



**Access to Justice:
Removing Legal Barriers &
Using the Law to Support Youth**

Maryland Youth Homelessness Symposium
May 1, 2019

What we will cover today:

- Introductions – Who is in the room and what do you hope to get out of this session?
- Youth homelessness background
- Common civil legal issues & barriers to getting legal help
- Supporting access to legal services in your community
- Expanding legal rights



Youth Helping Youth.



- Safe, youth-friendly space for homeless youth ages 14 - 25
- Youth meet basic needs, establish supportive relationships with peer and ally staff, and access leadership/advocacy opportunities
- Case management to access identification, benefits, health/mental health services, education/training, employment, housing, etc.
- One-stop-shop: part-time therapist and weekly visits from mobile health clinic and mobile case management, bi-weekly visits from legal service provider (HPRP), and classes such as yoga, art, nutrition
- Rental, security deposit, and transportation assistance, workforce development programming, and Rapid Re-Housing program



- **Homeless Youth Initiative** created in 2012 to provide legal services specifically designed for youth under age 25 who are unaccompanied and experiencing or at risk of homelessness
- **In-house legal assistance** in subsidized housing, public benefits, criminal record expungement, and other civil matters
- **Pro bono legal assistance** in various civil matters; HPRP recruits and trains volunteer attorneys in partnership with YES and youth leaders
- **Community outreach**, including through legal clinics at YES Drop-In Center, Eastside & Westside Youth Opportunity (YO) Centers, and Center for Urban Families, and other targeted outreach
- **“Know Your Rights” education** for youth and service providers
- **Systemic advocacy** to increase resources to prevent and end youth homelessness, and to enforce and expand youth rights



Who are unaccompanied homeless youth?

- Youth and young adults under age 25
- Living on their own (not in the physical custody of a parent, guardian, or the State)
- Often disconnected from familial support
- Stay in shelters, on the streets, in a range of places not meant for human habitation (cars, abandoned buildings, etc.)
- Stay in others' homes for short periods under circumstances that make the situation highly unstable ("couch surfing" or highly mobile)
- LGBTQ youth and youth of color, especially Black youth in Maryland, are overrepresented



Who are unaccompanied homeless youth?

Youth experiencing homelessness and housing instability:

- Have diverse backgrounds and experiences
- Differ from other homeless populations in important ways (e.g., age, developmental stage, pathways into homelessness, etc.)
- Are largely hidden and underserved
- Are resilient, resourceful, unique individuals
- At greater risk than housed peers for:
 - Victimization and exploitation, including sex and labor trafficking
 - Behavioral health challenges
 - Poor physical health
 - Inadequate education and preparation for the workforce
 - Juvenile and criminal justice involvement, often as a result of survival behavior

What causes youth homelessness?

Family Conflict

- Abuse and neglect
- General conflict
- Substance abuse
- Mental health disabilities
- Rejection and abandonment

Interactions with Public Systems of Care

- Child welfare
- Juvenile and criminal justice
- Behavioral health

Systemic Issues

- Poverty and family homelessness
- Lack of affordable housing, adequate income/employment, and health care
- Impact of racism and discrimination based on sexual orientation/gender

Group Exercise 1:

- Can you spot the civil legal issues in this hypothetical scenario?
- For youth, what other civil legal issues have you or your peers experienced?
- For service providers supporting youth, what other civil legal issues have you seen?

Common Civil Legal Issues

- *Housing & Emergency Shelter* – Eviction defense; subsidized housing application denial or subsidy termination; habitability claims to remedy substandard housing conditions, emergency shelter termination appeals, etc.
- *Economic Safety Net Benefits* – TANF (Temporary Cash Assistance), SNAP (Food Supplement Program), SSI, SSDI, Temporary Disability Assistance (TDAP) – application assistance, appeals of application denials or termination of benefits, etc.
- *Fair Housing Enforcement & Other Civil Rights Issues*
- *Foster Care* – Connection or reconnection to foster care
- *Health Access* – Remove barriers to health care coverage due to wrongful coverage suspension, termination, or denial
- *Identification* – Obtaining Social Security card, driver's license or state-issued ID, birth certificate

More Common Legal Issues . . .

