ALONE WITHOUT A HOME: A STATE-BY-STATE REVIEW OF LAWS AFFECTING UNACCOMPANIED YOUTH

SEPTEMBER 2012

A REPORT BY

NATIONAL LAW CENTER
ON HOMELESSNESS & POVERTY

nn4y
The National Network for Youth

About the National Law Center on Homelessness & Poverty

The National Law Center on Homelessness & Poverty is committed to solutions that address the causes of homelessness, not just the symptoms, and works to place and address homelessness in the larger context of poverty.

To this end, it employs three main strategies: impact litigation, policy advocacy, and public education. It is a persistent voice on behalf of homeless Americans, speaking effectively to federal, state, and local policy makers. It also produces investigative reports and provides legal and policy support to local organizations.

For more information about the Law Center and to access publications such as this report, please visit its website at www.nlchp.org.

About the National Network for Youth

The National Network for Youth has been serving the youth of America for more than 30 years by championing the needs of runaway, homeless and other disconnected youth. We do this through advocacy, innovation and services. Our reach is extended through our member organizations, allowing us to be in numerous communities throughout the country as we create a neighborhood of support for the next generation.

Our members are community-based organizations along with their neighborhood youth, adults, associations, and regional and state networks of youth workers. These builders of the future provide street-based services, emergency shelter, transitional living programs, counseling, and social, health, educational and job-related services to over 2.5 million youth each year.

The National Network is committed to ensuring that opportunities for growth and development be available to our neighbors everywhere. The youth we work with face greater odds due to abuse and neglect, homelessness, lack of resources, community prejudice, differing abilities and other life challenges.

For more information about the National Network and to access publications such as this report, please visit its website at www.nn4youth.org.

Acknowledgements

The National Law Center on Homelessness & Poverty and National Network for Youth are grateful to the following individuals and firms for their tremendous contributions to the research, writing, and layout of the report:

DLA Piper LLP and Dechert LLP, who committed dozens of staff and hundreds of pro bono hours to researching and updating the law from previous editions of this guide and producing new content, and in particular Rebecca Jones of DLA Piper and Suzanne Turner of Dechert for supervising the project;

National Law Center staff present and past, including Kathryn Christian, Karen Cunningham, David Hale, Khalid Hargrove, Joy Moses, Rachel Natelson, Jeremy Rosen, and especially Eric Tars for supervising and editing this report through its many stages of development. Former staff and current Legal Director of the National Association for the Education of Homeless Children & Youth, Patricia Julianelle, also provided expert consultation.

National Law Center interns and fellows, especially Heather Abraham, Cara Baldari, Mariah Bibb, Julie Butner, Kelly Connolly, Stephani Cox, Abigail Dunner, Patrick Gavin, Matthew Korn, Julia Lum, Tiffany Malcolm, Rricha Mathur, Mili Patel, Thomas Renke, and Alec Stone.

National Network for Youth staff, especially former Policy Director Bob Reeg.

The Law Center acknowledges with gratitude the generous support of the W.K. Kellogg Foundation, and our anonymous donors.

The Law Center would also like to thank our LEAP member law firms: Akin Gump Strauss Hauer & Feld LLP; Covington & Burling LLP; Dechert LLP; DLA Piper; Fried, Frank, Harris, Shriver & Jacobson LLP; Hogan Lovells; Jenner & Block LLP; Katten Muchin Rosenman LLP; Manatt, Phelps & Phillips, LLP; Schulte Roth & Zabel LLP; Sidley Austin LLP; Simpson Thacher & Bartlett LLP; and WilmerHale.

