
YOUTH IN DETENTION

TEAMCHILD RECOMMENDATIONS 2024

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TeamChild



INTRODUCTION

Washington state made a critical commitment to the needs of young people when it declared that no young person should exit a system of care to homelessness. However, we also cannot use our juvenile legal system as a stand-in housing resource when young people are not finding the stability of housing and support they need through their family.

When youth are held in our county detention facilities because there is no safe place to release them, these two principles reach a conflict. TeamChild is committed to standing in this tension and working individually with clients and collaboratively with systems, stakeholders, and community to find a resolution.

This report reflects a vision for both short term and more immediate steps, as well as long term investment required to create the circle of care young people need when there is disruption or dysregulation in their families that drives the young person to homelessness.

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PROBLEM STATEMENT

Youth under the age of 18 who are abandoned by their parents or youth who have parents who are unable to meet their needs are boarded at juvenile detention facilities. They must be released from detention when legal jurisdiction to detain them comes to an end. They should be released from detention when there is no safety reason to hold them. However, youth cannot be released into homelessness and there is no other social safety net to support their care in the community.

DCYF is the only placement authority in our state besides the legal guardians of a child. Yet, DCYF has declined to intervene when a youth is unable to reside at home due to parent refusal, the absence of parents to provide a safe place to live, behavioral health needs of the youth that prevent them from living at home, or behavior that has resulted in juvenile offender charges. In most of those cases, DCYF has also appeared unwilling or unable to offer relevant services that address underlying needs for support, treatment, respite (or short-term placement), sufficient ongoing supervision, safety, and reconciliation services. Many of these youth have experienced significantly longer periods of detention than courts are permitted or would recommend for youth who have similar needs but who have a housing placement available and parents willing and able to make safe housing plans for the child.

EXAMPLES OF WHEN THIS PROBLEM ARISES:

- ▶ The juvenile court's jurisdiction has ended.¹ There is no identified home/placement to release the youth to and/or no legal guardian taking responsibility for providing home for the youth.
- ▶ Barriers for the youth may include parents who refuse to pick up youth from detention, refuse to allow the youth to live in legal guardian's home or create opportunities for the youth to live in someone else's home, or the court has created conditions that require the youth to live separately from household members.
- ▶ The youth may not have had stable housing prior to their time in detention and/or may not have had an available legal guardian providing a safe home environment prior to their time in detention.
- ▶ Youth who are held in county detention facilities because of a lack of safe and stable housing pending adjudication, where similarly situated youth are released pending adjudication, placed in EHM, or otherwise have access to release because they had safe places to live and/or guardians/parents to provide adequate care.

¹ Case dismissed, found not guilty, found guilty and sentenced to local sanctions, plea entered with time served, probation sanction ended.



YOUTH IN ECHO GLEN VOICE

By **Sunshine Timmons**

TeamChild worked with Sunshine Timmons as a policy intern to assist with this project. As part of Sunshine's research, she interviewed over 40 youth who are currently incarcerated at Echo Glen Children's Center, a DCYF JR youth prison. Below is a summary of her findings, you can read her entire report [here](#).

"Through the interviews I was able to do with some of the Echo Glen youth I gained a lot of informative measures and insights into the way the juvenile legal system works and runs. Key takeaways that I personally was able to take included the need for actual advocative legal representation, the impact of trauma on youth behavior, housing insecurity's role in criminal involvement, and the importance of rehabilitative programs and behavior. About 90% of the youth interviewed reported experiencing a lack of safe housing before arriving at the juvenile rehabilitation center (JR). This highlights the prevalence of unstable housing situations among the youth population involved in the juvenile justice system.

The fact that approximately 90% of the youth interviewed reported experiencing a lack of safe housing before their arrival at the juvenile rehabilitation center underscores the issue of unstable housing within the juvenile justice system. I learned that a lot of kids with unstable housing, or no housing at all, impacted their behaviors. This led to a lot of criminal activity, and gang involvement, as well as a loss of interest in education and their futures."

UNACCOMPANIED MINORS

Unaccompanied minors are broadly defined in our state's social safety net system as youth who are under the age of 18 who are living away from their parents, or their parents are not available or able to provide them with shelter and parental care, including helping to make the legal decisions usually required by the parent or guardian. Sometimes these youth have been referred to as "nondependent" minors, because they resemble in many ways "dependent minors" who have been found dependent by the court and placed in DCYF care due to abuse, neglect, or abandonment by the parent or guardian. That larger group of "unaccompanied minors" have a diverse and complex level of need and are facing an array of circumstances that result in their situation of being "unaccompanied."



