build strong, healthy, supportive relationships with peers and adult mentors.

Provider engagement and coordinated screening

Building the capacities and skills of local safety net providers is a key strategy in building a system that consistently identifies, engages, and supports the resilience of youth who are homeless. A shelter provider or social worker who can identify a legal barrier and quickly connect a youth with a legal aid attorney has the power to address potential crises before they arise. At the same time, it is difficult for service providers to screen for legal needs while also working to meet much more pressing and immediate needs, such as lack of food or clothing.

YHP assists providers with legal screening in two ways:

First, YHP works with providers to learn how the non-legal needs that providers are already screening for may be proxies for critical legal barriers. Many partners know to call YHP when they meet a minor who is homeless, a youth whose financial assistance was abruptly cut off, or a youth facing a present and immediate danger, because that young person likely has a legal issue that warrants advocacy from YHP. The provider and YHP attorney then work together to address the youth's immediate safety needs and engage in longer-term case planning, including civil legal advocacy.

Second, YHP participates in local coalitions and planning processes that provide opportunities to learn from front-line providers and youth about the issues and barriers they identify, and to transfer our knowledge regarding legal protections and benefits. Through these collaborations, YHP attorneys commit to increasing the likelihood that youth are able to access help on their first attempt. YHP staff work both sides of the equation by delivering training and technical assistance to providers and sharing information with youth directly through Know Your Rights trainings.

NAVIGATE, CONNECT, AND DEFEND

Together with youth, YHP attorneys and social workers navigate systems, connect youth to resources and entitlements, and defend their access to life saving and supportive benefits. For those youth who consent to legal representation, an interdisciplinary team comprised of an attorney and social worker supports access to health and mental health care, transitional housing, educational supports, emergency cash and food aid, and disability benefits.

WHAT IS LEGAL AID?

Civil legal aid refers to free legal services provided by an attorney specialized in enforcing legal protections and entitlements to basic necessities such as public benefits programs, healthcare, and housing. Many legal aid organizations, including BayLegal, also assist with consumer issues, immigration, and family law and restraining order services for survivors of domestic violence. YHP attorneys support young people in accessing benefits to which they are entitled but are not currently receiving, including cash and food aid, foster care benefits, healthcare coverage, and disability programs, and ensure that housing and educational rights are respected.

Civil legal representation

YHP attorneys provide civil legal representation to dismantle several different types of legal barriers. Project attorneys are specialized in youth work, and have expertise in the benefits issues unique to youth in the project age range of 14 to 24, in the juvenile court systems that many youth experiencing homelessness must navigate, and in practices demonstrated to develop trust and maintain engagement.

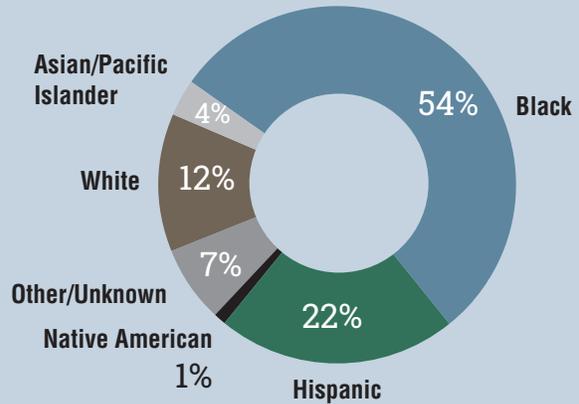
When a YHP attorney first meets a youth for a legal intake, the attorney engages in a confidential, comprehensive civil legal screening—not through talking about legal issues, but rather through a dialogue with the youth about their goals in important areas of their life, such as safety, housing, income, education, and wellness. A case plan emerges, and a highly trained YHP attorney can identify the legal barriers that the youth faces in implementing their case plan, and the youth can decide which barriers they want the attorney to tackle.

If the youth wants assistance in removing a legal barrier, the YHP attorney opens a “case” for each discrete civil legal issue. For instance, at a given time, one youth may have two open cases, one related to Medi-Cal enrollment and another to their SSI eligibility. In general, a single attorney handles all

cases on behalf of each client, providing for an integrated understanding of their needs, goals, and progress. Depending on the legal issue, YHP attorneys may assist youth in applying for cash and food assistance, assist youth in navigating administrative appeals and grievance procedures, and represent youth at meetings, hearings, and court proceedings. All of these services are free to the youth client.

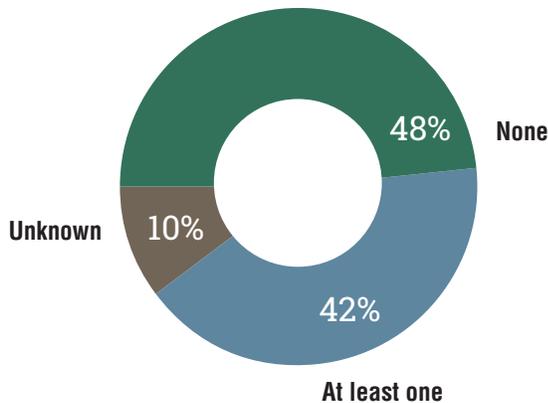
African American and Hispanic youth are respectively 83% and 33% at higher risk of reporting homelessness according to the Voices of Youth Count 2017 Report by Chapin Hall. These disparities are also reflected in other areas such as juvenile and adult incarceration, and school suspensions.¹

YHP Clients by Race

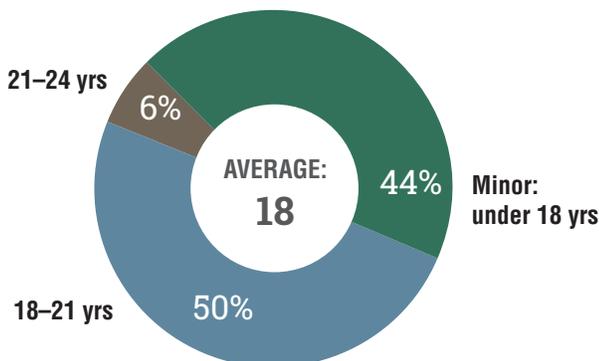


¹ Morton, M.H., Dworsky, A., & Samuels, G.M., *Missed opportunities: Youth homelessness in America. National estimates*. Chicago, IL: Chapin Hall at the University of Chicago, (2017), available at <http://voicesofyouthcount.org/wp-content/uploads/2017/11/VoYC-National-Estimates-Brief-Chapin-Hall-2017.pdf>

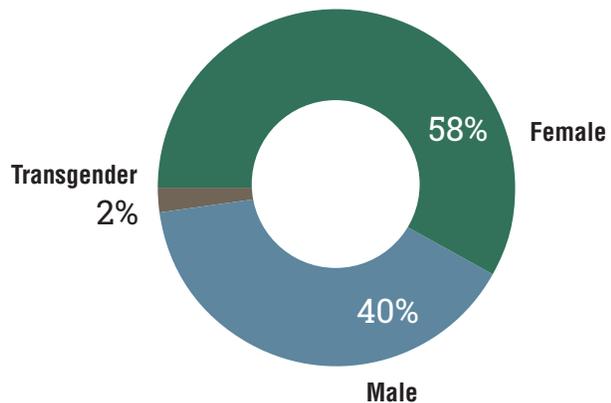
YHP Clients with Mental Health Diagnosis



YHP Clients by Age



YHP Clients by Gender



Attorney-Social Worker Teams

Attorneys partner with youth and YHP social workers to develop long-term case plans that maximize the value of benefits and anticipate and remove future barriers. Recognizing the additional support youth may need to actually access legal services, the integrated attorney-social worker team broadens the outcomes of traditional civil representation by connecting youth directly to service providers in the community and facilitating their attachment to specialized staff that can support their ongoing progress. For example, a YHP attorney may assist a youth in enrolling in Medi-Cal and SSI, then the project social worker will accompany the youth to an intake with a community-based mental health provider and assist with completing applications to transitional or supportive housing programs.