National Law Center on Homelessness & Poverty
Board of Directors*

Vasiliki Tsaganos, Chair
Fried, Frank, Harris, Shriver & Jacobson LLP

Edward McNicholas, *Vice-Chair*
Sidley Austin LLP

Michael Allen, *Treasurer*
Microsoft Corporation

Kenneth S. Aneckstein
DLA Piper

William Breakey, MD
Johns Hopkins University

Peter H. Bresnan
Simpson, Thacher & Bartlett LLP

Tonya Y. Bullock
Community Activist

Bruce Casino
Katten Muchin Rosenman LLP

Roderick DeArment
Covington & Burling LLP

Dennis Dorgan
Fundraising Consultant

Sally Dworak-Fisher
Public Justice Center

Maria Foscarinis
Executive Director
NLCHP

Kirsten Johnson-Obey
Porterfield & Lowenthal LLC

Father Alexander Karloutsos
Greek Orthodox Archdiocese of America

Pamela Malester
Office for Civil Rights, U.S. Dept. of Health and Human Services (retired)

Tashena Middleton Moore
Second Chances Home Buyers LLC

Margaret Pfeiffer
Sullivan & Cromwell LLP

G.W. Rolle
Missio Dei Church

Bruce Rosenblum
The Carlyle Group

Robert C. Ryan
American Red Cross

Jeffrey Simes
Goodwin Procter LLP

**Affiliations for identification purposes only*

National Law Center on Homelessness & Poverty
Staff Members

Maria Foscarinis
Executive Director

Tristia Bauman
Housing Attorney

Robert Bennett
Administrative Assistant

Andy Beres
Development & Communications Coordinator

Lisa Coleman
Education/Domestic Violence Attorney

Karen Cunningham
Legal Director

Cecilia Dos Santos
Pro Bono Coordinator

David Hale
Director of Development & Communications

Heather Johnson
Civil Rights Attorney

Marion Manheimer
Volunteer

Jeremy Rosen
Policy Director

Eric Tars
Director of Human Rights & Children's Rights Programs

Louise Weissman
Director of Operations

National Network for Youth
Board of Directors

Debby Shore, *Chair*
Sasha Bruce Network

Melinda Giovengo, *Vice-Chair*
YouthCare

Kim Morgan, *Secretary*
Youth and Family Services, YMCA

Jeffrey Fetzko, *Treasurer*
Somerset Home for Temporarily Displaced Children

Jane Harper
Family Resources

Laurie Jackson
National Safe Place

Sue Krahe
Our Family Services

Kreig Pinkham
Vermont Coalition of Runaway and Homeless Youth Programs

Bonnie Politz
FHI 360

James Walker
Youth Services of Tulsa

Harry Wilson
Michigan Council on Crime and Delinquency

Robb Zarges
Bridge Over Troubled Waters

National Network for Youth
Staff Members

Katherine Raphaelson
Executive Director

Table Of Contents

5 **EXECUTIVE SUMMARY**

8 **INTRODUCTION**

13 **DEFINITION OF TERMS PERTINENT TO UNACCOMPANIED YOUTH**

16 Definitions of Child, Infant, Juvenile, Minor, and Youth

23 Classifications of Homeless and Runaway Youth

31 **YOUTH IN NEED OF SUPERVISION**

36 Youth in Need of Supervision Statutes

65 **STATUS OFFENSES**

71 Status Offenses—Running Away Statutes

82 Status Offenses—Truancy Statutes

92 Status Offenses—Curfew Statutes

104 **EMANCIPATION**

107 Emancipation Statutes

119 **RIGHTS OF YOUTH TO ENTER INTO CONTRACTS**

112 Rights of Youth to Enter Into Contracts Statutes

129 **HEALTH CARE ACCESS FOR UNACCOMPANIED YOUTH**

140 Overcoming Financial Barriers State Provisions

155 **CONSENT & CONFIDENTIALITY STATUTES**

185 **DISCHARGE FROM THE JUVENILE JUSTICE SYSTEM**

188 Discharge from the Juvenile Justice System Statutes

194 **INTERSTATE COMPACT FOR JUVENILES**

198 Interstate Compact for Juveniles Statutes

200 **FEDERAL BENEFITS**

204 Federal Benefits Statutes

219 **RIGHTS OF UNACCOMPANIED YOUTH TO PUBLIC EDUCATION**

221 **HARBORING UNACCOMPANIED YOUTH**

224 Harboring Unaccompanied Youth Statutes

231 **SERVICES AND SHELTERS FOR UNACCOMPANIED YOUTH**

234 Services and Shelters for Unaccompanied Youth Statutes

Executive Summary

Background

Each year, an estimated 1.6 million children and youth (ages 12-17) experience homelessness without a parent or guardian. These youth leave home for a variety of reasons, including severe family conflict, parental abuse or neglect, parental mental health issues, or substance abuse. Prior to leaving home:

- 43% of homeless youth report being beaten by a caretaker;
- 25% of homless youth have had caretakers request sexual activity;
- 20% of homeless youth had conflicts with their parents around their sexual orientation which caused them to leave.

Whether runaway or throwaway, once on the street, unaccompanied homeless youth face numerous legal barriers that often complicate their attempts to meet the basic necessities of life on their own and prevent them from reaching out for assistance to state agencies and service providers that could otherwise help them. Further complicating matters is that many of these laws vary considerably from state to state, creating misinterpretations by service providers and mistaken avoidance of services on the part of homeless youth who may fear being taken into state custody or assume they will be turned away.

This report reviews the state of current law in 12 key issue areas that affect the lives and future prospects of unaccompanied homeless youth in all 50 U.S. states and 6 territories. The report offers an overview of the range of approaches taken by states and their relative prevalence, and reveals significant difference in many cases.

The report also provides recommendations for policy change in each of the areas, with a view towards strengthening the supports available to unaccompanied youth. While many issues surrounding unaccompanied youth remain controversial, the aim of this report is to recommend steps that can protect their safety, development, health and dignity, and thus increase their prospects for positive future outcomes.

Key findings address a wide array of topical areas, and collectively, they some noteworthy trends:

Definitions of unaccompanied youth should be inclusive and non-judgmental

- The vast majority of jurisdictions (85%, or 48 jurisdictions) define 18 as the age upon which a person is no longer a child.
- Only a few jurisdictions (13% or 7) have a definition of "youth" that may exceed 18 years of age.
- A few jursidictions (14% or 8) retain judgmental terms that include unaccompanied homeless youth among those defined as "incorrigible," "unruly", "delinquent", "vagrant", "wayward", "undisciplined juveniles", or "status offenders".

Punitive approaches to unaccompanied youth are prevalent in many jurisdictions

- The vast majority of jurisdictions (82% or 46) allow police to take unaccompanied youth into custody.
- A small but significant number of jurisdictions define running away (16% or 9) and truancy (11% or 6) as status offenses.
- A significant number of jurisdictions (29% or 16) explicitly make it a crime to harbor a "runaway" without regard for the reasons for the youth's leaving home.

Many jurisdictions authorize or require provision of healthcare, education, and other services to unaccompanied youth even in the absence of parental consent.

- A significant number of jurisdictions (39% or 22) explicitly authorize provision of services to unaccompanied youth without court involvement.
- A majority of jurisdictions (61% or 34) enable unaccompanied youth to apply for health insurance without parental consent in at least some situations.
- Half (50% or 28) allow minors to consent to mental health treatment.
- The vast majority (80% or 45) allow minors to consent to non residential substance abuse treatment.

- The vast majority (88% or 49) allow youth to consent to examination and treatment for sexually transmitted infections.
- The vast majority (79% or 44) limit minors' ability to consent to abortions.
- All jursidictions accept federal funding under the McKinney-Vento Act and are required to appoint homeless liaisons in each school district to identify and remove barriers to the enrollment and retention of homeless students.
- The vast majority (84% or 47) of jurisdictions allow exemption from the requirement that, in order to receive federal benefits, a minor parent must live with a parent or other legal guardian.
- However, under half (38% or 21) require procedures to address discharge or aftercare needs for youth exiting juvenile justice systems; of those, a few (14% or 8) require that housing needs be addressed in such procedure.
- A significant minority of jurisdictions (29% or 16) assign responsibility for providing services and/or shelter to runaway and/or homeless youth to a designated executive branch agency; at least 18% or 10 jurisdictions explicitly authorize the expenditure of funds, or authorize local units of government to expend funds, for programs and services targeted to runaway and homeless youth.