Some of the reasons youth are unaccompanied in addition to the boarded detention youth include:

- ▶ Youth exiting Juvenile Rehabilitation after the completion of a prison sentence without a home or family to release to;
- ▶ Youth who are boarded in hospital emergency rooms or psychiatric facilities whose parents are unable or unwilling to provide them a safe home or other support;
- ▶ Youth who are labor trafficked or commercially sexually exploited;
- ▶ Youth who are migrating to Washington state without parents who may have had a place to stay that has disrupted or who came to Washington unaccompanied;
- ▶ Youth who are moving from homeless shelter to homeless shelter due to a variety of reasons that prevent them from living with family in a safe home.

Our state has a long history of investing in youth detention and juvenile legal system responses for youth who are unaccompanied. We have not modernized the framing created by Chapter 13.32A RCW since 1995, when the “Becca Bill” was created. The current language in the legislative intent section RCW 13.32A. can be found [here](#). It is in dire need of an update.

The standing laws do not consider our science-based understanding of adolescent development nor an honest assessment of the complexities of family dynamics. The old fashioned notion that youth are “at risk” and that parents and schools needed a court based intervention program with the possibility of incarceration to reign in unruly children defies the reality of complex family trauma, attachment disorders, parenting deficiencies, adolescent development, youth identity formation, substance abuse disorder in parents as well as youth, mental health needs in all members of a family, and the harmful consequences of incarceration on a youth's development. The reframing of the legislative intent can then drive an update of the entire chapter, taking into consideration the

community-based role for Family Reconciliation Services, and right-sizing the role DCYF can play when adolescent youth and families are in need of support, and flexibility of when the court is needed to help a young person navigate to safety and stability.

While a court order is useful when addressing the legal needs of a youth whose parents are not providing the permission, guidance, support, or presence to create safety, we need to continue to move away from the reliance on a court system to respond to youth in these situations. To effectively accomplish this, significant investment in a social safety net for adolescents and their families is greatly needed. However, there are short term improvements that could be made to court processes that would create quicker relief for unaccompanied minors, especially those who are boarded in detention facilities without a clear path to safe housing. There is also a need for longer term resource investment.

The old fashioned notion that youth are “at risk” and that parents and schools needed a court based intervention program with the possibility of incarceration to reign in unruly children defies the reality of complex family trauma, attachment disorders, parenting deficiencies, adolescent development, youth identity formation, substance abuse disorder in parents as well as youth, mental health needs in all members of a family, and the harmful consequences of incarceration on a youth’s development.



DCYF VS. UNACCOMPANIED MINORS

Unaccompanied minors are a lot like youth who are under 18 and in the care of DCYF under a dependency. The main difference is the standard DCYF uses to determine when a youth is eligible for their services. Many youth without family available, functional, willing, or able to care for them need the same types of services as youth who are in the state's custody under a dependency. These parallel services could be provided through community based programs using different funding models.

DCYF DEPENDENT YOUTH	UNACCOMPANIED MINOR
▶ Social worker assigned to case	▶ Social worker should be provided if in detention—could be through a community provider
▶ Educational support provided > Educational decision-maker and services	▶ Reliant on teachers and districts to identify educational need instead of assigning an education advocate
▶ Housing MUST be provided—licensed foster care and/or group homes if needed	▶ Cannot be released in the homelessness but no organization is tasked with ensuring housing
▶ Access to state healthcare > Social worker would enroll youth	▶ Eligible for state healthcare > Need to enroll self or find an organization to do so
▶ Independent Living Skills services such as financial literacy, job fairs, education, and training programs	▶ Reliant on school and community based organizations to provide opportunities for independent living skills, employment, and financial literacy by chance
▶ Resources given to caretaker as needed, including foster care payments	▶ Host homes, kinship, and friendship homes can apply for TANF or food stamps
▶ Often eligible for extended foster care services	▶ Could end up in young adult transitional housing or remain in shelter system past 18
▶ Pays for BRS level housing support when needed	▶ Cannot access therapeutic residential placement, despite the need
▶ DCYF will search across the country for relatives and kin and facilitate connection and placement	▶ Unaccompanied minors are also unaware of their extended family and/or unable to connect with them