- *Education* – McKinney-Vento Act, Every Student Succeeds Act (ESSA), Individuals with Disabilities Education Act (IDEA), Maryland tuition waiver for unaccompanied homeless youth, etc.
- *Immigration* – SIJS, U-Visas, T-Visas, VAWA
- *Family Law* – Domestic violence, child custody and placement, and child support
- *Consumer Law* – Debtor's rights, fair credit reporting, identity theft
- *Employment* – Remove barriers to employment through criminal record expungement or shielding, driver's license suspensions and traffic/parking ticket amnesty applications, employment discrimination, reasonable accommodation requests for persons with disabilities
- *Name Change & Legal Gender Identity Petitions*

Resources:

- *Alone Without a Home: A National Review of State Laws Affecting Homeless Youth* https://nlchp.org/wp-content/uploads/2019/02/AWAH-report_2019.pdf
- *Homeless Youth Handbooks* <https://www.homelessyouth.org/>
- *SchoolHouse Connection*
<https://www.schoolhouseconnection.org/>
- *On Our Own: A Survival Guide for Independent LGBTQ Youth* <https://assets2.hrc.org/files/assets/resources/HRC-OnOurOwn-LGBTQYouth.pdf>

NOTE: These resources provide general information about common legal problems and laws affecting youth. They are NOT intended to provide legal advice!

Why are legal services and advocacy important?

Legal problems create individual and systemic barriers to meeting basic needs for youth experiencing homelessness. For instance:

- Criminal record ≠ housing and employment
- Denial of public benefits ≠ income and food
- Denial of housing ≠ shelter, safety, security
- Laws that criminalize behaviors associated with homelessness contribute to people cycling between incarceration and homelessness

Addressing legal issues helps youth stabilize and achieve their goals (by providing access to housing, safety, education, employment, etc.)

Why are legal services and advocacy important?

The law both perpetuates racialized poverty and homelessness (i.e. redlining), and also can mitigate those experiences (i.e. McKinney-Vento Act).

- Baltimore was the birthplace of Redlining, the systematic denial of mortgages and loans which legally supported disinvestment in Black communities, exacerbated generational poverty, and created neighborhood segregation that continues today
- Established via the Home Owners' Loan Corporation, a federal agency, in the 1930s
- This shaped the demographic and wealth patterns of Baltimore, and many other cities across the country

Addressing legal concerns and engaging in advocacy to change the law is a key to addressing the structural root causes of homelessness: lack of affordable housing, economic immobility, and systemic racism.

Resources:

- Supporting Partnerships for Anti-Racist Communities (SPARC) Phase One Findings - <https://center4si.com/wp-content/uploads/2016/08/SPARC-Phase-1-Findings-March-2018.pdf>
- LAHSA, Report and Recommendations of the Ad Hoc Committee on Black People Experiencing Homelessness - <https://www.usich.gov/news/las-ad-hoc-committee-of-black-people-experiencing-homelessness-provides-roadmap-for-equity-work>
- HUD CoC Racial Equity Analysis Tool - <https://www.hudexchange.info/news/new-coc-racial-equity-analysis-tool/>
- NAEH Racial Equity Network Toolkit - <https://endhomelessness.org/resource/the-alliances-racial-equity-network-toolkit/>
- National Community Reinvestment Coalition – Redlining Maps - <https://ncrc.org/holc/>

Group Exercise 2:

- Can you spot some barriers to getting legal assistance or resolving legal problems experienced by the youth in our hypothetical scenario?
- For youth, what other barriers have you or your peers experienced?
- For service providers supporting youth, what other barriers have you seen?