Most jurisdictions provide for some ability of youth to act in their own behalf

- A majority of jurisdictions (59% or 33) have established processes for minors to petition for emancipation.
- Most jurisdictions have limited rights for minors to enter into contracts; a few do not provide for any rights.

Key recommendations. The key recommendations of this report focus on removing the barriers that now prevent unaccompanied youth from receiving the help they need to reestablish safe and stable homes, either reunited with their families when it is safe and appropriate, under other adult supervision, or independently, with appropriate services and support. We favor supportive services as opposed to punishment and increased consistency across jurisdictions to facilitate such an approach. In particular:

Extend eligibility for benefits for youth and eliminate negative terminology

- Extend eligibility for publicly-funded opportunities and supports available to children and youth to include older young people through age 24, and eliminate negative terminology now found in some statutes, such as "unruly," "incorrigible, and "vagrant".

Eliminate punishment of unaccompanied youth based on status

- Exempt runaway youth from CHINS statutes that do not provide appropriate services; limit the circumstances under which runaway youth can be taken into custody, set very brief time limits for such custody, and prohibit housing of runaway youth with delinquent youth or adults;
- Provide opportunities for young people to avoid court involvement, through diversion programs, counseling, treatment, family mediation, housing assistance, and other services, as well as adequate time to meet treatment goals;
- De-classify running away and truancy as status offenses;
- Assign responsibility for the care and support of runaway youth to the social service system rather than the juvenile justice system, and prohibit housing runaway youth in secure detention facilities.

Prioritize support and assistance, rather than punishment

- Establish clear eligibility for unaccompanied minors to apply for Medicare and CHIP; reduce barriers such as proof of parental income, permanent residence, and other documentation that unaccompanied youth may lack; and expand CHIP to include youth through 21 years of age;
- Establish a social service system to support youth after release from juvenile justice facilities and foster their reintegration, including with safe housing options for youths who are not placed with a parent

or guardian; and ensure their access to educational resources or job training, as appropriate;

- Before discharge from juvenile justice facilities, provide youth with assistance in obtaining a drivers license or state ID card, a Social Security card, a birth certificate, and other records necessary to establish identity;
- Establish TANF eligibility for pregnant minors ideally 120 days, but minimally at least 90 days, before their due date; and exempt them from the minor parent living arrangement rule in defined cases where living with the parent is not possible or feasible, or would be dangerous. Provide assistance with childcare and transportation;
- Ensure access to education for unaccompanied youth;
- Explicitly assign responsibility for offering opportunities and supports for runaway and homeless youth to a human services agency, and authorize and appropriate state and local funds for programs and services targeted to runaway and homeless youth.

Give youth authority to make important decisions about their own health and safety consistent with their maturity

- Establish emancipation procedures in all jurisdictions, with individualized assessment of each youth's ability to live independently, and permit young people to initiate the emancipation process; and establish procedures for parents and youths to agree to emancipation without court involvement;
- Permit minors to contract for necessities, while providing appropriate protections;
- Establish statutory guidelines so licensed health care pratictioners can provide medical care and services to an unaccompanied youth who consents if the medical practitioner reasonably believes that the youth understands the benefits and risks of the care and is giving informed consent, and the care would be to the minor's benefit; protect such practioners from civil or criminal liability when they render medical care or service in good faith to unaccompanied youth.

Introduction

The legal rights and responsibilities of unaccompanied young people vary among states and territories and often depend upon the specific right a youth wishes to exercise. Despite the reality that they are living apart from parents or guardians, youth who are legally minors lack the legal status to live independently. Unaccompanied youth and their advocates constantly struggle with legal questions regarding access to shelter, public education, and medical and mental health care; legal rights to rent property and enter into contracts; and, issues of juvenile justice, parental rights, and availability of emancipation. Many of these legal questions find their answers in state statutes and regulations.