Integrated legal services and case management results in a range of positive outcomes, including stabilizing youth in safe settings by helping improve access to cash benefits and food security, helping them access free, quality health and mental health treatment, and supporting the development of permanent adult connections when youth enter foster care or a legal guardianship. Since social workers were integrated into the YHP in 2015, close to 150 youth have received social work services in addition to civil legal advocacy.

J'S STORY: THE ATTORNEY-SOCIAL WORKER COLLABORATIVE TEAM

YHP met “J,” an 18-year-old young man, at a shelter. When referred to YHP, J was about to be exited from his shelter to the streets due to violent outbursts and threats of suicide. He had cognitive and behavioral issues that were never addressed. J had no natural supports and no other service providers had been able to maintain a relationship long enough to serve him. His developmental and mental health challenges qualified him for an array of disability-based services, yet he was receiving none of them. The assigned YHP social worker was able to meet J where he was at and establish a relationship through patience, compassion, and firm boundary setting. In the meantime, J's attorney mounted a meticulous and dogged advocacy campaign to establish his eligibility for services through the Regional Center—the non profit organization contracted with the state to provide services to individuals with pervasive developmental disabilities—and the local school district. Ultimately, J was able to learn the skills he needed to interact with others, and was successfully connected with disability and mental health services. He now has appropriate housing and is advancing a personal goal of completing his high school education.

Cross-system practice

To effectively serve youth with complex challenges and multiple needs, an ability to provide a range of services is one of the greatest assets available. In many jurisdictions, there are a large number of youth-serving attorneys. Attorneys and guardians ad litem serve youth in the child welfare system, public defenders serve youth involved in the juvenile justice system, and countless others assist young people with education and health related matters. It is challenging for any client, much less a youth experiencing homelessness, to have one attorney for their housing issue, another for their consumer matter, and yet another for their healthcare needs.

Accordingly, while YHP attorneys often have specific areas of expertise, they also need to become comfortable practicing as generalists. This requires a network of substantive legal experts willing to consult, and a willingness to always be learning something new. YHP's civil legal attorneys are able to work across systems and are adept at tackling inter-related legal issues at both the individual and systems levels. YHP's substantive range of practice is due in large part to its umbrella organization, BayLegal, which houses a wide

JAMIE'S STORY: CROSS-SYSTEM PRACTICE

YHP handled several cases for "Jamie" including a guardianship petition, Special Immigrant Juvenile Status (SIJS) application, U Visa qualification, benefits appeals, and education. She was the victim of intense violence and sexual exploitation that spanned several countries including the United States. She had lost track of her parents, and was uncertain whether she was actually related to any of the people who had claimed to be her relatives. YHP connected her to mental health providers, consulted with additional immigration experts, and assisted her through various stages of reporting with law enforcement. YHP successfully established a legal guardianship with her caretaker and helped her to obtain a SIJS visa. She has made progress in dealing with the effects of her trauma, and recently began attending college.

array of substantive experts with whom YHP attorneys can consult to ensure that their clients receive comprehensive services.

Training and technical assistance to community partners and public systems

In the course of their representation of young people, YHP attorneys identify recurring situations in which additional training and technical assistance could remove barriers to service access. The project staff develop and deliver trainings for community based organizations, government agencies, and the judicial bench to support them in implementing and leveraging law, policy, and best practice. Examples include:

- ✓ Training for shelter staff and youth service providers on mandated reporting law, how to interface effectively with Child Welfare Services, and how to screen for civil legal assistance needs.
- ✓ Training and technical assistance for housing and placement providers regarding program policies and due process law.
- ✓ Training to probation officers, court staff, and advocates on the provisions of Extended Foster Care and youth-centered strategies for serving 18- to 21-year-olds who voluntarily remain in the foster care system.
- ✓ Technical assistance for public agencies and the courts to resolve and clarify emerging issues— for example, regarding access to adult mental health programs for transition age youth with Serious Mental Illness.

Attorneys also sit on county-wide collaborative workgroups for survivors of trafficking, youth in the juvenile justice system, and other special populations. They regularly hold meetings and clinics with public defender organizations, other legal service providers, and foster care and mental health agencies. They attend local working groups and task forces, and participate in collaborative mental health courts. YHP attorneys are also actively involved in the development of LegalHome, a web platform powered by Google that will provide homeless youth with legal information customized to their specific needs.

YOUTH JUSTICE PROJECT LEGAL PRACTICE AREAS

- ✓ **Public Benefits:** General Assistance, CalWORKs (TANF), CalFresh (SNAP), SSI
- ✓ **Foster Care Benefits and Access:** assistance entering the child welfare system, maintaining or accessing child welfare related benefits.
- ✓ **Extended Foster Care:** access, reentry, and benefits advocacy for youth in the dependency and delinquency systems.
- ✓ **Housing:** access to transitional housing for foster youth, unlawful detainer, housing discrimination.
- ✓ **Domestic Violence & Family Law:** restraining orders, custody, and child support for survivors of domestic violence, trafficking and sexual exploitation.
- ✓ **Education:** school enrollment, credit calculation issues, special education access and services, and financial aid.
- ✓ **Health and Healthcare Access:** Medi-Cal benefits, coverage or service denials, community mental health services, and medical debt.
- ✓ **Consumer Law Issues:** debtor's rights, fair credit reporting, identity theft, medical debt, higher education loans, and preventative training.
- ✓ **Clean Slate:** record sealing, expungement, and vacatur for survivors of trafficking.
- ✓ **Other Services:** juvenile and probate court guardianships, name changes, and juvenile traffic court representation.

Since launching the project, BayLegal has provided representation to a total of 758 youth, opening a total of 1,239 cases of civil legal assistance on their behalf. Every case opened by BayLegal represents an instance in which a youth was eligible for a benefit but was not receiving it, primarily due to administrative barriers or errors.

SYSTEMS CHANGE THROUGH COLLABORATION

The YHP methodology to complex system change requires listening to youth both individually and in the aggregate (e.g., through data or observing recurring problem issues affecting multiple clients), mapping local and systems leverage points, and collaborating with government and community partners to bring about effective change. For example, youth in a specific county might be struggling to access community-based mental health services. The systemic response that YHP took included working collaboratively with the **health care services agency** to build more services, advocacy with **probation** to better identify youth and supportive placements in the community instead of more restrictive residential or custodial settings, and advocacy with **social services** on individual cases related to Medi-Cal eligibility.

