Falling Through the Gaps
How a Stay in Detention Can Lead to Youth Homelessness
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INTRODUCTION

Washington State provides its youth\(^1\) a right to health care, to an education, to food assistance, and to be protected from exploitative working conditions. But for another basic need — a roof over one’s head — there is no clear right. Instead, the care and custody of homeless youth is subject to a patchwork of local and state agency resources and various legal duties, resulting in gaps in responsibilities and services. One way youth fall through these gaps—and into homelessness—is when exiting county detention centers (i.e., juvenile jails) and there is no parent or other adult able or willing to pick them up.

In 2015, the Washington legislature passed the Homeless Youth Prevention and Protection Act, declaring the goal that “every homeless youth discharged from a public system of care in our state will not be discharged into homelessness.”\(^2\) This paper explores the relationship between discharge from county detention facilities and youth homelessness in Washington State. It looks at the ways that youth initially come into detention, and what happens to youth who have no stable place to go after their stays in detention centers.\(^3\) By examining the duties that the various agencies have for these youth before, during, and after release from detention, we can identify systemic gaps that result in homelessness. These gaps are potential targets for system reform.

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\(^1\) In this paper, the term “youth” refer minor children, generally ages 13-17 years old.

\(^2\) RCW 43.330.700(5)(a).

\(^3\) This paper focuses on youth released from county detention facilities. It does not address the related problem of youth released from State juvenile facilities run by the Juvenile Justice and Rehabilitation Administration (JJRA). DSHS data show that 25% of youth released from JJRA facilities experience homelessness within a year of release. See: DSHS Research and Data Analysis Division, Impact of Homelessness on Youth Recently Released from Juvenile Rehabilitation Facilities, June 2013, RDA Report No. 11.191.
The problem is significant. While statewide numbers are not known, in 2014, in Pierce County, parents refused to pick up 417 youth from detention, and there were another 146 kids for whom a parent could not be found. A similar problem occurred in Spokane County in 2014, where 104 detained youth were not picked up by parents. In some cases, the youth are homeless before they ever enter detention. For example, in King County, the 2015 Count Us In one-day point-in-time count showed that only 65% of the minors being held in detention thought they had a parent or relative with whom they could live when they were released. Of the youth surveyed, 48% reported prior homelessness or housing instability.

One cannot have a discussion about policies to address youth homelessness without looking also at the racial bias underlying the arrest and detention of minority youth. The issues addressed in this paper are exacerbated for youth of color, who experience homelessness disproportionately. Moreover, youth of color in Washington State are disproportionately detained and arrested.

What happens when detained youth have no place to go when they are released? Washington state law requires that youth exiting county detention facilities must be released to a parent or responsible adult or to the Department of Social and Health Services (DSHS). Only a small percentage of youth meet the screening criteria to get DSHS services, such as family reconciliation services or placement. In 2014, of the youth released from detention statewide who had no parent available to pick them up, fewer than 50 were screened in by DSHS for services. As the Pierce, Spokane, and King County data show, many more youth are in need of shelter when a responsible adult cannot be immediately located at the time of release from detention. As discussed below, there are limits on DSHS's legal duties to some of these youth, leaving a gap in the availability of services to help many of them.

Many youth released from detention with no place to go will end up at state run Crisis Residential Centers (CRCs) or licensed youth shelters. However, there is no guarantee that a placement will be available for them when their brief stays (usually less than a month) at these facilities end. When no permanent place exists for these youth, they often cycle from one system to another, and in many cases, ultimately end up on the streets.

The lack of stable housing for youth exiting detention reflects a larger systemic statewide crisis in the lack of stable placements for youth. This problem also exists

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4 There is no central statewide location for collection of these data. One reason homeless youth continue to “fall through the gaps” is the lack of data to support policy-making for this population.
6 The Count Us In Report referenced infra note 5, shows 61% of youth detained in King County on the date of the count were youth of color.
8 RCW 13.40.050(7).
9 Results of public disclosure request to DSHS from Columbia Legal Services, results received August 31, 2015.
10 See infra Section X, also WAC 388-25-0020.
11 Youth are “placed” at CRCs. They may also be placed in “detention beds” at a youth shelter; however, most youth at youth shelters self-refer.
for non-offender at-risk youth and for foster youth. Stays at youth shelters and CRCs are usually in the range of three-to-thirty days—often not long enough for effective screening or treatment of family, mental health or substance abuse problems.