The National Law Center on Homelessness & Poverty (Law Center) and National Network for Youth (National Network) developed this guide in an effort to respond in an efficient and comprehensive way to these significant legal questions. It provides summaries, legal citations, and analyses of laws affecting unaccompanied youth from the fifty states and six United States territories (American Samoa, District of Columbia, Guam, the Northern Mariana Islands, Puerto Rico, and the Virgin Islands). The guide addresses a number of significant questions, ranging from how these youth are defined in the law, punitive versus service-based approaches to youth, and the ability of youth to act on their own behalf in a variety of settings. Specifically, the guide covers twelve topics: (1) definitions of terms relevant to unaccompanied youth, (2) youth in need of services, (3) status offenses, including running away, truancy and curfews, (4) emancipation, (5) the right to contract, (6) access to health care, (7) discharge from the juvenile justice system, (8) the Interstate Compact for Juveniles, (9) access to federal benefits, (10) unaccompanied youth's rights to public education, (11) harboring unaccompanied youth and (12) service and shelter responsibilities and resources.

This guide is an update to a 2003 edition, which was produced by the Law Center and the National Network in consultation with an advisory group of legal aid attorneys, national advocacy organizations, local youth advocates, and youth services providers to identify the topical content of the publication. With the invaluable assistance of two exemplary law students, we researched the statutes on our chosen topics, drafted summaries with legal citations, and analyzed the information to produce meaningful data, identify trends, discuss noteworthy statutes, and offer recommendations. This edition was updated through hundreds of hours of pro bono services provided by the law firms of DLA Piper and Dechert LLP, as well as more extraordinary intern assistance. In addition to updating the chapters from 2003, having heard from advocates who were using the guide, we added the chapters on discharge from the juvenile justice system, the Interstate Compact for Juveniles, and accessing federal benefits for the first time. In addition, we provided a much more comprehensive discussion and analysis regarding access to health care for unaccompanied youth than what was included in the previous edition.

The narrative and analysis sections of the publication use various non-legal terms, such as "young people," "youth," "youth on their own," and "unaccompanied youth." In each case, we refer to youth who have not reached the legal age of majority and/or who have left home, either at the demand or request of parents or guardians, or of their own volition. By referring to "youth" or "young people," rather than "children," we attempt to recognize the unique developmental stage and needs of older children and young adults. Where legally significant, we have used the terms "child," "children," or "minor." In the statute summaries, we generally use the terms used in the statute. We have also used the term "jurisdiction" to encompass both states and territories.

Each section of the publication includes a description of the research methodology and limitations for that chapter. Our research was limited to state and territorial statutes. We did not research administrative codes or other regulations, nor did we contact state agencies or courts. Many statutes may have been modified in effect by subsequent case law which is not reflected in this guide. Furthermore, the absence of a statutory provision on a given subject does not mean that the issue may not have been developed through case law or common law in a given jurisdiction. Additional policies and practices also may exist which are not reflected in the jurisdictions' statutes.

We offer this guide as a tool for service providers, advocates, and attorneys responding to individual requests for assistance. The legal summaries and

citations provide a starting point for helping unaccompanied youth meet their basic needs and exercise their legal rights. However, it is our hope and intent that this guide also will assist those seeking broader, systemic reform of statutes. Advocates are encouraged to use the guide to place their states on a continuum relative to other jurisdictions and to advocate for legislative and administrative solutions to the real challenges facing unaccompanied youth. Both the Law Center and the National Network are eager to partner with advocates in their efforts to create laws that recognize the needs and dignity of unaccompanied youth.

As with any project of this magnitude, the possibility exists that an important statute was missed. Readers are urged to consult their jurisdiction's statutes, regulations, or local legal counsel for more complete information. The legal citations provided in this publication are intended to assist in further research. Please report errors or omissions to the Law Center or National Network so that we may improve future editions of this publication.

The information provided in this publication is not legal advice and should not be used as a substitute for seeking professional legal advice. It does not create an attorney-client relationship between the reader and the Law Center or the National Network.