To ensure that individual case outcomes translate to complex systems change, YHP staff collect data, convene community members around emerging issues, conduct trainings on new developments in law and policy, and serve on implementation working groups and a range of local and regional planning projects. YHP staff also provides robust technical assistance at the invitation of state lawmakers and administrative agencies on legal issues that youth experiencing homelessness commonly face.

The following are observations about the systems impacts of YHP's collaborative strategy:

Integrated civil legal representation supports shelters and other service providers.

Over the course of the project's development, shelter staff and community partners observed that the collaboration with civil legal aid lawyers had important positive impacts on shelter operations. These include:

- ✓ The availability of more potential healing connections and trusted relationships increases the likelihood that youth will fully engage.
- ✓ Shared responsibility for case planning and management allows more youth to be served effectively.
- ✓ Civil legal representation connects youth with benefits that they can draw on beyond the duration of their shelter stay, extending and diversifying the

supports for their longer-term stability.

- ✓ Connecting a youth's family with civil legal representation provides a powerful tool to stabilize households to which youth could then return.

Integrated civil legal representation for youth experiencing homelessness benefits local systems.

In addition to the case-by-case benefits delivered to individual youth and families, the project's provision of civil legal representation to an increasing number of youth experiencing homelessness can have important advantages to local service systems and jurisdictions. Considering California's county-administered social service system, primary among these advantages is the immediate and tangible gain achieved by facilitating youth's access to state and federal benefits—in effect, drawing additional resources into the community, and shifting the cost burden away from expensive “last resort” services like shelters, emergency rooms, psychiatric hospitals, and county-funded emergency income support. Connecting youth to subsidized housing, Medi-Cal funded routine and preventative care for physical and mental health conditions, and income support from state and federally funded programs like CalWORKs or Supplemental Security Income both shift the cost burden from expensive, county-funded services to those with more advantageous state and local cost-sharing, and shift benefits investment away from short term crisis intervention and towards longer term sustainable independence.

Concurrent civil legal assistance and juvenile court representation improves outcomes for youth who are dependents and wards.

The very high rate of current or previous systems involvement among youth clients experiencing homelessness resulted in situations in which YHP attorneys represented youth who also had a court appointed attorney due to their dependency or wardship. In these instances, YHP attorneys work with appointed counsel to ensure access to the full range of benefits to which youth in foster care are entitled. Take, for example, the appropriate receipt of mental health services and disability benefits. A youth in foster care who has a disability may need civil legal representation to overcome administrative barriers to disability-related benefits like special education, Regional Center services, and SSI, benefits that help

a youth stabilize in a placement in the community and avoid homelessness. The civil legal attorney and court-appointed dependency attorney should work together closely to gather information to support the youth's eligibility for disability-related benefits and to apprise the juvenile court of any barriers to access.

Furthermore, certain aspects of the foster care experience, especially among adolescents, may

necessitate additional scrutiny and advocacy by YHP attorneys. For instance, placement changes, which are very common among adolescent youth in foster care, can often result in interruptions in benefit and service access. Certain structural aspects of AB12 (California's Extended Foster Care program), such as additional requirements for youth engagement to maintain eligibility and the voluntary nature of foster care for legal adults (i.e. youth's ability to opt in and out

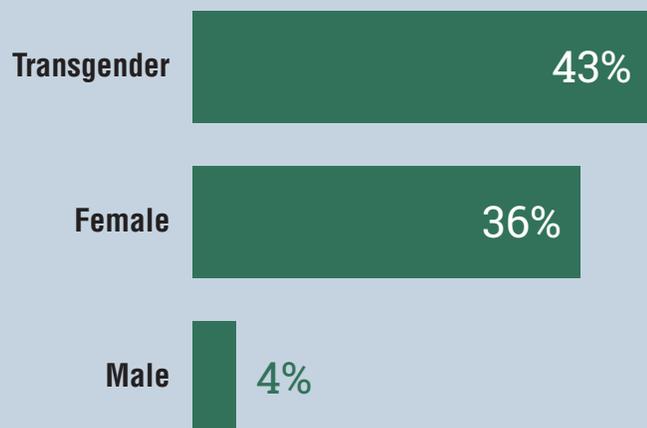
SPECIAL HURDLES FACED BY YOUTH SURVIVORS OF SEXUAL EXPLOITATION

Nearly a quarter of the youth served by the project reported being survivors of sexual exploitation. Of those youth, 90% identified as female, 7% identified as male, and 3% identified as transgender. Although transgender youth represent a smaller portion of our youth clients, they are at greater risk with 43% of our transgender clients having experienced sexual exploitation, compared to 36% of our female clients and 4% of our male clients. Several studies have found that indeed LGBTQ youth are more likely to be survivors of sex trafficking.²

A history of sexual exploitation signals the presence of complex trauma and danger in the life of a young person, as well as a greater number of challenges they face to accessing services and benefits to which they are entitled. Youth end up in the juvenile justice system instead of the child welfare system as a result of being charged for offenses that occurred as a direct result of being exploited. With regards to accessing foster care, they face hurdles resulting from specific program and practice choices regarding the treatment of youth who have been exploited, including out-of-state placement, inappropriate exclusion from housing programs, and insufficient coordination among service providers and public agencies. YHP attorneys undertake a range of collaborative strategies to support systems change to address these concerns, including by serving on anti-trafficking commissions in every jurisdiction in which the project has a full-time staff member.

2 Loyola University New Orleans Modern Slavery Research Project, *Labor and Sex Trafficking among Homeless Youth: A Ten-City Study*, (2016), available at <https://covenanthousestudy.org/landing/trafficking/docs/Loyola-Research-Results.pdf>; The Field Center for Children's Policy, Practice & Research, Field Center completes multi-city study on child trafficking among homeless youth; identifies risk and resilience factors, available at <https://covenanthousestudy.org/landing/trafficking/docs/Penn-Research-Results.pdf>; Roe-Sepowitz, D., et al., Youth Experiences Survey: Year 3, (2016), available at https://socialwork.asu.edu/sites/default/files/stir/final_2016_yes_study_full_report.pdf

YHP Clients' Prevalence of Sexual Exploitation by Gender



of Extended Foster Care altogether), present additional points at which youth in foster care may need advocacy to prevent disruptions in their access to benefits.

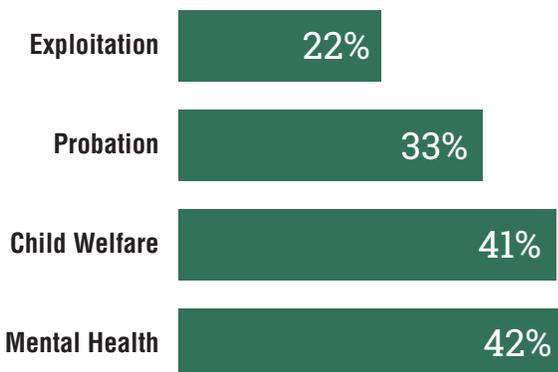
Collecting data is critical to improve project practices and advocate for systems change.