The same youth are often seen in shelters and CRCs. In the first six months of 2015, one Washington homeless youth shelter served 161 youth who were checking in for a second or later time. In 2014, fewer than half of the youth released from one CRC were released home to a parent, relative or guardian. Shelter and CRC staff report that many of the youth they see cycle back in after release. Some youth have learned to “run” from a facility before their stay expires, and then turn themselves in to authorities so that they can begin a new intake. Case managers report that when youth tire of being shunted from facility to facility, they often will exit themselves to the streets, where they are forced to rely on service providers for basic needs like meals and access to showers and laundry.

There are many different agencies and organizations that come into contact with these youth, such as: the juvenile courts, county detention facilities, local law enforcement, secure and non-secure CRCs, homeless youth drop-in centers, and overnight shelters, hospitals, addiction evaluation/treatment facilities, and DSHS and/or Child Protective Services (CPS)—an agency of DSHS.

The discussion below focuses on the laws and social and family problems that cause youth to end up in detention, the laws that govern legal responsibility and services for youth when they are eligible to be released from detention, and what happens to them after they are released.
I. HOW YOUTH END UP IN DETENTION

Youth can end up in detention in any number of ways, often on charges for juvenile delinquency offenses. Youth can also be detained if they are homeless or on the run from foster care. And, minority youth are disproportionately detained and arrested. While practices vary from county to county, youth arrested for serious crimes (e.g., felonies) will usually be brought into detention, while youth arrested for minor crimes may be released from the scene (or to parents) and given a court date. However, there are situations where youth with minor offenses are detained pending their first appearance in court, even if they haven’t committed a serious felony. These may include:

- **Youth arrested for family violence** (known as “domestic violence” or “DV”). When police are called to a home to respond to family violence, under state law, the “aggressor” must be arrested. If the youth is the aggressor (e.g., even in minor assaults or property damage), he or she must be arrested and may be taken to detention. In 2014, in King County, approximately 30% of all youth offenses were for domestic violence. Youth with DV arrests also likely are a large percentage of those whose parents or caregivers refuse to pick them up from detention.

- **Youth arrested for addiction-related offenses.** Many youth are arrested as a result of behavior related to substance abuse, including assaults, property theft, or drug possession. The offense charged (e.g., shoplifting, theft, assault) may not indicate the youth’s substance abuse problem.

- **Youth arrested on truancy or runaway warrants.** If a youth has been previously ordered to attend school, or violates terms of a Child in Need of Services or At-Risk Youth order, they can be arrested on a warrant. School personnel and others who work with these youth note that often truant or runaway behavior is often a symptom of some other underlying problem (such as undiagnosed learning disabilities, substance abuse, family violence, family homelessness, etc.). These youth may be transferred to a CRC in counties where one exists.

- **Youth with probation violations.** If a youth violates the terms of probation (e.g., to attend school, keep to a curfew, etc.) they may be arrested.

- **Youth who fail to appear in court.** If a youth fails to appear for a court date, an arrest warrant may be issued for them.

When low-level offender youth are detained, they are put at risk of poor life outcomes. They are unable to attend school in their home school. Stays in detention for these youth can be demoralizing and the beginning of deeper involvement in criminal behavior.

**System Gap:** The institutional racism underlying the disproportionate arrest detainment of youth of color needs to be confronted and addressed.

**System Gap:** In some counties, low-level detained youth may be sent to “detention beds” at a homeless shelter or sent to a secure CRC, if available, and

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13 Washington’s “Becca Laws,” named for a youth who died tragically on the streets, is a set of laws governing status offenses, including truancy, Children in Need of Services (CHINS) and At-Risk Youth (ARY) matters. The truancy laws are found at RCW 28A.225, *et seq*. The Washington State Family Reconciliation Act governs CHINS and ARY matters, which provide services for youth and families to help keep families intact, including temporary out-of-home placement. See RCW 13.32A, *et seq.*
Ray, 15, was sent by detention to the homeless youth shelter, after being arrested for domestic violence. He reported abuse in his home, and CPS was contacted. After his first court appearance, he transitioned to one of the shelter’s non-detention bed for 21 days. When his mother refused to pick him up from the shelter, he went into a transitional living program for two months. After leaving that program, he self-referred back into the shelter, from a stay at another shelter. Ray has known mental health problems, but declines to take medication. He is now living a life, transitioning from shelter to shelter.

seamlessly enter the world of youth homelessness. If family reunification does not occur when their detention bed stay ends, they often transition to a non-secure CRC bed or non-detention shelter bed.