CURRENT COURT-BASED OPTIONS FOR OUT OF HOME PLACEMENT

CURRENT COURT OPTIONS	DEPENDENCY	CHILD IN NEED OF SERVICES	EMANCIPATION	MINOR GUARDIANSHIP	DOMESTIC VIOLENCE PROTECTION ORDER
STATUE	RCW 13.34.050	Chapter 13.32A RCW	Chapter 13.64 RCW	RCW 11.130.185	Chapter 7.105 RCW
TIMELINE	DCYF can take you immediately	5 or 10 days after filing petition to get court permission to live away from parents	Hearing before judge no later than 60 days from filing	Emergency order can be obtained ex parte	Immediate orders can be obtained same day or next
PLACEMENT OPTIONS	DCYF is responsible for placement	Youth must have placement option, or possible CRC, HOPE bed if available	No housing provided - youth must demonstrate they have housing	Youth must identify the suitable adult	Youth must have their own plan for housing
APPLICABILITY TO YOUTH IN DETENTION	Best for immediate action, but DCYF does not include youth boarded in detention in their statutory duties.	Youth must agree to reunification. Too long to wait to get before the court if there is no longer jurisdiction to detain youth.	Difficult to achieve if you have active or pending criminal matter. Timeline is too slow. Only for 16/17 year olds.	Good option if there is a suitable adult ready. Timeline is immediate.	Timeline is immediate, youth must have a housing plan. Only applies to domestic abuse situations.

CURRENT SHORT-TERM HOUSING RESOURCES/STRUCTURE

TYPE	AGE	LENGTH OF STAY	CONSENT NEEDED	AMOUNT IN STATE
YOUTH SHELTER	13-17 or 16-20	Up to 90 days	Notify parents within 72 hours unless compelling reasons, if unable to reach parents, notify DCYF	
SEMI-SECURE CRC	12-17	No more than 15 days (includes time in secure CRC)	Notify parents within 48 hours unless youth under care of DCYF	60 beds (OHY facilities combine CRC and HOPE)
SECURE CRC	12-17	No more than 15 days (includes time in semi-secure CRC)	Notify parents within 48 hours unless youth under care of DCYF	8 beds
HOPE CENTER	Under 18	Up to 90 days	Notify parents within 72 hours, if unable to reach parents, notify DCYF If youth is dependent, must get parental or DCYF consent	46 beds (HOPE only)
HOST HOMES	Under 18	Up to 6 months	Must obtain notarized permission slip or limited power of attorney from parent or legal guardian authorizing the youth to participate, unless compelling reason to not contact parent/guardian. If compelling reason, must notify DCYF within 72 hours and at least once every month	



RECOMMENDATIONS

There are two main areas that must be addressed to prevent the use of detention for unaccompanied minors who end up boarded at detention facilities: legal factors related to the youth's rights, the parents' rights, and the legal process for accessing safety and the resources/investments needed to create options and resources for youth and families.

CHINS

- ▶ Modify the CHINS process to allow faster access to court when youth is boarded in detention to get immediate and/or temporary permission for placement.
 - > Create a specific subsection of CHINS for youth boarded in detention.
 - > Placement options must be made available to youth- with support of DCYF, shelter providers, VPAs, and community investments
- ▶ Update Chapter 13.32A RCW and in the update, codify the right to safe housing for minors in statute.
- ▶ Chapter 13.32A RCW reveals a major gap in the structure of support for unaccompanied minors and youth who are Children in Need of Services. If a youth successfully argues that their parents are not able or willing to provide them with basic needs like housing, education, health care, food, clothing, there must be a resource available to provide these things for them.

EMANCIPATION

- ▶ Create a specific subsection in emancipation process specifically for unaccompanied minors, with different standard for emancipation if the youth meets criteria for unaccompanied minor, to allow at least 16 and 17 year olds to navigate their own way to safe housing.
- ▶ Allow exceptions to emancipation process for youth with pending charges and/or adjudications if those court contacts were connected to their lack of stable housing and support from parents.
- ▶ Allow for an ex parte and emergent option under emancipation to begin process with access to safe housing until fact finding and resolution can occur when the youth is unaccompanied.
- ▶ Standardize process for emancipation with clearer timelines, the process is different in every county.

MINOR GUARDIANSHIP

- ▶ Provide attorneys to youth BEFORE filing guardianships to assist them in preparing and filing documents and addressing the best use of guardianship as a stabilizing process to safe housing and other supports.
- ▶ Create a specific emergency process for an unaccompanied youth who has identified a safe place to stay – amending factors for granting a temporary guardianship to allow the youth to stay safely with identified guardian when detention release is imminent.

SELF CONSENT AND/ OR CHOSEN COMMUNITY SUPPORT TEAM

- ▶ Allow unaccompanied minors to access to housing without parental consent AND without needing a court order through an expansion of HB 1406.
- ▶ Create a community driven accountability board that can assist unaccompanied minors by intervening about housing placement when parents are refusing or absent or unavailable.
- ▶ Create a pathway for unaccompanied minors to sign rental leases before turning 18.
- ▶ Clarify the definition of “responsible adult” in RCW 13.40.050(7) to include adults youth identify as trusted adults who are able to assist in making release plans with the youth.

