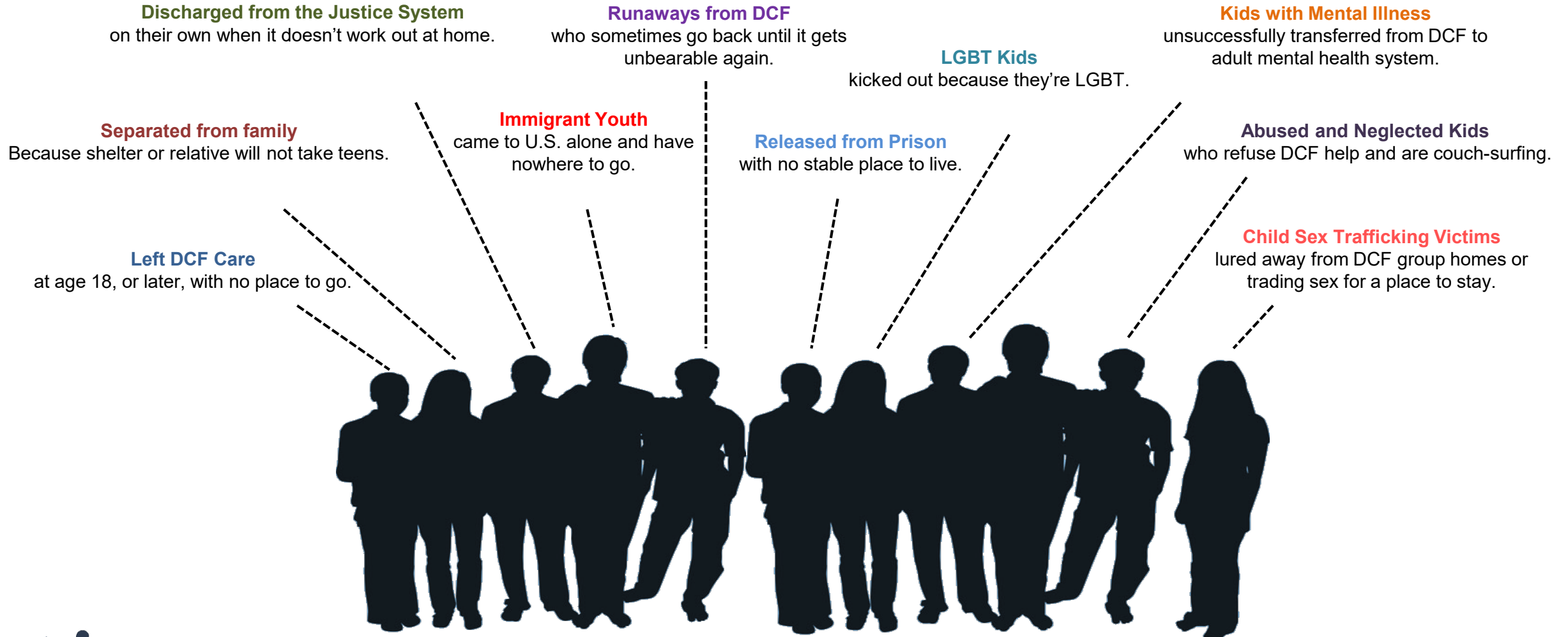




Legal Advocacy for Youth Experiencing Homelessness

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Youth Who Are Homeless



Important Legal Issues for Youth Who Are Homeless

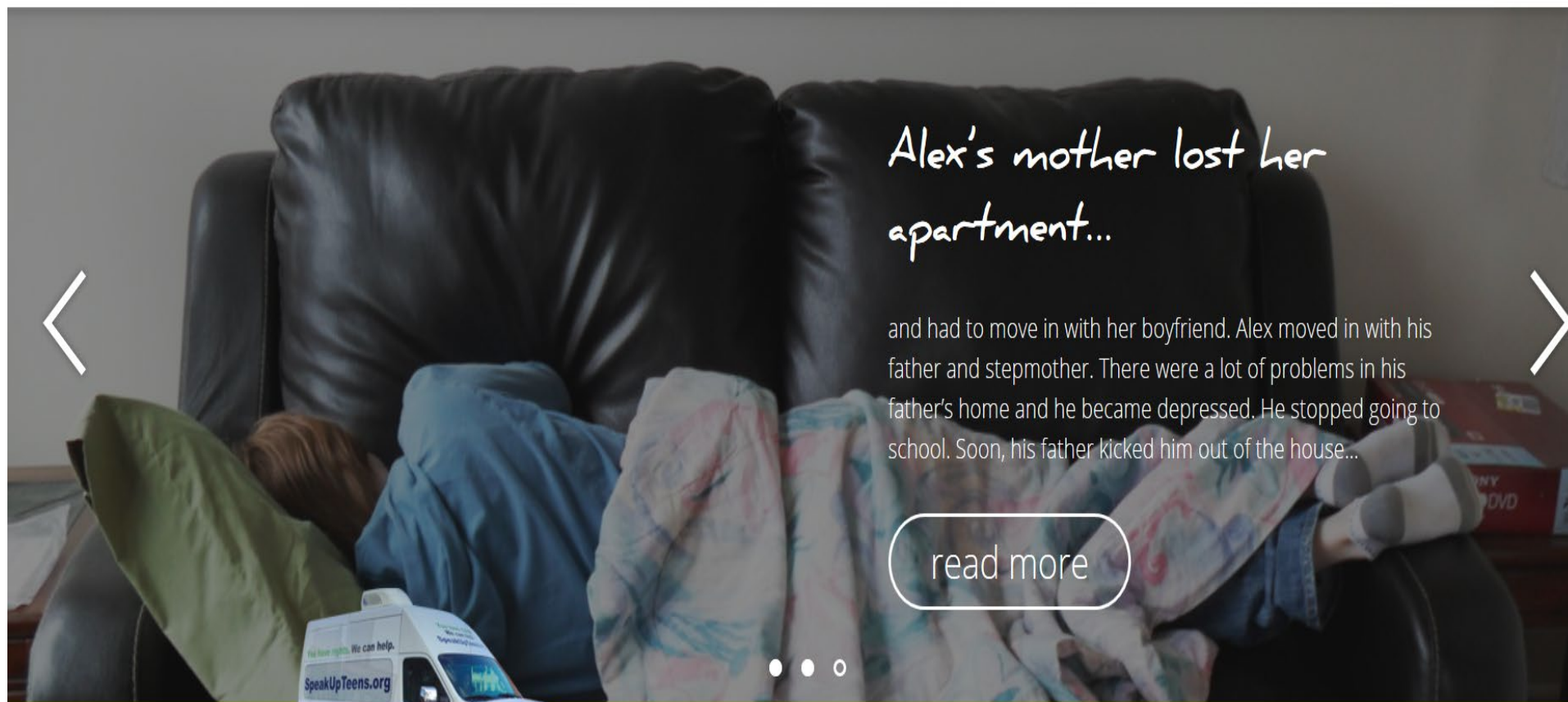
- School re-entry, especially for youth returning from confinement.
- Probate court advocacy for guardianship issues.
- Employment discrimination and other employment advocacy.
- Re-entry to DCF.
- DCF termination hearings.
- McKinney Vento advocacy for students experiencing homelessness.



Important Legal Issues for Youth Who Are Homeless

- Legal advocacy to support housing.
- Explanations of criminal records, help with petitions to expunge records, and help with assistance in applying for Certificates of Employability.
- Appeals of benefit denials and applications for benefits.





School Re-entry from Confinement

- Often youth coming out of confinement have difficulty enrolling in school because they are missing documents, they are pushed out to other programs, they need special education services, etc.
- Students should not be expelled for an offense for which she was already confined. If a school wishes to expel such a student, proceedings must begin before confinement. [Conn. Gen. Stat. 10-233d \(l\)\(2\)](#).