From its inception, the YHP model was developed to support learning, systems reform, and policy change. The data and insights derived from the project’s direct services to young people help YHP staff identify systems issues, advocate for systems reform using a variety of tools, and oversee the implementation of solutions.

BayLegal’s database is designed to both meet the reporting requirements of funders and facilitate efficient ongoing casework. Over time, YHP has collected data on a range of indicators, including details regarding youths’ foster care, probation, and mental health histories; their experience of abuse, neglect, abandonment, and exploitation; their eligibility for and interest in extended foster care; and the impact of civil legal representation on youth and family well-being. Project staff have documented the experience and insights of shelter staff and other service providers to contextualize and interpret these data, identify themes, and inform the development of training and technical assistance materials.

A review of the vulnerability factors prevalent among youth experiencing homelessness illustrates how data can lead to more collaboration, a change in the civil legal services we provide, and broader systems change. Three-quarters of the youth we work with have been court- involved, close to one-quarter are survivors of exploitation, and a little over 40% have a

Vulnerability Factors Experienced by YHP Clients



TATYANA’S STORY

“Tatyana” was 16 years old and pregnant while in juvenile hall. She had been adjudicated for shoplifting and sentenced to a term in the county juvenile hall despite recounting a long history of exploitation and abuse. Tatyana has significant developmental delays, and qualifies for services from the Regional Center, a non profit organization contracted with the state to provide services to individuals with pervasive developmental disabilities. YHP met with Tatyana to appeal several service denials and assist in locating community-based services for her release. YHP worked with Tatyana’s juvenile defender to submit a petition seeking to vacate her juvenile adjudications and clear her record, the first such petition to be filed in California. A juvenile court granted the petition and vacated all of her arrests and her entire juvenile delinquency record. As a result, Tatyana is now appropriately under the jurisdiction of the juvenile dependency court rather than the delinquency court.

mental health diagnosis. Driven by this information, we have fostered partnerships with healthcare and social services systems, including on funding to support our work, and we have developed more substantive expertise in areas of law that impact the most pressing needs of our youth clients, from securing specialty mental health services through Medi-Cal to facilitating foster care entries and reentries.

Civil legal assistance surfaces and documents needs for systems reform and policy change.

As mentioned above, leveraging YHP data and project experience to develop, pursue, and implement systems change efforts is an essential aspect of the impact of the project. A key example is provided by recent experience related to the legal treatment of minors who are sexually exploited.

Drawing largely on YHP’s observations of the profound overlap between commercial sexual

YHP METHODOLOGY AND STRATEGIES

EMBED, OBSERVE, LISTEN:

- ✓ Meet youth where they are.
- ✓ Create multiple access points.
- ✓ Focus on youth engagement.

YOUTH & COMMUNITY IDENTIFY NEEDS:

- ✓ Keep youth voice at the center through stated interest representation.
- ✓ Engage providers and coordinate needs assessment and legal screening.

NAVIGATE, CONNECT, & DEFEND:

- ✓ Provide integrated civil legal assistance and clinical case management.
- ✓ Youth direct their own goal setting and case planning.
- ✓ Conduct generalist and cross-system legal practice.
- ✓ Provide training and technical assistance to partners.

SYSTEMS CHANGE THROUGH COLLABORATION:

- ✓ Collect data and identify needs for systems change.
- ✓ Partner with government agencies and advocates.
- ✓ Pursue policy change using a diverse tool kit of coalition building, data collection, legislative advocacy, media, local government collaborations, trainings, and litigation.

exploitation and homelessness, YHP has partnered with local and statewide advocates to change the way the law responds to exploitation. Following a change in California law that allowed a youth to vacate juvenile adjudications and criminal convictions related to trafficking, YHP attorneys determined that the law had the unintended consequence of eliminating certain youths' eligibility for extended foster care services. Youth who turn 18 on probation subject to an out-of-home foster care placement order are eligible for extended foster care services. However, if the adjudication upon which the court obtained jurisdiction and ordered the youth into foster care was vacated, the youth would no longer meet the legal definition of a "nonminor dependent" eligible for

extended foster care services. In 2017, YHP partnered with other advocates and the State legislature to pass AB 604, which clarified that survivors of trafficking would maintain their eligibility for extended foster care even when the adjudications that triggered their eligibility were vacated. As soon as the law changed, YHP attorneys conducted trainings and disseminated educational materials on the interaction of vacatur and foster care, and continued to screen for vacatur eligibility in all civil legal cases.

YHP FINDINGS AND IMPACT

After many years of embedding ourselves in the community of providers who work to stabilize youth and partnering with youth to imagine what safety and stability could look like, we have learned that civil legal advocacy can be useful in four important ways.

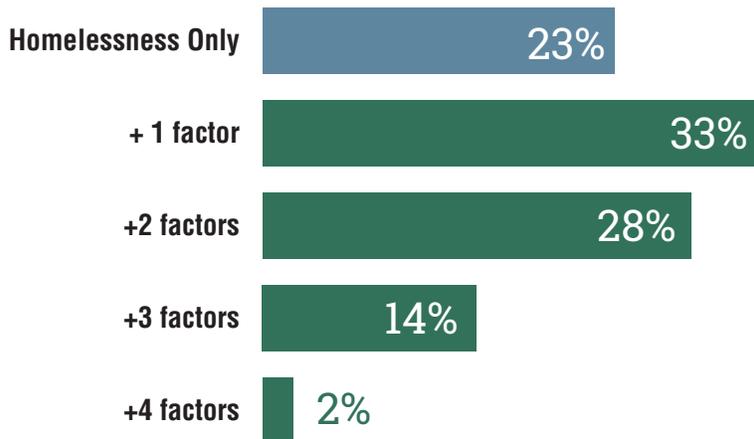
Civil legal advocacy can help youth find safety and meet immediate needs.

Youth we encounter through this project are frequently struggling with risks that can make it almost impossible for them to focus on long-term case planning or developing strategies for stability and success. It is difficult to focus on school graduation or other adolescent successes when you are worried about food, shelter, and/or safety. This is compounded by the accumulation of trauma over time. The youth we serve typically struggle with the effects of commercial sexual exploitation, juvenile probation involvement, child welfare system involvement, and mental health needs. What is striking is that in addition to being homeless or at risk of homelessness, over 200 of our youth clients experience at least two of these additional factors and over 100 experience three or more of these factors.

Understanding the complexity of the lives of the youth we serve is essential when we engage them in a dialogue about what safety and stability looks like to them. Depending on what they are struggling with, we can identify which systems they are currently involved with, disengaged from, or have been shut out of. Chances are there are multiple systems that can be engaged as part of a youth-directed safety plan, and with the understanding that we will do everything we can to amplify their voice in those systems.