**System Gap:** Washington leads the nation in the number of youth who are placed in detention for “status offenses,” such as truancy or being a runaway. Nationally, in 2012, 2,705 of the 7,466 instances of youth jailed for status offenses for contempt of court. Innovative alternatives to detention are needed to keep these kids out of detention, such as the Clark County Truancy Project.

**System Gap:** When foster youth are arrested or picked up after running from care, their foster parents or group home staff may not want them to return. These youth may end up at CRCs, and social workers may have difficulty finding them a new placement. This is particularly challenging for youth in need of therapeutic or behavioral rehabilitative services.

II. Why Some Youth Unnecessarily Stay in Detention After Their Initial Court Hearing

Arrested youth who are detained must appear for an initial appearance in court within 72 hours of being detained, and many are eligible to be released after this initial hearing. While some youth will be held pending their subsequent adjudicatory hearing, often the court will order them to be released. Arrested youth eligible to be released who need a placement generally fall within two categories:

- **Youth who should be released immediately with no conditions, but there is no parent or responsible adult to pick them up.** In this circumstance, the court may order continued detention to keep them safe, pending the availability of a placement; and

- **Youth eligible for release with conditions** (e.g., after a detention hearing, while eligible to be further detained, they are released with conditions, such as school attendance, curfew, house arrest, ankle monitoring, etc.). These youth are sometimes detained pending the availability of a placement.

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16 RCW 13.40.040(2).

17 RCW 13.40.040(5).
System Gap: When youth are ordered to be released, but no parent or adult picks them up, the courts will sometimes further detain the youth to protect them from homelessness. These youth are not being detained because they represent a risk to the community, but rather because of the actions of a third party. This, arguably, is an unconstitutional detention, and violates the Sixth Amendment to the U.S. Constitution.

System Gap: When low risk youth are detained after arrest or when a parent doesn’t pick them up, the county must spend resources that would not otherwise be spent. The average daily cost of youth in juvenile justice facilities in Washington is $262.48. Locking up low level youth when they pose no risk to the community may be costing Washington taxpayers hundreds of thousands of dollars per year. In Pierce County, reportedly, four of the thirty detention beds are allocated for low-risk youth whose parents don’t pick them up.

III. County detention facilities’ efforts to find a parent/responsible adult

Many youth sent to detention will be eligible for release after their first court appearance. The detention facility is required to release a youth only to a responsible adult or to DSHS. The law does not require parents to pick up a youth from detention. Although in some cases, a parent just can’t be timely contacted or may be at work, sometimes the parent may be in jail, their whereabouts may be unknown, or they may simply refuse to pick up a youth. While some detention facilities may start the process of finding a parent or responsible adult as soon as the youth is brought into detention, in other instances this process doesn’t begin until the youth has his first court appearance. Then, only at that point, is it discovered that the youth has no parent or custodian available to be released to. Detention/probation officers or the youth’s attorney will then try to find parents, relatives or other responsible adults in the youth’s life to whom the youth can be released. Regardless of how diligent the search is, it often occurs under time pressure, since there are limits on how long a youth can legally be detained. Also, the search may be fruitless in any case, because if a youth was homeless before they were arrested and detained, it is likely they will have no stable home to return to upon release.

System Gap: When youth initially enter detention, they are not always identified as homeless or lacking a stable home. These youth often may be difficult to place and require more time to place. Procedures for identifying homelessness or risk of homelessness


19 RCW 13.40.050(7).

20 Washington makes “neglect of a child or dependent person” (the withholding of any of the basic necessities of life) a gross misdemeanor. RCW 9.02.270. This presumably includes withholding housing, but parents are not typically charged with this for refusing to take back custody of detained youth. Also, parents are required to attend juvenile court hearings of youth. When they fail to do so, they can be held in contempt or fined.
Jimmy, 15, was the subject of two dependency proceedings as a child. He was returned home to his mother, who struggled with long term substance abuse problems, became homeless and is now unavailable. He has his own substance abuse problems, and routinely seeks arrest to get off the streets. He has been arrested at least five times this year. In detention he detoxes, and because there is no parent to pick him up, he is released to a local shelter. DSHS usually gives permission for him to stay past the 72-hour cutoff. He typically leaves on his own, returns to the streets, then turns himself in again when he feels he needs help.

At a youth’s intake into detention could be further examined to determine the best way for discovering this information.