ADDRESS LEGAL BARRIERS TO LICENSING AND SERVICES

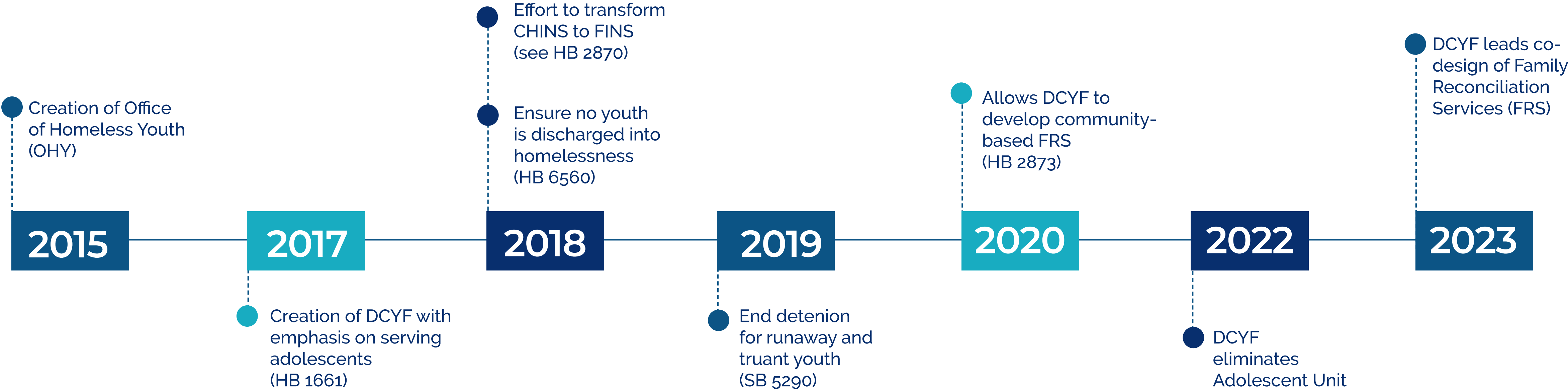
- ▶ Modify licensing barriers to allow shelters and group homes to provide access for youth with pending criminal charges and/or criminal adjudications/convictions, including youth with sexually offending behaviors.

- ▶ Expansion of H-SYNC and other youth engagement services that provide case management, liaisons, navigators to help unaccompanied youth access benefit and services.
- ▶ Community Based Family Reconciliation Services—modify standard so that it does not require both youth and parent to accept services. Allow services for just the unaccompanied minor if they want them.
- ▶ Youth Engagement Teams expansion and modification to allow for youth developed community support to stand in the place of parents when unaccompanied youth needs housing.
- ▶ Funding for expansion of immediate shelter options including Hope Beds, Host Homes, or Transitional Adolescent Living Programs.
- ▶ Vouchers for youth and/or family/friends to assist with paying for immediate needs to stabilize housing options (plane tickets to family out of state, money to fix cars, acquire needed furniture, etc).
- ▶ Respite and temporary housing options for youth with behavioral health or developmental disabilities in support of expanding family capacity to support a youth in the home.
- ▶ DCYF to provide family search function to the youth, juvenile court staff, and detention staff for youth boarded in detention.
- ▶ Develop a specific set of resources for housing youth who face charges affiliated with sexually offending behavior.

- ▶ Mobile housing options for youth in rural areas so that housing resources are created on demand.
- ▶ Require FRS services to include providing foster care payments to families who care for unaccompanied youth, including resources to assist families in renting larger homes or to access needed housing to provide for the unaccompanied youth.
- ▶ DCYF expansion of Voluntary Placement Agreements to address immediate and short term housing options without expanding dependency –creates time to develop alternative long term plans.
- ▶ Expansion of the Mockingbird Family Constellations to address court involved youth—could ultimately be part of continuum of community placements for court involved youth as an alternative to detention.
- ▶ State to fund parallel supports for unaccompanied youth that are provided to foster youth aging out of foster care (see chart below).

HISTORY OF LEGISLATIVE EFFORTS

Washington state has acted in many ways to attempt to address the barriers young people under the age of 18 face when they do not have safe housing. Below is a timeline of some of these efforts:



HISTORY OF WASHINGTON STATE REVIEW/REPORTS ON THIS POPULATION OF YOUTH

Washington state has researched the barriers and needs of unaccompanied youth at least eight times in the last 10 years. A summary of these recommendations can be found [here](#).