Some of the most important supports we provide are removing barriers to help youth meet basic needs

Homelessness and Additional Vulnerability Factors Experienced by YHP Youth Clients



The four additional vulnerability factors we identified were sexual exploitation, juvenile probation involvement, child welfare system involvement, and mental health needs.

and to be free from abuse, neglect, and violence. The majority of the needs presented are directly tied to safety. About 45% of the legal needs we see involve finding safety from abuse, neglect, and violence. Another 37% of the legal needs presented require removing barriers to help youth meet basic needs such as food, health insurance, and cash assistance and income support.

Many—if not all—of the success stories from this project are a testament to these young people’s resiliency. They have gone through harrowing circumstances and yet continue to get back up and push toward transitioning to a successful adulthood. Lawyers and community partners can help with this process, but ultimately it is the resiliency of the young people that make such collaborative successes possible.

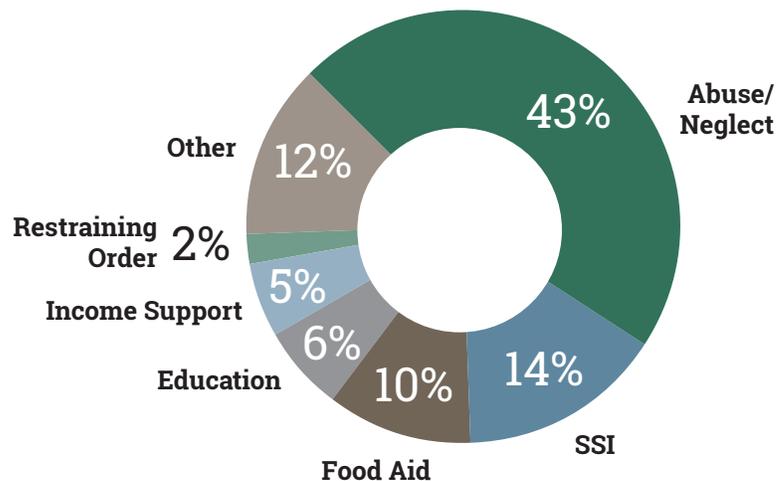
Civil legal advocacy can play a role in amplifying youth voice in systems designed to serve them.

When a youth is denied a benefit they are entitled to, a significant role of the YHP lawyer is to help their client develop their own narrative of what they need to be safe, what support they need to achieve their goals, and the strength and resiliency they draw on to survive. This narrative can be essential when the youth and lawyer advocate within a system that either is not listening or is not accustomed to interacting with youth. For instance, a 17-year-old youth who is at a shelter may create a plan for getting her needs met that includes the short term goals of applying for food stamps and getting a restraining order against an abusive parent, and the long term goal of entering foster care. She will need to be prepared to tell her story to at a minimum the social services office, a juvenile or family court judge, and a child welfare social worker. The youth's voice through their narrative is what YHP lawyers use to hold systems accountable and direct them towards a solution that will work for the youth.

One example of using lawyers to amplify the voice of young people is with the front door of the foster care system. As Lia's story illustrates, navigating the foster care system can be difficult. When we began the project, we had no intention of working directly to help youth access the foster care system. We were legal aid attorneys and thought that youth never wanted to enter foster care. We were wrong. Within months, we heard from youth and youth homelessness providers that foster care access for older youth—and especially youth with disabilities, with juvenile justice involvement, or who were survivors of sex trafficking—was a huge need. Now, YHP lawyers often facilitate the appropriate investigation of abuse and neglect for minors who are homeless, and ensure that 18- to 21-year-olds who are eligible for extended foster care are receiving those services as well.

Federal and state law require that almost all adults who regularly come into contact with minors in the course of their employment report suspected child abuse, neglect, or abandonment to the appropriate

Civil Legal Representation Needs Among Youth Served by YHP



LIA'S STORY

We met "Lia" at a youth homeless shelter when she was 17 years old. She had been molested by her step-father for years as a child. Although her step-father did not live in the home any longer, she did not feel safe with her mother who had never believed Lia about the molestation. In addition, Lia's mother constantly berated and verbally abused her. Lia knew she could not return home. She had already been homeless for about 6 months when we met her. Lia asked her YHP lawyer to help her apply for food stamps and enter foster care. When we initially tried to petition both the child welfare system and the court system to protect Lia from a history of abuse and neglect, we were denied. Lia was dismissed as a runaway who could come home anytime if she was just willing to get along with her mother. After a long fight, Lia entered foster care. Now 18 years old, she is in extended foster care, living in her own apartment, two months away from graduating high school, and thinking about college. It was critical to our success that Lia was able to tell her story, not just about the abuse, but about how foster care and extended foster care would help her to stabilize her life, achieve her goals of finishing high school and becoming a counselor, and to ultimately heal.

Child Protective Services (CPS) agency. Staff at shelters, drop-in centers, and other community service providers thus routinely file CPS reports on behalf of adolescents who are homeless. In contrast, most attorneys, including legal aid attorneys, are not mandated reporters and therefore their interactions with minors are protected by attorney-client privilege. By the time a minor who is homeless meets with YHP lawyers, almost all have already been in contact with many mandated reporters prior to engaging with us.

Prior to the implementation of the project, shelter staff reported that many of these reports were “screened out,” meaning that CPS declined to further investigate the reports. YHP attorneys provided training and protocols to ensure that shelter staff adequately document suspicion or evidence of abuse or neglect and that they provide the right information and ask the right questions when contacted by CPS investigators.

For youth who are reported to CPS and who consent to BayLegal’s advocacy on their behalf, attorneys tracked the CPS investigation process, utilizing California’s WIC 329/331 process (further explained below) when necessary to ensure that a youth’s eligibility was appropriately evaluated and their safety adequately provided for.

As noted above, the development of YHP coincided with California’s implementation of AB12, the Fostering Connections to Success and Increasing Adoptions Act, which makes foster care supports and services available until age 21 for youth who turn 18 while under a court order for foster care placement.

Because 18- to 21-year-olds are legal adults, their participation in extended foster care is voluntary, but the law provides that they may reenter foster care at any time while still eligible. When designing the reentry system, California accounted for the fact that many youth will opt to try and make it on their own before recognizing the level of support that they actually require. As a result, the reentry system allows a youth to leave and reenter care as many times as necessary, and makes reentry fast and simple. Because shelters and other homeless youth providers are a primary point of entry for youth who previously opted out of extended foster care or otherwise became disconnected from the system, YHP attorneys routinely support eligible youth in reentering foster care from homelessness. The attorney-social worker team then provides ongoing support to ensure that youth receive the full range of supports and protections afforded by extended foster care.

Lawyers can amplify youths’ voices outside of the foster care system, as well: in accessing appropriate community-based mental health services (perhaps instead of psychotropic medications or residential services), appropriate school settings (including special education or re-enrollment), in the juvenile justice system (advocating for appropriate placements or resources), and more.