**System Gap:** When a youth is brought in on a DV charge that originated in the family home (and thus, by law, an arrest must be made if the youth is 16 or older), there is no uniform “system” to provide services to the family to support the youth’s release back to the home. Some programs, such as Pima County’s (Arizona) Domestic Violence Assessment Center, merit examination. Such programs divert youth arrested for certain misdemeanor DV offenses for immediate assessment, services, and help with family reunification.

**System Gap:** Youth are not automatically screened in by DSHS when a parent is not available (see Sections V and VI below).

**System Gap:** Courts don’t always have easy access to data that could help them easily find parents or relatives. Courts and DSHS could collaborate on accessing DSHS data to help find relatives.

These systemic problems are exacerbated by a lack of resources. **Resource gaps include lack of adequate funding for Behavioral Rehabilitative Services (BRS) beds and DSHS Family Reconciliation Services (FRS)**

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21 RCW 10.31.100(c).
22 See e.g., [http://www.courtinnovation.org/sites/default/files/Pima_overview.pdf](http://www.courtinnovation.org/sites/default/files/Pima_overview.pdf).
IV. When DSHS Takes Custody of Youth

The typical cases that are screened in by DSHS include those where the parent is clearly unavailable. This might include the parent or responsible adult being out of state, in jail, deceased, the parent having a no contact order against the youth, or the youth living with an informal caretaker who is not the parent (e.g., a grandparent or other relative who can no longer control or take care of the youth). DSHS and some county detention facilities have Memoranda of Understanding (MOUs) that govern how the agencies will work together in these situations. However, these MOUs tend to address the courts’ responsibility to diligently seek out responsible adults before calling DSHS, and don’t necessarily result in DSHS screening in youth. Furthermore, it appears that DSHS will rarely screen in a youth unless local law enforcement has first placed the youth in protective custody. Thus, the timely ability and willingness of law enforcement to place a youth in protective custody is also necessary.

**System Gap:** When DSHS first needs law enforcement to place a youth in protective custody before screening in the youth, services will be delayed if law enforcement is not readily available to do so when the youth is released from detention and no parent is available to pick them up.

**System Gap:** The purpose of non-secure CRCs is to provide a temporary placement for youth while family reunification is sought. In 2013, statewide there were 32 non-secure CRC beds. Increasingly, non-secure CRCs are being used as part of a long term placement for youth who are not receiving family reunification services or for whom a permanent placement is not available. In the first six months of 2014, in one CRC, 156 placements were made by the State, while only 16 were made by the parent, and 53 came in under protective custody (e.g., removals from unsafe homes or situations).

**System Gap:** A youth screened in by DSHS does not guarantee the youth will have a permanent placement once their initial placement in a CRC or other temporary placement has expired. A stable placement simply may not exist, resulting in youth being released from non-secure CRCs into other temporary placements. From January to August 2015, one non-secure CRC had released only 31 youth to their home, while 112 youth were released to an “unknown” destination, and 69 to a foster home or group home. In addition, there were 30 placements to other CRCs/shelter beds. Additionally, there were 48 runaways from the facility. **CRC staff informally report that many of the youth who are in non-secure CRCs are the same youth they might see in the secure CRC and vice versa, as it’s just a matter of whether the youth is brought in by law enforcement or DSHS.**

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23 Region 1 North and Spokane County (May 14, 2009), Region 2 North and Island, San Juan, Skagit, Snohomish, and Whatcom Counties (June 28, 2006), King County, and Region 3 North with Pierce County.

24 CRCs were intended to “provide short-term necessary support and nurturing in cases where there may be abuse or neglect.” RCW 13.32A.010.
V. Why DSHS does not screen in all of these youth

Even though Washington statute provides that county detention facilities may only release youth to a responsible adult or DSHS, it does not create a direct mandate for DSHS to pick up these children when parents fail to do so. Instead, DSHS’s duty towards these youth is based in the child welfare statutes, which relate to referrals for abuse or neglect. However, all referrals go through a screening process before they are accepted for DSHS response. Reports are “screened out” when the department determines that the report “does not rise to the level of a credible report of abuse or neglect and is not referred for investigation.” When a report is screened in, the Department may refer the case for either investigation or family assessment.

System Gap: Even though the statute says that a youth may be released from detention only to a parent/responsible adult or DSHS, state law does not mandate DSHS to screen in all youth when a parent/responsible adult is unavailable to pick up a youth from detention. Thus, some youth with no one to pick them up may not be screened in for DSHS response.

System Gap: In some instances, where parents are homeless, in a hospital, or in a DV shelter, or other situations, a youth may not screen for DSHS services, but may still be in need of shelter.