Barriers to Accessing Legal Assistance or Resolving Legal Problems

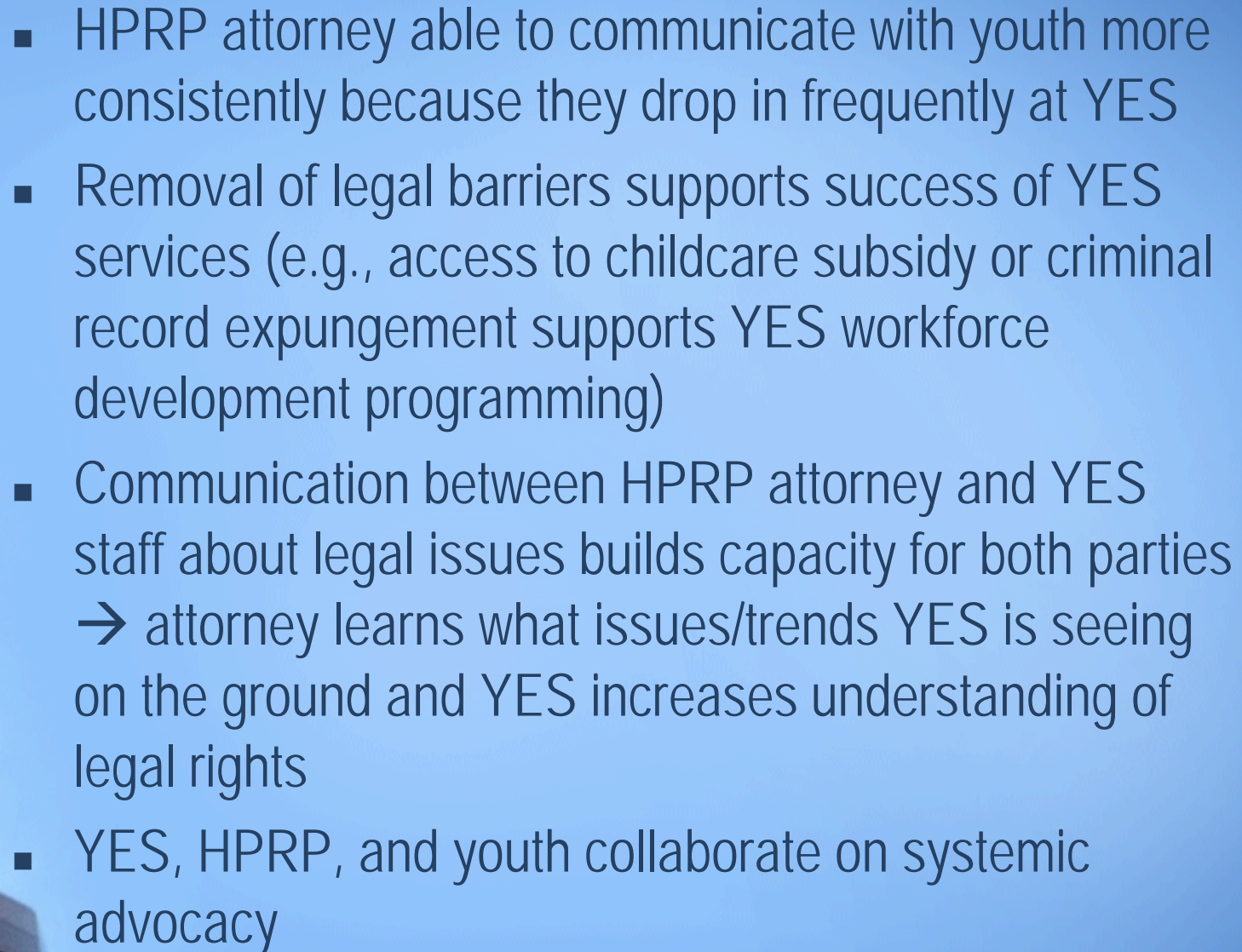
- Not recognizing problems as legal needs (esp. civil issues)
- Lack of info about how lawyers can help
- Difficulty finding a lawyer (who does the right thing for free!)
- Lack of legal services designed for youth
- Mistrust of “the system” and history of bad experiences
- Stigma
- Need to prioritize day-to-day survival needs
- Lack of transportation or access to a phone/computer
- Legal system not set up for people to help themselves
- What else???

So, what can we do about it?!

Case Study A:

Youth Empowered Society & Homeless Persons Representation Project Collaboration

- HPRP attorney and paralegal conduct regular legal clinic for youth on-site at YES → lawyer connects with youth in safe, affirming space where they go to meet basic needs
- YES's youth-centered approach and positive reputation among youth benefits HPRP by association
- Consistent presence by HPRP on-site at YES supports deeper relationships with staff and youth
- Case management and other resources available at YES support attorney-client relationship and improve legal case outcomes

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- HPRP attorney able to communicate with youth more consistently because they drop in frequently at YES
 - Removal of legal barriers supports success of YES services (e.g., access to childcare subsidy or criminal record expungement supports YES workforce development programming)
 - Communication between HPRP attorney and YES staff about legal issues builds capacity for both parties
→ attorney learns what issues/trends YES is seeing on the ground and YES increases understanding of legal rights
 - YES, HPRP, and youth collaborate on systemic advocacy

Supporting Access to Legal Services: 5 Action Steps

- 1) Assess legal needs of youth in your community
- 2) Understand the legal services landscape
- 3) Decide what legal supports you will provide
- 4) Ensure that legal supports are youth-centered
- 5) Ongoing evaluation and improvement

Assess Legal Needs of Youth

- Survey and/or interview youth served in your program and by partner agencies.
- Survey and/or interview staff and other service providers, especially frontline workers – Case managers, McKinney-Vento liaisons, etc.
- Ensure that marginalized youth are represented and that their particular needs are centered.
- How to prioritize?
 - Which legal problems cause or perpetuate homelessness?
 - Which issues have the greatest impact on your services?
 - Which issues are most important to youth?