WIC §329 & §331

Sections 329 and 331 of California’s Welfare and Institutions Code (WIC) provide a process by which anyone who is concerned about the adequacy of response to a report of child abuse or neglect can petition the court and ask that a judge evaluate whether or not the child meets any of the conditions of eligibility for court dependency. A petition under WIC 331 asks the judge rather than a CPS social worker to decide whether or not a child is eligible for foster care. The most likely circumstance in which such a petition would be filed is if a service provider, advocate, or other mandated reporter feels that Child Protective Services made an erroneous decision not to investigate a report of suspected abuse, neglect, or abandonment. A judge will then review the child’s situation directly, and will make a decision about foster care eligibility, and if the child is found to be eligible, order the social worker to file a dependency petition.

Civil legal aid attorneys can help ensure equal access to services for foster youth in the juvenile justice system.

There are approximately 4,000 young people who are in “probation-supervised child welfare” in California.³ This population includes young people who were involved in the child welfare system due to abuse or neglect before entering the juvenile justice system, as well as young people who, as a result of their delinquency court case, cannot return home and are ordered to an out-of-home placement under the care, custody, and control of the probation department. When these youth are placed in a delinquency court-ordered placement, the placement is funded by federal foster care funds—the same funds used to support child welfare placements—and those youth are considered foster youth who are entitled to the same benefits as their peers in the child welfare system.⁴

Similarly, just like children who turn 18 in the child welfare system are eligible for extended foster care, young people who are subject to a probation-supervised foster care placement on their 18th birthday can access the vital supports of the extended foster care program until they turn 21. This presents an exciting opportunity for youth who have been touched by the juvenile justice system to receive an array of services that can promote stability and avoid recidivism, and for juvenile probation departments to support the youth in their care beyond the framework of compliance with probation terms.

Yet, juvenile probation’s historical orientation differs from that of child welfare. They often utilize different providers and may have fewer resources to meet their legal obligations to foster youth in their care. Consequently, of the 39% of YHP’s clients that have been involved with the juvenile probation system, most have been probation-supervised foster youth who had become homeless and needed additional advocacy to secure the housing, financial, healthcare, and case management supports to which they were legally entitled. YHP attorneys partner with

probation, the juvenile delinquency court, and other court partners to identify permanency options for foster youth, which can include placement or guardianships with a family member or caring adult in the community, or independent living in a transitional housing program. YHP attorneys also co-authored the *Juvenile Justice Practitioners’ Toolkit*, which discusses funding streams and other resources available for youth on probation, with a strong emphasis on youth in foster care, youth in extended foster care, and youth experiencing homelessness and exploitation. With sufficient capacity and information, juvenile probation departments can (and must) build a strong safety net for foster youth exiting the juvenile justice system.

AMANDA’S STORY

After being placed in a group home, “Amanda” went AWOL from the foster care system for two years, during which time she experienced exploitation. A warrant was issued while Amanda was AWOL, and she was ultimately arrested and taken to juvenile hall. When referred to YHP, Amanda was pregnant, not in school, and working part-time at a local store while homeless and moving frequently among several Bay Area neighborhoods. Due to Amanda’s pregnancy, her mother would not allow her to return home. Through over 80 hours of civil legal assistance, YHP helped Amanda establish eligibility for and access to transitional housing, enroll in full-scope Medi-Cal coverage, and obtain appropriate services through the juvenile court. YHP also provided social work services to help Amanda complete her housing interviews and enroll in school. Amanda currently resides in transitional housing where she can remain until age 24, and attends school regularly.

3 California Child Welfare Co-Investment Partnership, *Crossover Youth: A Shared Responsibility*, Insights: Vol. X, Winter 2016, p. 3, available at http://co-invest.exedor.us/wp-content/uploads/insights_volume10-1.pdf.

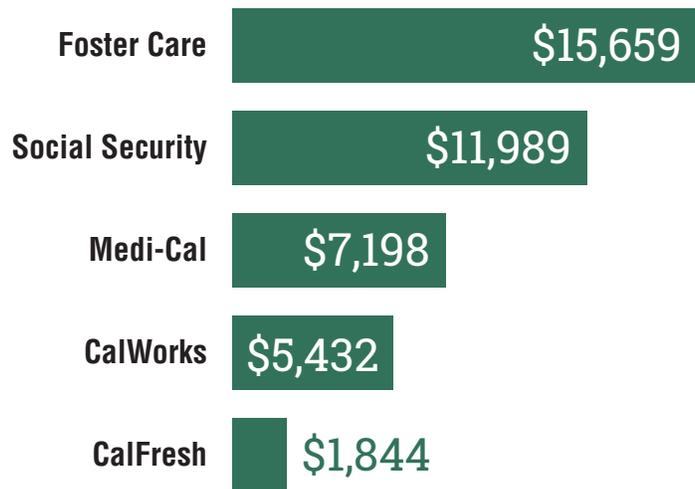
4 California Department of Justice, Bureau of Children’s Justice, *Information Bulletin: Probation Officer Obligations for Probation Youth in Foster Care* (2016), available at <https://oag.ca.gov/sites/all/files/agweb/pdfs/bcj/ib-2016-04-probation.pdf>.

Civil legal advocacy can help access public funds to support youth living in poverty and leverage federal funding to support local government agencies to serve youth who are homeless or at risk of homelessness.

Between 2011 and the present, YHP secured \$9,577,016 in benefits for youth. Not all cases result in a quantitative benefit award—for instance, a legal case sometimes results in a protection of due process rights or some other non-monetary benefit—but for those that do, YHP lawyers are able to access an average of \$42,797 in benefits per client. These benefits can come in the form of cash aid such as General Assistance or CalWORKs; food assistance through connection to CalFresh (SNAP); long-term benefits that include housing through the foster care system; income support in the form of social security benefits for youth who have a disability; and health care benefits through Medi-Cal. The total amount of benefits recovered for a client often includes benefits obtained across multiple cases (i.e. securing foster care benefits and full-scope Medi-Cal benefits for a youth in extended foster care).

Notably, most of YHP's advocacy results in recovery of federal funding streams such as AFDC-FC (foster care benefits), Social Security benefits, and Medi-Cal, which provides local county agencies with federal funding to support youth in their communities who are homeless or at risk of homelessness.

Average Recovery Amount per Client by Legal Issue



TAKEAWAYS

IT IS POSSIBLE TO ENGAGE AND STABILIZE THE MOST VULNERABLE YOUNG PEOPLE LIVING ON THE STREETS.

The YHP methodology was intentionally designed to locate, shelter, and stabilize the most vulnerable young people living on the streets of Bay Area cities and counties. As described above, project data regarding the experiences and needs of youth experiencing homelessness establishes that their situation is defined by multiple overlapping challenges, persistently unmet needs, problematic interactions with local systems, and many missed opportunities to intervene. YHP achieves favorable outcomes in 94% of youth cases, demonstrating that integrated civil legal representation is an essential tool in addressing homelessness among the hardest to serve youth.