System Gap: A youth who is being sexually-exploited by a non-family member will not screen in, but may, nevertheless, be in need of shelter, if they feel it is dangerous to return home.
Rachel, 15, became the subject of a Child in Need of Services (CHINS) petition when she reported being abused by her father and his girlfriend, including violence and the withholding of food. Even though the court granted her CHINS petition, DSHS did not have a placement for her. She cycled from protective custody by the local police to a local homeless youth shelter for several months, to detention, then to a Crisis Residential Center (CRC). Her current whereabouts are unknown.

VI. YOUTH WHO DSHS MAY SCREEN OUT

DSHS takes the position in the Washington Administrative Code that DSHS is not required to provide child protective services, family reconciliation services, or child welfare services to the following:

1. Children who the Children’s Administration (CA) social worker determines, after assessment will not be helped in out-of-home care;

2. Youth ages 12 – 17 who are in conflict with their parents and who have not received family reconciliation services, except families receiving adoption support that have already received extensive counseling services;

3. Youth ages 12–17 whose family has received family reconciliation services and parents are unwilling to have the youth at home solely due to misbehavior;

4. Youth for whom the primary placement issue is community protection, including sexual predators covered by the sexually aggressive youth (SAY) statute, RCW 74.13.075;

5. Youth who are unwilling to live in the home of parents who are willing to have them at home, when this is the only presenting problem; and

6. Youth who have a mental illness and are a danger to themselves or others as defined by a mental health professional.29

Many delinquent youth will fall within the categories above. Youth who are facing domestic violence charges may fall within category 2 or 3 above. Youth who have criminal charges stemming from addiction or mental illness may also fall within one or more of the categories above, as may youth who are being commercially sexually exploited. Youth who are arrested for violation of truancy or at-risk youth orders or other warrants may also fall within one or more of the categories above.

SYSTEM GAP: Many of the youth who are the population of youth that end up in detention may nevertheless screen out for DSHS services under DSHS policy.

SYSTEM GAP: CPS has no obligation to investigate referrals concerning runaway youth (e.g., where no allegations are made concerning abuse or neglect by a parent/caretaker).30

29 WAC 388-25-0020; RCW 74.13.031.

30 If youth is a runaway, the CA’s duty is discretionary: “The department and supervising agency shall have authority to provide temporary shelter to children who have run away from home and who are admitted to crisis residential centers.” RCW 74.13.031(8). CA is not required to provide shelter to runaway youth.
Janelle, 15, was in foster care as a child and adopted at age 8. Her adoptive mother has repeatedly checked her into a Crisis Residential Center (CRC), and will no longer allow her to come home. A professional working with her says that over time, Janelle’s mental health and anger issues have escalated in response to her homelessness and unstable living situation. She has cycled amongst the CRC, a youth shelter and is now in detention, for alleged assault and shoplifting. She is no longer welcome at the local shelter and the CRC, due to her behavior problems. It is unknown what will happen to her when she is ready for release from detention.

VII. WHERE YOUTH GO WHEN THE COUNTY DETENTION FACILITY MUST RELEASE THE YOUTH AND DSHS DOES NOT SCREEN THEM IN FOR SERVICES

What happens to a youth leaving detention when DSHS does not take custody is often determined by a patch-work of available resources. Sometimes when youth are ordered to be released from detention, they wait at the office of a probation officer while staff make plans for the youth or wait for an officer to evaluate the youth for protective custody. Sometimes a youth might be sent to a CRC. In some instances, a youth might be ordered to stay in detention longer than would otherwise be legally necessary, while placement is sought (which results in increased costs to taxpayers). Or in some instances, youth shelter staff may transport the youth to a shelter, or the youth may be given a bus ticket to the youth shelter. Sometimes, the youth are ultimately released to the streets.

**System Gap:** There is no statewide systemic response when a parent/responsible adult refuses to pick up a youth and DSHS fails to screen them in.

VIII. WHAT A LAW ENFORCEMENT OFFICER CAN DO FOR YOUTH

If an officer is called by a county detention facility when a responsible adult/DSHS does not take a youth, or the officer otherwise encounters a homeless youth on the street, the officer is to take the youth into custody if the officer “reasonably believes, considering the child’s age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child’s safety.” This determination is subjective. When an officer takes a youth in dangerous circumstances into custody, the purpose is only to transport the youth. The officer can take the youth to the youth’s home, or to a parent at work, or, with parental permission, to an extended family member, responsible adult, CRC, or a licensed youth shelter. The officer can also ask DSHS to accept custody of the youth. If DSHS declines to do so, the officer may release the child after having attempted to take the child to the home of an adult extended family member, a responsible adult, or a licensed youth shelter.

