

## What you should know if you will be homeless when released from juvenile detention.

Every youth needs stable housing. If you are being released from juvenile detention and it is not possible for you to return to your parent or guardian's home you may have the following legal options.

First, though, your safety is most important, if you are able to stay with a relative or reliable, adult friend, you may wish to do this while exploring your options. If there is no one safe with whom you can stay, you should contact the Washington Information Network 2-1-1 for a list of youth shelters or call (877) 211-9274 if you are calling from out of state. If you are under 18, and your parents agree that you can live with a relative, homeless youth program, or other place, you may be able to do that without going to court if your parents do this in writing. These "informal" arrangements work for some youth, but they are not always legally binding (if your parents change their mind, they can cancel their agreement).



Second, keep in mind that if a person that you are staying with or whom you seek help from believes that you have suffered abuse or neglect they may be required to make a report to the police or the Department of Social and Health Services (DSHS).

### Enter Foster Care:

If you have no parent willing or capable of caring for you, you may consider contacting DSHS at (866) END-HARM. There may be services available for you, including temporary shelter. It is possible that the State will file a "dependency petition" (or you can file it yourself, but may need help from a lawyer), which is the first step in the foster care process.<sup>1</sup> In a dependency<sup>2</sup>, the State becomes responsible for you and will place you with a relative, foster parent, responsible adult or group home. The State will also

---

<sup>1</sup> The dependency petition can be found at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=7>.

<sup>2</sup> For more information on the dependency process, see *A Youth Dependency Guide* at <https://ccyj.org/wp-content/uploads/2017/03/Youth-Dependency-Guide.pdf>.

be responsible for providing medical and other services you need. The dependency petition must show that your parents or guardians have abandoned, abused or neglected you or you do not have a parent or guardian who can adequately care for you (for example, if your parent is in jail or on drugs, they are considered unable to care for you). There are pros and cons to having the State become your custodian. For example, you may not get to choose where you will live or who your foster family will be. You might have to change schools, or be placed in a different neighborhood. Also, you may see your siblings less frequently.

If you decide you want to go into the child welfare system, you can let the detention center know. If you are unsatisfied with their response, you may contact the Office of the Family & Children's Ombuds<sup>3</sup> or the Office of Public Defense.<sup>4</sup>

Once the petition is filed you may be provided a lawyer, Court Appointed Special Advocate (CASA) or Guardian ad Litem (GAL), depending upon what county you live in (not all counties provide lawyers to youth). However, if you want a lawyer, you can ask the judge for one. Your parent, CASA or GAL can also ask the judge to appoint a lawyer for you.

### **Filing a Child in Need of Services (CHINS) Petition:**

Another option is a CHINS petition. This is a document filed in court requesting that you be temporarily placed in a residence other than your parent or legal guardian's home. A CHINS petition is an option if there is a serious conflict between you and your parent or legal guardian that cannot be resolved while you are living in your parent or legal guardian's home. It will give you a place to live - instead of running away and being on the streets.

You can file a CHINS petition if you are under the age of 18 and not emancipated. You must show that:

- Your parent or legal guardian has tried but cannot successfully keep the family together or that they are unable or unwilling to continue to try; and
- You do not have one or more of the following:
  - o Food;
  - o Shelter;
  - o Health care;
  - o Clothing;
  - o Education; or
  - o Services designed to maintain or reunite the family.

---

<sup>3</sup> Office of the Family & Children's Ombuds: Phone (800) 571-7321; website [www.ofco.wa.gov](http://www.ofco.wa.gov).

<sup>4</sup>King County Office of Public Defense (206) 296-7662; Benton County Office of Public Defense (509) 222-3700; Spokane County Public Defender (509) 477-4246.

If you are in need of services, you must contact the Family Reconciliation Services office<sup>5</sup> at DSHS and make an appointment for intake and assessment. After the appointment, the intake caseworker will prepare a Family Assessment, which the caseworker will file with the court if they cannot finish it in time for you to file it with your petition. You may file the CHINS petition two days after contacting DSHS even if they have not set an appointment or finished the Family Assessment. Once you file the paperwork, you will be assigned a lawyer.

You need to file the following documents<sup>6</sup> to file a CHINS petition:

1. A CHINS petition;
2. A CHINS notice and order to show cause for hearing;
3. A Declaration of Service;
4. A Case Assignment form; and
5. An identification information form.

The documents need to be filed at the Juvenile Court Clerk's Office in the town where you or your parents live. Once the CHINS petition is filed, you may be placed by DSHS in a crisis residential center, foster family home, licensed group home facility, or any other suitable residence to be determined by DSHS or the court.

### **Obtain a Protection Order against Your Parent/Guardian:**

If you cannot go home because your parent physically harmed you, and you cannot or do not want to file a CHINS or a dependency petition, and you have a place you could stay, you may be able to get a protection order against your parent.<sup>7</sup> If you are 16 or 17 years old you can file a protection order on your own.<sup>8</sup> If you are 15 or younger, you will need to have the help of a "next friend", an adult you trust who can help you with the legal process. You can do this at your local Superior Courthouse.

### **Nonparental Custody Action:**

In a nonparental custody, a person over 18 who is not your parent can request legal custody of you. To start an action for nonparental custody, the nonparent must file the

---

<sup>5</sup> King County Youth Crisis and Resource Information, <https://www.kingcounty.gov/~media/courts/superior-court/docs/juvenile/juvenile-offenders/youth-crisis-and-resource-information.ashx?la=en>. Family Reconciliation Services: (800) 609-8764 Days, 8 a.m.-4:30 p.m. & (800) 562-5624 after hours, 4:30 p.m. to 8 a.m.

<sup>6</sup> The CHINS forms can be found at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=19>.