Understanding the Legal Landscape

What do lawyers do? A broad range of activities, including:

- Limited scope representation – Legal information, brief advice, and counseling
- Full representation of individuals
- Systemic impact litigation to address broad-based issues
- “Know your rights” education
- Policy advocacy – legislative, administrative agency, etc.
- Research
- Technical assistance and training
- What else???

Understanding the Legal Landscape

What legal resources are available in your community?

- Legal Aid or other legal services non-profits
- Office of the public defender
- Law school clinical education programs
- State and local bar associations
- Private attorneys and law firm pro bono departments
- Access to Justice Commissions
- Courts
- What else???



Case Study B: YES Legal Systems Navigation

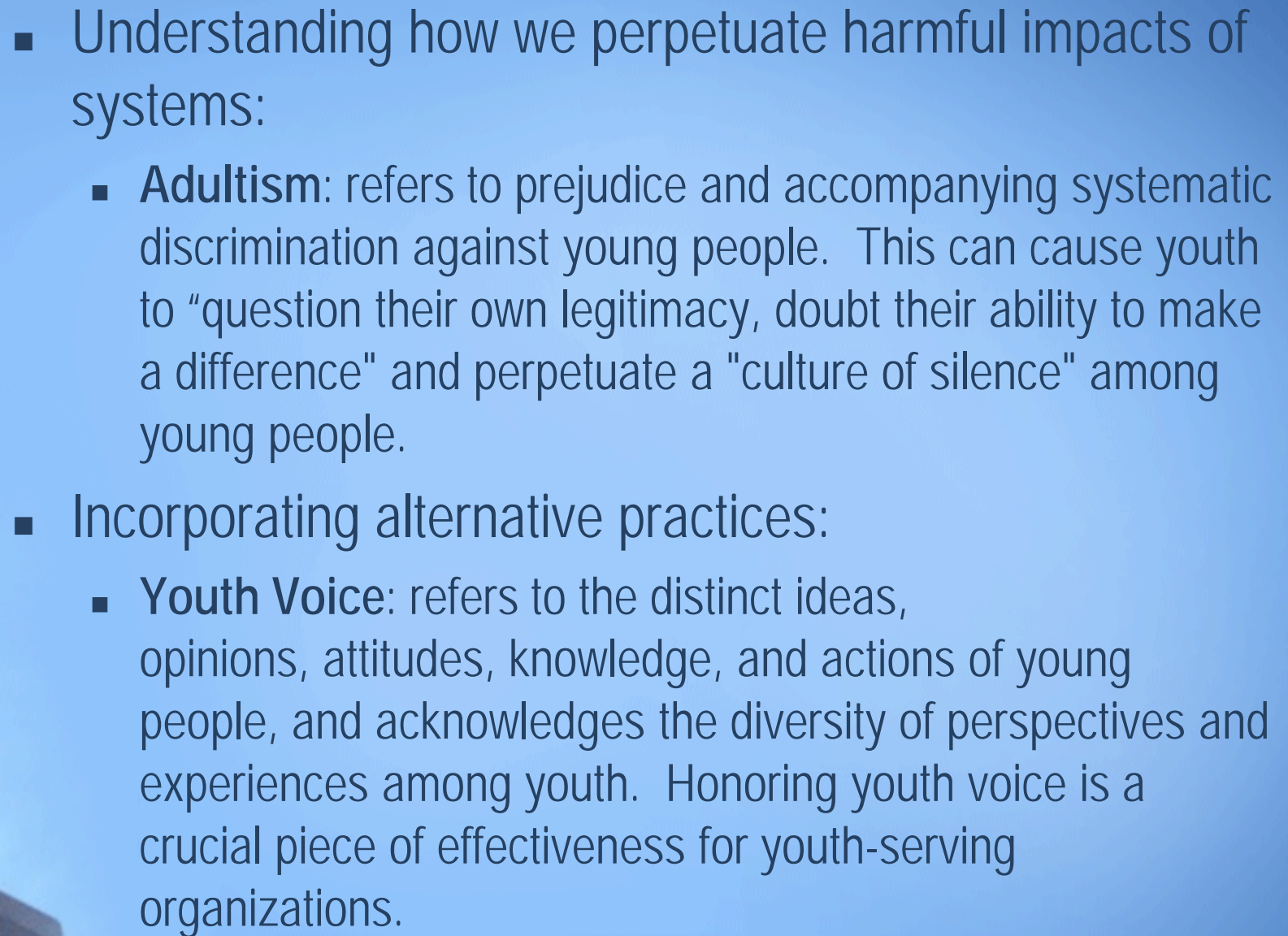
- Case manager with lived experience deepening knowledge of the legal system
- Acquiring information about legal needs of youth via intake
- Accompanying youth to court appointments
- Being a character witness for youth
- Teaching youth and their communities about the legal system
- Self advocacy and know your rights trainings
- Building rapport with public defenders and judges
- Wraparound case management support of youth at drop in center
- Coordination of legal services – connective tissue between youth, legal services, and the courts
- Identifying gaps for future advocacy

What supports will *you* provide?