**System Gap:** If no resources are available, youth are sometimes released to the streets.

**System Gap:** Because there is no clear protocol governing what an officer should do for a youth for whom DSHS declines to take responsibility, it takes time for an officer to figure out what resources/options may be available for each youth. When law enforcement resources are used to find parents and/or transport youth home or to placements (sometimes out of county), valuable police resources are taken off the streets.

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31 RCW 13.32A.050(1)(b).
32 RCW 13.32.050(2).
33 RCW 13.32A.060(a) and (b).
34 RCW 13.32A.060(c).
35 RCW 13.32A.060(c).
IX. What Happens to Kids When They Are Transported to a CRC or a Licensed Youth Shelter

A youth may reside in a CRC or licensed youth shelter for 72 hours without parental consent. After 72 hours, the child can only stay at the CRC if a parent or DSHS has consented, a Child in Need of Services (CHINS) petitions is filed, or the court has entered an order for placement. \(^{36}\) Most stays in CRCs are limited to 15 or 21 days. If by the end of a youth’s stay, efforts fail to reunite a youth with their family or the youth has no other suitable place to live, a CHINS petition is to be filed to provide a placement for the youth. \(^{37}\) Some shelters have transitional living programs (TLPs) for youth not in State custody, which provide case management and housing services.

**System Gap:** CRCs exist only in eight Washington counties, for a total of 66 beds.

**System Gap:** Many youth end up at CRCs because they are high needs and no other placement exists for them. This is not the original purpose of CRCs, which was to provide temporary shelter for runaway or at risk youth pending family reunification. These youth, who have strong needs for stable, therapeutic placements, may be pulled into the homeless youth system instead.

**System Gap:** If DSHS has not screened in a youth or a parent or guardian has not consented, a youth must be released after 72 hours, even if they have no place to go. And, even if the youth has permission from a parent or DSHS to stay beyond the 72 hours, a placement may not necessarily exist after their 15 or 21-day stay. Most shelters and CRC staff work hard try to find a youth another bed within the facility or with another CRC or shelter, youth lacking placements will be shuttled into a new bed, often at a new facility, if a bed can be found.

**System Gap:** CHINS petitions do not get filed for every youth who does not have a suitable place to exit after a shelter stay. Even if a petition is filed and granted, a permanent placement may not be available for the youth.

**System Gap:** Transitional housing programs are federally funded, under-resourced, and not available to youth in State custody.

**System Gap:** Youth in CRCs and shelters may have their education interrupted. They are entitled to stay enrolled in their school of origin. Efforts should be made to connect these youth to their district’s homeless youth liaison, so that McKinney-Vento resources can be used to help them (e.g., provide transportation to their school, obtain free and reduced lunch).

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\(^{36}\) RCW 13.32A.060(4).

\(^{37}\) RCW 13.32A.140. Under the CHINS statute, a court is to order an out-of-home placement at the request of a youth or DSHS, if certain criteria are met, including whether a “suitable out-of-home placement is available,” the order is in the best interest of the child and the parents are unavailable, or the parent’s actions cause an imminent threat to the youth’s health or safety.” RCW 13.32A.179(3).
Dory, 16, is a sex-trafficked youth. She has been at the local homeless youth shelter several times, and CPS was called each time. Most recently, she was sent from detention to a detention bed at a youth shelter, when no parent was available to pick her up from detention. After several weeks, she transitioned to a non-detention bed for another two weeks. While she did receive a community advocate, she ultimately ran from the shelter. Her current whereabouts are unknown.

**X. YOUTH WHO NEED SPECIAL SERVICES OR TREATMENT**

Many youth in the juvenile justice system need special services. As noted earlier, resources are not always available to screen for or provide these services. In some instances, specific laws or policies govern certain types of youth:

1. **Youth with mental illness/substance abuse problems:**

As of 2013, if a police officer has reasonable cause to believe that a youth committing a non-felony suffers from a mental disorder, and the local prosecutor agrees, the arresting officer may take the youth to an evaluation and treatment facility instead of detention.\(^{38}\) The youth can be held for up to 12 hours and must be examined by a mental health or chemical dependency professional within three hours of arrival.\(^{39}\) Also, after adjudication for a juvenile offense, youth may be sentenced to mental health or substance abuse treatment, which can include the use of detention, detoxification, inpatient treatment, or psychiatric hospitalization.\(^{40}\)

**SYSTEM GAP:** How often the diversion option occurs is unknown.

**SYSTEM GAP:** Resources to conduct mental health and substance abuse screenings at CRCs or youth shelters are often unavailable, and as a result, youth in need of help may not be screened.