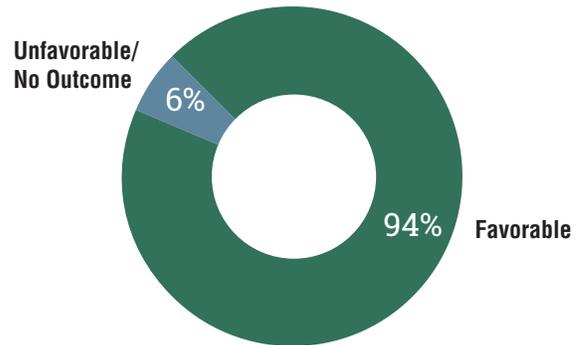
ACTING ON THEIR OWN, YOUTH EXPERIENCING HOMELESSNESS ARE ROUTINELY DENIED ESSENTIAL PUBLIC BENEFITS AND HEALTHCARE THAT THEY ARE LEGALLY ENTITLED TO RECEIVE.

Minors and transition age youth are often summarily refused applications for benefits to which they have a legal right, and even when given applications are erroneously denied on the basis of their minor, student, or homelessness status. Education, training, and technical assistance interventions are able to achieve some progress, but in many cases, legal representation is necessary to ensure youths' access to their rights.

THE FRONT DOOR CHILD WELFARE PRACTICES ARE NOT ATTUNED TO THE NEEDS OF OLDER YOUTH AND CONSEQUENTLY CAN MAKE IT DIFFICULT TO ACCESS NEEDED PROTECTIONS.

Since long before the launch of the project, local shelter staff had reported that the reports of suspected or disclosed abuse or neglect that they filed with Child Protective Services only rarely resulted in an investigation. Child welfare agencies respond

Outcomes in YHP's Full Representation Cases



differently to reports of abuse and neglect made on behalf of adolescents than to those made on behalf of younger children. Many assume, erroneously, that reports made by shelter staff on behalf of adolescent youth are based on homelessness alone, and not the abuse, neglect, and abandonment that the youth ran away from.

The project has also documented a number of CPS investigation practices that are insensitive to the particular situation and need of adolescents experiencing homelessness, including lengthy delays between report and investigation, interviewing youth only with their parents present, or not interviewing the youth at all. This experience also calls into question certain widely accepted practices that may not be appropriate when it comes to adolescents. For example, policies that prohibit any consideration of previous CPS reports when deciding whether to investigate a particular report undoubtedly contribute to the many cases in which BayLegal's representation revealed that youth staying at the shelter had been the subject of several previous CPS reports, none of which had resulted in an entry to foster care.

Another major concern is the seeming lack of system receptiveness to adolescent self-reporting. Unlike youth who come to the attention of the child welfare agency as a result of an allegation made by a neighbor or teacher, adolescents who are homeless are directly involved in the investigation of an allegation, or

may in fact self-report abuse or neglect. Many youth wait days or weeks to speak with a child protective worker, and many other reports go uninvestigated completely. Youth are often branded as “runaway” and their words thereby measured as less truthful in comparison to a parent who denies abuse or neglect. The simple fact is that when a CPS report is filed on their behalf, adolescents tend not to receive the benefit of a full investigation—much less access to foster care services.

YOUTH’S SELF-IDENTIFIED GOALS PRIORITIZE FAMILY AND THE FOSTER CARE SYSTEM REMAINS AN IMPORTANT RESOURCE OF LAST RESORT.

Because BayLegal provides stated interest representation, only pursuing those goals that homeless children have identified for themselves, the project experience demonstrates that youth want to be with family whenever possible. When the home of a parent or legal guardian is neither a possible nor safe option then foster care, as identified by the youth, is acutely necessary. Most youth very much want to return home, and those who no longer hold out hope for returning to their parents’ care want to live with a family member or other guardian who will provide them a permanent relationship, which often necessitates the appropriate foster care supports and benefits needed to sustain that relationship. In other cases, youth seek to establish independence and seek the developmentally appropriate housing options and system practices of extended foster care as a key resource in achieving that goal.

Youth appearing at the shelter are not always prepared to discuss their family circumstances or the abuse they experienced on the street. Many have had prior negative interactions with the child welfare system, some are currently in foster care and have left placement, and others are simply afraid and lacking information about the possible consequences of their disclosures. Youths’ fear and reluctance to provide information and ask questions can pose a serious roadblock to effective planning and service provision. YHP attorneys, with the confidentiality that attaches to a conversation with an attorney, are able to provide youth with a safe place to discuss their circumstances and ask questions about possible outcomes. Utilizing stated interest representation attorneys help youth define a strategy to meet their individual needs.

EXTENDED FOSTER CARE CREATES AN OPPORTUNITY TO ADDRESS YOUTH HOMELESSNESS THAT IS BENEFICIAL TO BOTH YOUTH AND PUBLIC SYSTEMS.

The design and implementation of AB12 was built on the recognition that despite the priority placed on reunification and permanency, there are many youth who will turn 18 in foster care, and who, without additional assistance, face extraordinary odds. Several years into the implementation of AB12, it has become clear that older youth in need of extended foster care comprise a large proportion of all foster youth. The high “uptake rate” as well as youths’ reported subjective experience of extended foster care both indicate that youth see AB12 as an attractive option for supporting their transition to adulthood.

The system-wide shift toward making youth voice, choice, and preference the heart of case planning decisions, amounted to a reconceptualization of foster care for older youth. As has been borne out by the extremely high rates of voluntary participation, in the era of AB12 young people clearly understand the power of extended foster care to support their self-identified goals. Of course, this powerful set of tools is only available to those youth who are able to access them; project partners thus recognized that ensuring that eligible adolescents have access to foster care if they want or need it—that the “front door” is working appropriately—is an essential element of ending homelessness for this vulnerable population.

RECOMMENDATIONS

INVEST IN SPECIALIZED FREE CIVIL LEGAL REPRESENTATION FOR YOUTH EXPERIENCING HOMELESSNESS.

Youth who are homeless face many barriers to independence and stability. Civil legal advocacy can be vital to the timely and permanent removal of those barriers. In the benefits world, real barriers exist between determining that a young person is eligible for a benefit and actual delivery of the benefit to the young person. Civil legal advocates can help remove these barriers and ensure that systems are responding to the needs of youth in an appropriate manner. Working collaboratively with systems, civil advocates can also help build better fiscal structures, leveraging entitlements to better serve youth, create more efficiency in government departments, and comply with federal, state, and county mandates.

INTEGRATE CIVIL LEGAL ASSISTANCE WITH THE LOCAL YOUTH HOMELESSNESS SERVICE CONTINUUM.

A key to consistently translating civil legal assistance into positive outcomes for youth is to integrate legal representation with other available services. In some cases, this integration is formal, for example:

- ✓ YHP attorneys train shelter staff to screen youth for civil legal services needs and flag referrals of youth suspected to be experiencing abuse, neglect, trafficking or exploitation;
- ✓ YHP attorneys provide onsite legal clinics at shelters several times per week;
- ✓ YHP attorneys and social workers secure authorizations and agreements, improving collaboration with other service providers to support the success of shared clients.