- Educate legal providers about needs of youth experiencing homelessness and make the case for youth-focused services
- Build relationships with legal providers and make supported referrals
- Start legal partnership (could involve regular legal clinics or having a lawyer on-site); partner with non-profit legal services orgs or private attorneys; engage youth in design and eval.
- Legal “Know Your Rights” education designed for youth
- Legal systems navigation and self-advocacy training and support for youth
- Collaborate with courts to create specialty docket (like Docket for Homeless Persons in Baltimore City)
- Other ideas??

What does it mean for services to be “youth-centered”?

- Meet youth “where they are,” literally and figuratively
- Client-directed representation vs. best interests approach
- Non-judgmental approach and self-awareness of bias (race, sexual orientation, gender, adultism, ability, etc.)
- Cultural humility
- Adolescent brain development
- Trauma-informed advocacy
- Building rapport and trust
- Maintaining ongoing communication

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- Understanding how we perpetuate harmful impacts of systems:
 - **Adultism:** refers to prejudice and accompanying systematic discrimination against young people. This can cause youth to “question their own legitimacy, doubt their ability to make a difference” and perpetuate a “culture of silence” among young people.
 - Incorporating alternative practices:
 - **Youth Voice:** refers to the distinct ideas, opinions, attitudes, knowledge, and actions of young people, and acknowledges the diversity of perspectives and experiences among youth. Honoring youth voice is a crucial piece of effectiveness for youth-serving organizations.

Case Study C: HYI Pro Bono Network Training

- HPRP's Homeless Youth Initiative Legal Network engages volunteer attorneys to provide legal supports to youth on a range of civil legal issues
- HPRP partners with YES Drop-In Center and youth leaders to train volunteer attorneys
- Youth with experience of housing instability and homelessness are compensated as trainers to teach attorneys how to effectively build relationships with and provide representation to youth

A few more things to think about...

- What training or experience might lawyers need to effectively work with your clients?
- What outreach strategy makes sense for your organization/community?
- Think about the physical space – is there a private space to meet to maintain confidentiality and lawyer-client privilege?
- If you want to be able to share certain information, what rules do you have to be aware of? What process would you use?
- Are there conflicts of interest or other ethical concerns that you should consider?

Resources:

- ABA, Homeless Youth Legal Network - https://www.americanbar.org/groups/public_services/homelessness_poverty/initiatives/hyln/
- USICH, Engaging Legal Services in Community Efforts to Prevent and End Homelessness - https://www.usich.gov/resources/uploads/asset_library/Engaging_Legal_Services.pdf
- True Colors Fund Youth Collaboration Toolkit - <https://network.truecolorsfund.org/youth-collaboration-toolkit/#1491841146259-18108b03-f0ef>
- USICH, Centering Youth of Color and LGBTQ Young People in Efforts to End Homelessness - <https://www.usich.gov/news/voices-of-youth-count-centering-youth-of-color-lgbtq-young-people-in-efforts-to-end-homelessness/>

Group Exercise 3

Your turn! Let's brainstorm...

In a small group, discuss a legal partnership you would like to see in your community.

- What unmet need(s) would it address?
- Who would it serve?
- What legal resources could you leverage?
- What are some first steps you could take?
- What challenges or opportunities would you expect?

Expanding Legal Rights

- Identifying systemic problems through lens of youth experiences
- Providers, advocates, and youth collaborating to address systemic problems – systemic advocacy and direct services go hand in hand!
- Examples of recent legislative advocacy and law changes in Maryland and other states



Please keep in touch and let us know how we can support you!

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Breakout Sessions

2:40 – 3:40 pm

Amplifying Youth Voices through Youth Action Boards
Capitol Ballroom

Host Homesharing as an Alternative to Youth Homelessness
Caucus Room

Thrive@25: Reducing the Risk of Homelessness through Youth Engagement and teaming Among Youth Exiting Foster Care
Senate Room