Probate Court Advocacy for Guardianship Issues

- One of the hardest parts about housing instability is a lack of stable guardians. A lack of guardianship can lead to inability to access education programs, housing programs, work programs, medical care, identification, travel documents, and other basic necessities.
- The probate court can be a good resource for minors dealing with housing instability. It is also a way to bring legal advocacy to an emotional situation. [See Conn. Jud. Branch Law Libraries, *Connecticut Law About Guardianship*, JUD.CT.GOV, <https://www.jud.ct.gov/lawlib/Law/guardianship.htm>; *Id.* at Connecticut Probate Forms PC-502 Application for temporary custody.](#)

Employment Discrimination and Other Employment Advocacy

- There are legal protections for minority workers when an adverse action is taken based on a criminal record. This is because of the historically disproportionate rates of criminal convictions among minority job applicants. *See U.S. Equal Employment Opportunity Commission (EEOC), Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964*, Enforcement Guidance 915.002, Apr. 25, 2012, available at https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm#IV; Conn. Office of Legislative Research (CLR), *Updated Report: Criminal Background Checks and Employment Decisions*, 2013-R-0425, Jun. 5, 2013, available at <https://www.cga.ct.gov/2013/rpt/2013-R-0245.htm>.
- Employers should not have a blanket policy refusing to hire, or make firing decisions, based on criminal records. The employer must make an individualized determination for each candidate based on whether the criminal conviction will affect the employee's ability to do the work. *See EEOC, supra at V.B.6 Detailed Discussion of Green Factors and Criminal Conduct Screens, V.B.7 Examples of Criminal Conduct Exclusions that Do Not Consider the Green Factors, V.B.9 Individualized Assessment*, note 120-121; CLR, *supra at Title VII*; *Green v. Missouri Pacific Railroad*, 523 F.2d 1290, 1298 (8th Cir. 1975); *El v. Se. Pennsylvania Transp. Auth. (SEPTA)*, 479 F.3d 232, 243 (3d Cir. 2007); *Barletta v. Rilling*, 973 F. Supp. 2d 132, 139 (D. Conn. 2013).
- If an individualized assessment is not done, a young adult may have a valid complaint to file with the Connecticut Commission on Human Rights and Opportunities (CHRO). *Commission on Human Rights and Opportunities (CHRO), How to File a Discrimination Complaint*, CT.GOV, available at <https://www.ct.gov/chro/cwp/view.asp?a=2524&Q=315884>.

Re-entry to DCF and DCF Termination Notices

- There are a lot of benefits to staying in DCF up to age 21 (or 23 if you're enrolled in a full time education program). These benefits include money, housing, food, clothing, medical support, etc. There are also education benefits and there may be mental health services not available in other places. [Conn. Dep't of Children and Families \(DCF\), *Adolescent Services Practice Guide*, Jan. 2019, available at https://portal.ct.gov/-/media/DCF/Policy/BPGuides/28-1PG.pdf?la=en](https://portal.ct.gov/-/media/DCF/Policy/BPGuides/28-1PG.pdf?la=en).
- Re-entry advocacy can help young adults make the decision to go back to DCF. And once that decision is made, advocacy can guide young adults through the steps of how to reapply for services. [Id. at Re-entry to Adolescent Services Program](#).
- When young adults over 18 are not compliant with DCF and receive 800 termination notices. This is a legal process that requires a hearing with DCF. It's important to ask for a hearing within 10 days of receiving the notice to make sure the youth's benefits continue. Part of advocacy can include trying to negotiate outcomes prior to a hearing.

Federal Laws Protect Homeless Students at School

The Purpose:

- Keep school consistent when all else is unstable.
- Improve academic performance for students experiencing homelessness.

All Homeless Students:

- McKinney-Vento Homeless Assistance Act. 42 U.S. Code §§ 11431-11435.

Special Education Homeless Students:

- Individuals with Disabilities Education Act (IDEA). 20 U.S. Code § 1400.

McKinney Vento Homeless Education: Who is Homeless Under the Law?

42 U.S.C. § 11434a (2). Children and youth who lack fixed, regular, and adequate night time residence, including:

- Sharing housing due to loss of housing, economic hardship, or similar reason, aka “doubled up”.
- Living in motels, hotels, trailer parks, campgrounds due to lack of adequate alternative accommodations.
- Living in emergency or transitional shelters and certain transitional housing programs.
- Living in a public or private place not designed for humans to live.

School Attendance Under McKinney Vento

42 U.S.C. § 11432 (g)(3)(A). Students who are homeless have the right to either:

1. Continue in their school of origin for the duration of their homelessness or for the rest of the academic year if they become permanently housed during the school year.
2. Enroll the student in any school a non-homeless student could attend in the same district.