In other cases, “integration” is less formal, consisting primarily of taking advantage of (or creating) routine opportunities for information sharing and service coordination. Collaboration and coordination of community resources varies significantly among jurisdictions. Some counties have a robust network of service providers and structures in place to facilitate

collaboration, while in other counties there is very little regular or structured communication among the various agencies and organizations that may be serving trafficked youth. Project attorneys and social workers can advocate for and facilitate increased collaboration, ensuring the integration of legal services from the start.

BUILD CAPACITY FOR A REGIONAL APPROACH TO YOUTH HOMELESSNESS.

Youth who are homeless, exploited, or at risk travel continuously between counties, making coordinated, inter-county service provision essential to meeting their needs. Youth rely on support systems that span county lines and often seek assistance in multiple jurisdictions. California’s county-administered system complicates communication and creates very significant disparities between what is available from one city to the next. Providers and services that span counties can help facilitate regional coordination and offer continuity of care for highly mobile youth.

WORK COLLABORATIVELY WITH CHILD WELFARE SYSTEMS TO DEVELOP FRONT DOOR POLICIES THAT ARE MORE RESPONSIVE TO OLDER YOUTH EXPERIENCING ABUSE, NEGLECT, AND ABANDONMENT.

As noted throughout this report, adolescents face unique challenges accessing foster care services, most of which are related to CPS front-end practices. YHP attorneys and their partners were able to make some improvements to the responsiveness of the system by providing additional training to shelter staff and other mandated reporters. This experience underscored the subjective nature of decisions about how to respond to CPS reports.

Because questions about the responsiveness of CPS to reports on youth who are homeless take place against a backdrop of an overall increase in the number of reports that are “screened out” and an increased reliance on alternatives to dependency,⁵ it will take additional investigation to fully understand how to ensure an appropriate response to CPS reports made

5 California Child Advocates for Change, “Are There Too Many Children in Foster Care?” (April 2016), available at <http://stepupforkin.org/wp-content/uploads/2016/06/Foster-Care-Policy-Brief-Too-Many-Children.pdf>

on behalf of adolescents. Meanwhile, shelter staff and other youth service providers should continue to be trained to file effective CPS reports and use the WIC 329/331 process as necessary.

MAKE FULL USE OF EXTENDED FOSTER CARE, AND REFINE AND REPLICATE SUCCESSFUL PRACTICES ACROSS JURISDICTIONS.

Extended foster care provides a unique opportunity to provide greater attention and involvement to older youth while also leveraging outside funding and entitlements to better help youth over a longer period of time. From a social services and public health perspective, this makes sense because without additional supports, most of these young people will become high utilizers of expensive, county-only funded programs such as emergency rooms, shelters, and county jails. From a child advocacy perspective, giving more supports to older youth makes sense because it will lead to far better outcomes for the young person. Also, in simplest terms, it is what older youth want. AB12 in California has a participation rate of over 90% by youth over 18, who could, but do not, opt out at any time.

It is important to remember that extended foster care is structurally different from foster care as it exists for minors. Youth voice, choice, and preference are intended to be at the heart of case planning and court processes, and the fact that youth in extended foster care are legal adults mean that their participation is voluntary. AB 12 provides new placement options, including additional transitional housing and supported independent living options. Jurisdictions that fully embrace the opportunities presented and take on the challenge of building a truly youth-centered and transformational foster care system for 18- to 21-year-olds stand a better chance than ever of building a comprehensive safety net and moving towards a day when no youth begins adulthood in homelessness.

Focus resources on ensuring youth supervised by the probation system have equitable access to extended foster care and other transitional services.

As explored above, youth in the probation system need additional support and advocacy to be able to access all of the benefits to which they are entitled under AB12. Likewise, local probation departments and court systems need sustained support to implement developmentally appropriate policies and practices and to resolve fiscal and administrative challenges to AB12 implementation.

Expand capacity in transitional housing programs.

YHP launched in Alameda County, which had the state's first licensed provider of transitional housing under extended foster care. Transitional housing is not only an attractive option for AB12 eligible youth, but also provides important supervision and support to youth who are not yet ready to live completely independently. In fact, in many of YHP's cases that sought to recover foster care benefits for a young adult client, the client expressly requested that the YHP attorney assist them in finding foster care-funded transitional housing.

Further empower youth to define their own goals and successes and to develop and direct their own case plans.

As noted throughout this document, YHP's methodology is premised on the assumption that youth voice, choice, and preference must be at the heart of any successful strategy to support youth in moving from homelessness to stability. This is both the intent and the letter of the law under AB12, and over the first seven years of implementation, it has become clear that this means encouraging youth to define their own education and employment goals, choose their own placements, and define their ongoing relationships with their families of origin and other permanent connections.

CONCLUSION

In May 2013, YHP released a report entitled “Youth Homelessness in the Era of AB12: Findings from the Alameda County AB12 Homeless Youth Demonstration Project.” That report documented the founding collaboration through which YHP developed the current methodology, and explored the experiences and needs of youth experiencing homelessness in Alameda County. At the time, the interaction between homelessness and foster care was poorly understood, and the field was just beginning to understand how to address the needs of youth involved in the probation system and sexually exploited minors.

In the past few years youth homelessness in California has been on the rise and the visibility and persistence of the broader phenomenon of chronic homelessness has elevated conversations about potential solutions. There is now widespread recognition that California is experiencing a homelessness crisis, and that youth are a significant part of the broader problem— both because they are now understood to be entitled to particular legal protections and because youth homelessness has been documented as a significant driver of chronic homelessness.

Furthermore, the broad recognition of the many crucial transitions that define late adolescence and young adulthood have given rise to a range of reform efforts, including the ongoing implementation of extended foster care and the concurrent recognition of the vital role that foster care can play in addressing youth homelessness. These efforts have increased understanding in the field of the many systems failures and missed opportunities that dot the history of the vast majority of youth experiencing or at risk of homelessness. This conversation has created the language for an emerging national conversation about

the essential role of civil legal services in mediating and resolving the interface of young people with the public systems that can, and in many cases are required to, support their success.

Partly due to this increased understanding, in the past five years the Youth Justice Project has grown from four attorneys to 10 attorneys and two social workers. While continuing to prioritize the youth who are most disconnected and vulnerable, we have taken on more cases, addressed issues of increasing complexity, and assertively pursued systems change. We’ve provided training and technical assistance throughout the nation, were designated, along with 11 other programs across the nation, a model program by the American Bar Association’s new Homeless Youth Legal Network, and increasingly see civil legal services included as a critical component of any credible plan to address or end youth homelessness. To give one recent example, San Francisco’s Coordinated Community Plan to End Youth Homelessness, an interdisciplinary plan that grew out of the federal Youth Homelessness Demonstration Project, includes several legal services components and names BayLegal as a partner.

The current combination of widespread recognition and increasing investment in efforts to end youth homelessness means that the opportunity to replicate the YHP program model in other jurisdictions is now a reality. We offer this report first and foremost as a tool for advocates and legal services providers throughout the country that recognize the essential role that civil legal representation can play in addressing youth homelessness. Our outcomes demonstrate the value of the approach. And there are tens of thousands of young people in need. We look forward to collaborating with partners anywhere and everywhere to end youth homelessness.

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