<sup>7</sup> In King County, you can contact the Protection Order Advocacy Program at <https://www.kingcounty.gov/depts/prosecutor/protection-orders.aspx>. In other counties, you can contact the Courthouse Facilitator for assistance. You will need an appointment to see the facilitator, which must be scheduled with the Superior Court Clerk's Office.

<sup>8</sup> The Protection Order forms can be found at <http://www.courts.wa.gov/forms/index.cfm?fa=forms.contribute&formID=16>.

petition in the Superior Court of the county where you live.<sup>9</sup> This action may be brought if you are not in the physical custody of your parent or your parent is not suitable to take care of you. If the nonparent is successful, you will live with them and they can make decisions regarding your education, medical and any other major decisions about you. If your parents agree for your custody to be transferred to a relative or other adult, the paperwork can be taken care of at the Courthouse. If your parents do not agree, then you may need to have a court hearing. A custody case does not terminate your parents' rights – it just describes who is responsible for your care. Your parents might continue to have a right to visit or make other decisions, depending on the facts of the case.

### **Request that the Housing Authority Review Your Individual Circumstances:**

If your family lives in public housing or receives a Section 8 voucher and the Public Housing Authority (PHA) is not allowing you to stay with your family due to your juvenile record, your family may request that the PHA reconsider their decision.<sup>10</sup>

By law, PHAs have to automatically exclude admission to applicants in only three situations: people who have been convicted of methamphetamine production; people that are registered lifetime sex offenders; or people that are currently using illegal drugs. For most other offenses, PHAs have local policies that do not require rejection because of prior or current illegal acts. However, in deciding whether to reject someone, the PHA has to look at all of the circumstances involved, including the seriousness of the case.

If the PHA has told you that you cannot live with your family in their home, your parent or legal guardian should ask the PHA to provide them the reason why you were rejected. Unless you fall within the automatic exclusions, your family may request that the PHA consider your individual circumstances surrounding your offense record. It may be helpful for your family to point out that state law says there is a difference between juvenile offenses (adjudications) and adult offenses (convictions). It also may be helpful for your family to remind the PHA that the juvenile system is not intended to punish youth, but to rehabilitate them.

### **Extended Foster Care (EFC):**

The EFC program<sup>11</sup> provides placement and foster care services from age 18 up to age 21 for eligible foster or former foster youth wishing to pursue their education,

---

<sup>9</sup> The Nonparental custody forms can be found at <http://www.courts.wa.gov/forms/?fa=forms.contribute&formID=29>. If you need assistance to complete the forms, you can schedule an appointment with the Superior Court Clerk's Office to see the Courthouse Facilitator.

<sup>10</sup> More information on the Section 8 program can be found at <https://www.washingtonlawhelp.org/resource/how-to-protect-your-section-8-voucher?ref=rRvqS>.

vocational training, or participate in a program or activity designed to promote or break down barriers to employment (this can be a job training program, a program you design, or even substance abuse treatment), working over 80 hours per month, or have medical conditions that keep you from participating in the program. You can go straight into EFC when you turn 18, or you can request EFC until your 19<sup>th</sup> birthday, as long as you were in foster care on your 18<sup>th</sup> birthday. If you un-enrolled from EFC, you can re-enroll once up to age 21.

If you are eligible to participate in the program, you will:

- Remain in placement and receive foster care services (placement can include a traditional foster care placement, or a supervised independent living situation such as an apartment, a dorm room, or relative);
- Have an open dependency, a lawyer assigned and court reviews every 6 months;
- Depending upon your circumstances, you might also receive a stipend up to \$703 per month to help with your rent and living expenses; and,
- Receive monthly social worker visits and continued visitation arranged with siblings.

To apply for the EFC program contact your assigned social worker or call DSHS intake at (866) 363-4276.

### **Independent Living Program:**

A number of different independent living programs exist for former foster youth and other youth in need (e.g., youth with mental health problems). You may qualify for housing and other services through an Independent Living Program. You may receive financial assistance with rent, utilities, move-in costs, costs for credit checks and parking, as well as case management services. This program requires you to either work or go to school, and maintain accountability through an assigned caseworker.

To be eligible for these programs,<sup>12</sup> you will need to call your local housing program intake – the phone numbers are below.

### **For Legal Help and Housing Program Referrals:**

- You can call TeamChild at (877) 295-2714 or visit their website, [www.teamchild.org](http://www.teamchild.org). TeamChild is the main legal resource for youth who need legal services when leaving detention.

---

<sup>11</sup> For questions regarding the EFC program contact: Sherrie Flores, EFC & Adolescent Support Program Manager at [floresa@dshs.wa.gov](mailto:floresa@dshs.wa.gov).

<sup>12</sup> More information on the Independent Living Program can be found at <http://independence.wa.gov/programs/independent-living-program/>.

- *If you do not live in King County:* You can contact CLEAR, Washington’s toll-free advice and referral service for low-income people seeking free legal assistance with civil legal problems, at (888) 201-1014.
  - *If you live in King County:* You can call 211 for information and referral to an appropriate legal services provider.
- 

This publication provides general information concerning the rights of youth. It is not intended as a substitute for specific legal advice. This information is specific to Washington State law and is current as of the date of its printing, *February 2018*.

We do not intend for this information to be legal advice. By providing this information, we are not acting as your lawyer. If you need legal advice, you should contact a lawyer through your local legal aid organization. Always talk to a lawyer, if you can, before taking legal action.

© 2018 Columbia Legal Services

(Permission for copying and distribution granted to the Alliance for Equal Justice and to individuals for non-commercial purposes only.)

This document was prepared under a grant from the Children’s Justice Interdisciplinary Task Force.