**SYSTEM GAP:** If youth receiving treatment have no parent available, they may be discharged to CRCs or youth shelters. Any after care or ongoing medical attention that they need may not be available at these facilities.

2. **Youth with high behavior management needs:**

When a youth is ready for discharge, and reunification with a parent is not possible, placements that can handle youth with high behavior needs are not always available, and these youth may cycle back through the system.

**SYSTEM GAP:** There is a lack of placements for high needs youth whose stays at CRCs, or youth shelters has expired. This is a problem for both foster youth and youth not in the foster care system. Examples of these placements are Behavioral Rehabilitative Services (BRS) placements, and therapeutic foster care.

\(^{38}\) RCW 13.40.042.
\(^{39}\) RCW 13.40.042(3).
\(^{40}\) RCW 13.40.167(1)(c).
3. **Youth with developmental disabilities (DD):**

Youth with disabilities also need screening, services, and appropriate placements that are in short supply.  

**System Gap:** Homeless young adults are disproportionately represented among this population. Many of these youth have intellectual challenges and may lack the ability to navigate the various systems which they encounter. Often they end up on the streets.

4. **Commercially sexually exploited (CSEC) children:**

When a youth could be charged with either “prostitution” or “prostitution loitering,” in some cases the prosecutor can divert the case to a “comprehensive program” that includes “stable housing.”

**System Gap:** These comprehensive programs are few and far between. King County now has a 24-hour hotline to accept referrals, so that a community advocate can be immediately dispatched to a youth residing at a CRC or shelter. While the advocate can continue the relationship beyond a stay in the CRC/shelter, because these stays are time limited, an advocate may not have enough time to develop a trusted relationship with affected youth and connect them to services.

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**Jackson, 17**, has been at the local homeless youth shelter six times in the past two years, and was reported to CPS each time. His mother is chronically ill, has difficulty supervising him, and has no family supports. He has substance abuse problems. When his mother couldn’t pick him up from detention, he was sent to a detention bed at a shelter. Subsequently, he has cycled in and out of the shelter, with his mother consenting to his stays as well as his releases from shelter. When released, it is unknown if he will actually return home or to the streets.

**41** RCW 13.40.070(7), RCW 13.40.213(2).

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5. **LGBTQ Youth:**

Youth with a home life or placement not supportive of their sexual orientation or gender identity are more likely to run away. The Center for Children & Youth Justice (CCYJ) found LGBTQ youth are overrepresented within the child welfare and juvenile justice systems and subject to mistreatment. CCYJ has developed a series of recommendations for system improvement.  

XI. Refusal to pick up a youth and “abuse and neglect”

When DSHS receives reports of alleged abuse or neglect, after screening in the report, they may respond, either by investigation or through a family assessment.43 “Abuse and neglect” includes the “negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.”44 Whether a youth’s situation rises to the level of actionable abuse or neglect may depend not only on the circumstances, but on who you ask.

System Gap: If a parent does not pick up a youth but the youth has another place to go upon release from detention, such as an adult friend or relative—or even a homeless youth shelter—DSHS may not consider this as abuse and neglect.

System Gap: Based on our research, DSHS usually screens in detained youth only if the youth has been taken into police protective custody because of a safety risk (see section VIII above).

XII. Refusal to pick up a child and “abandonment”

A parent’s refusal to pick up a youth from detention, does not necessarily constitute abandonment or maltreatment under DSHS policy. While child maltreatment includes failure to provide adequate food, shelter, clothing, supervision or health care,45 the parent must forgo their “parental rights, functions, duties and obligations” for an “extended period of time.”46 Abandonment may be established by conduct on the part of the parent that demonstrates “a substantial lack of regard for the rights, duties, and obligations of the parent or guardian for the health, welfare, and safety of the child.”47

System Gap: It is possible that a parent’s refusal or inability to pick up a youth from detention or a CRC may not be “abandonment” in DSHS’s view, even if the youth is not welcome to return home.48

XIII. Parental homelessness

Washington law supports keeping homeless families intact, by stating that “[p]overty and/or homelessness do not constitute negligent treatment or maltreatment in and of themselves.”49 However, family homelessness may force some parents to leave a child in detention or consent to a shelter stay in order to provide a roof over the youth’s head.