School Enrollment and Transportation Under McKinney Vento

- Students have the right to immediate enrollment even though they may not have access to documents that are normally required by the school district to enroll. [42 U.S.C. § 11432 \(g\)\(3\)\(C\)](#).
- If there is a dispute, the process should be to first enroll the student and then handle the dispute later. [42 U.S.C. § 11432 \(g\)\(3\)\(E\)](#).
- McKinney Vento requires school districts to provide transportation for homeless students. This can include buses, gas vouchers, bus passes, mileage reimbursements, or other options that work for the family. [See e.g., 42 U.S.C. § 11432 \(e\)\(3\)\(C\); National Center for Homeless Education, *Transporting Children and Youth Experiencing Homelessness*, NCHE.ed.gov, at Strategies for Efficient Transportation of Children and Youth Experiencing Homelessness, available at <https://nche.ed.gov/wp-content/uploads/2019/01/transportation.pdf>.](#)

McKinney-Vento Liaisons

- Every school district has a McKinney-Vento Liaison. The liaison is responsible for ensuring the identification, school enrollment, attendance, and opportunities for academic success of students in homeless situations. [42 U.S.C. § 11432 \(g\)\(1\)\(J\)\(II\)](#).
- The McKinney-Vento liaison is often the first party that is responsible for contacting relevant parties and resolving disputes.
- A catalogue of McKinney-Vento Liaisons is available on the website of the [State of Conn. Dep't. of Educ., *Homeless Education*, CT.GOV](#), <https://portal.ct.gov/SDE/Homeless/Homeless-Education/How-To>.

Appeals of Benefit Denials and Applications for Benefits

- Benefits are a complicated process, especially for young adults with disabilities or experiencing housing instability.
- Youth often need help discussing the benefit options available to them, requesting and reviewing any relevant records, or filing applications and appeals.



Legal Advocacy to Support Housing

- When disputes occur with landlords, even a conversation with an attorney or advocate can help young adults speak up for themselves and negotiate better outcomes.
- In other situations when a young adult is facing certain hardships like unsafe conditions, criminal records, or domestic violence, there are legal protections.
- See for unsafe conditions: Conn. Jud. Branch Law Libraries, *Connecticut Law About Landlord/Tenant Law*, JUD.CT.GOV, <https://www.jud.ct.gov/lawlib/Law/guardianship.htm> (Look for *Rights and Responsibilities of Landlords and Tenants* as well as *Tenant's Right's: Repairs*); Conn. Gen. Stat. 47a-7.
- See for criminal records: Conn. Office of Legislative Research (CLR), *Tenant Selection: Use of Criminal Records by Landlords*, 2017-R-0222, Sept. 29, 2017, *available at* <https://www.cga.ct.gov/2017/rpt/pdf/2017-R-0222.pdf>; Conn. Gen. Stat. §§ 46a-64b to 46a-64c.
- See for domestic violence: Conn. Gen. Stat. 47a-11e; Conn. Gen. Stat. 17b-808(a)(2); National Housing Law Project (nhlp), *Housing Rights of Domestic Violence Survivors A State and Local Law Compendium*, NHLP.ORG, <https://www.nhlp.org/wp-content/uploads/2018/07/2017-DV-State-and-Local-Housing-Laws-Compendium.pdf>.

Explanations of criminal records, petitions to expunge records, Certificates of Employability

- After 3 years from a conviction for a misdemeanor, and 5 years for a felony, a person can petition to erase their record. This can be a long process and youth may need help with the petition application. [Conn. Gen. Stat. §§ 54-142\(a\)–54-142\(f\)](#); State of Conn. Board of Pardons & Paroles, *Pardon FAQ's*, CT.GOV, <https://portal.ct.gov/BOPP/Pardon-Division/Pardon/Pardon-FAQs>.
- Certificates of Employability can be good for youth facing barriers to employment, especially when the employment is in a highly regulated field. [CT.GOV, *supra*, at *Product Application Process and Instructions – Eligibility – 2. Certificate of Employability*](#), <https://portal.ct.gov/BOPP/Pardon-Division/Pardon/Pardon-Application-Process>.
- Senate Bill 691 (2019) would automatically erase criminal records after 3 years for a misdemeanor and 5 years for a felony.

Legal Resources

Center for Children's Advocacy:

cca-ct.org or speakupteens.org

Statewide Legal Services:

ct-lawhelp.org or 860-344-0380 and 800-453-3320

Questions?

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