System Gap: There aren’t enough family shelters. Some shelters routinely see kids or sibling groups whose parent(s) are living in tent cities, or receiving other homelessness services. These youth may feel they are a burden on their families and will turn to the streets. Sometimes youth must become physically homeless (e.g., go to the streets, then to a shelter), in order to receive help, such as transitional living services, that they couldn’t receive if they remained with their homeless family.

System Gap: Many family shelters and transitional living programs that house women and their children will not house older male teens or youth with some criminal convictions, so these youth will often go to the streets, to keep the rest of their family and younger siblings from becoming homeless.

43 The statute requires, “Upon receiving a report of alleged abuse or neglect, the department shall use one of the following discrete responses to reports of child abuse or neglect that are screened in and accepted for departmental response: (i) investigation; or (ii) family assessment.” RCW 26.44(11)(a).
44 RCW 26.44.020(1).
45 PPGuide, Appendix A.5.
46 PPGuide, Appendix A.6.c.
47 PPGuide, Appendix A.7.
48 Examples of youth who have been screened in by DSHS for services upon release from detention include youth whose parents moved out of state, died, or are in jail. These clearly are instances showing an extended period of abandonment.
49 RCW 26.44.020(16).
It is striking that the characteristics of many kids entering detention dovetail those of homeless youth—family discord, substance abuse, mental illness and sex trafficking. The earlier that issues can be screened and addressed through community-based services or diversion programs, instead of detention, the lower will be the risk that these youth will fall into homelessness.

Placement instability for youth whose parents refuse to pick them up from detention is a subset of a larger systemic problem of a lack of stable placements for homeless teenage youth. The lack of placements is a particular problem for high-needs youth, including foster youth who run from care. Whenever youth leave detention, shelters, or CRCs to any place other than a return to a stable home, the youth is at risk for homelessness, and indeed may be part of a larger cycling amongst the various institutions—shelters, CRCs and detention facilities, and all too often, the streets.

Programs and policies that keep youth from entering detention must be part of a larger homeless youth strategy. Solutions must focus on providing long term, stable placements for any youth who enters any facility, so that if parental reunification is not forthcoming, the youth can exit to a stable placement.
A CALL TO ACTION

Legislators and homeless youth advocates can impact detention and youth homelessness by addressing laws, policies and programs in these four key areas:

I. Arrest, Detention and Law Enforcement:
- Systemic bias leading to the disproportionate arrest and detention of youth of color must be confronted and addressed.
- Detention intake procedures for identifying homelessness youth or those at-risk of homelessness should be examined statewide.
- Community-based services and other alternatives to detention are needed to keep youth from coming into detention.
- Youth arrested for domestic violence should be diverted and evaluated for family services, where appropriate.
- A state-wide systemic response is needed when parents do not pick up a youth from detention. Placements must be funded for youth who are detained simply because there is no parent to release them to.
- Washington needs more innovative alternatives to putting truant youth in jail, such as Clark County’s Truancy Project.
- Police officers and others who have custody of a homeless youth should never be permitted to release the youth to the streets.

II. Investigation and Services:
- Homeless youth who self-refer for child welfare services should automatically be screened in for investigation/services.
- Every time a youth exits from a CRC or shelter bed to another CRC or shelter bed, or has a second statewide intake at a CRC or shelter, the youth should automatically be screened in for child welfare investigation/services and a CHINS petition.

III. Services for Youth at CRC and Shelters:
- Youth should be provided civil legal aid to assist with placement, access to services, and related needs.
- CHINS or dependency petitions should be filed for every youth whose stay at a CRC or homeless youth shelter does not result in a return to their family or similar stable placement.
- Early screening of youth for substance abuse-related offenses, mental illness, developmental disabilities, and CSEC issues should at the CRC or shelter, and if needed, services offered.
- DSHS needs budget support for more family reconciliation social workers.
- Efforts should be made to connect homeless youth to their home school district’s homeless youth liaison, and use McKinney-Vento resources to help them (e.g., provide transportation to their home school, obtain free and reduced lunch).

IV. Placement Issues:
- Homeless youth policy must focus on providing long term, stable placements for any child who completes a stay at a CRC or homeless youth shelter, when parental reunification is not forthcoming at the time of release.
- The shortage of permanent placements for teenagers, in particular, those in need of therapeutic or behavioral services, needs to be recognized and addressed. This is an issue for youth, both in and out of foster care.