A brief outline of our findings and recommendations follows:

1. Definition of Terms Pertinent to Unaccompanied Youth

Definitions are critical components of statutes because they establish the meaning of key terms used therein. While most jurisdictions (48) set 18 years old as the age of majority, only 12 jurisdictions include a definition of the term "youth," establishing some measure of protection for older youth and differentiating their needs from those of younger children. We recommend establishing a separate definition of "youth" that is distinct from "child;" and extending eligibility for publicly-funded opportunities and supports available to children and youth to include older young people through age 24. Additionally, we recommend clarifying definitions for runaway and homeless children and youth, using definitions found in the federal McKinney-Vento and Runaway and Homeless Youth Acts, and replacing judgmental and negative terminology (e.g., unruly, incorrigible, vagrant) for youth in high-risk situations with neutral terminology.

2. Youth in Need of Supervision

Many states and territories permit the juvenile or family court to become involved with young people or families who "need supervision," but terminology and procedures vary widely. Our recommendations include adopting nuanced policies that distinguish appropriately between young people in different circumstances, and focus on providing services to meet the youth's individual needs; using terms such as "Family with Service Needs," "Family in Need of Services" or "Youth At Risk" rather than "Children in Need of Services" to recognize the role of the family and the unique dangers facing youth. We further recommend limiting the circumstances under which runaway youth can be taken into custody, if at all, and the duration of custody; and ensure runaway youth are never commingled with delinquent youth or adults. Law enforcement officers should be barred from forcing young people to return home against their wishes. Importantly, enforcement systems should provide extensive opportunities for young people to avoid court involvement, through diversion programs, counseling, treatment, family mediation, housing assistance, and other services, as well as adequate time for youth and families to meet treatment goals, in full consultation with the youth about their needs.

3. Status Offenses

Status offenses are behaviors or actions that are legally punishable only when performed by minors. While purportedly designed to protect young people from harm and victimization, they also restrict the rights of young people and can result in entangling otherwise law-abiding youth with the juvenile justice system. We examined runaway youth, truancy, and curfew statutes. 50 jurisdictions explicitly allow police to take runaway youth into custody. 9 jurisdictions classify truancy as a status offense or truants as delinquent. 39 jurisdictions authorize curfews. We recommend declassifying running away as a status offense and rather assigning responsibility for their care and support to the social service system, and taking the youth's needs into accout in designing services. We similarly recommend declassifying truancy as a status offense and providing flexible school hours and credit and attendance policies. Curfews should be eliminated,

and jurisdictions should provide sufficient safe shelter and independent living programs so that youth do not have to live in public places in violation of curfew laws.

4. Emancipation

As minors, unaccompanied homeless youth may be unable legally to obtain housing, buy essential goods, engage in other transactions necessary to live independently, or make their own decisions about medical care, education, and other personal matters. Emancipation allows a young person to become a legal adult while he or she is still under the legal age of majority, but only 33 jurisdictions have established processes for emancipation, and many of those are limited in scope or require parental consent or other burdens which make them difficult for unaccompanied youth to use. We recommend establishing emancipation procedures in all jurisdictions, with no minimum age restriction, but rather an individualized assessment of each youth's ability to live independently; repealing and rejecting parental consent as a condition for emancipation; permittng emancipation for all purposes, except for those as defined by constitution or statute, such as voting or use of alcoholic beverages; and establishing procedures for parents and youths to agree to emancipation without court involvement or create simplified court procedures with mandatory appointment of counsel for the youth. Such procedures should contain robust safeguards for youth to prevent abuse of the process by parents.

5. Rights of Youth to Enter Into Contracts

The rights of youth to enter into contracts are extremely limited - only17 jurisdictions permit minors to enter into binding contracts for even the basic neccessities of life. We recommend enacting laws permitting certain minors to contract for necessities, including real property, employment, educational loans, admission to school, medical and mental health care/ treatment, bank accounts, cell phones or other mobile communication devices, insurance, and admission to shelter, housing, and supportive service programs; and establishing eligibility criteria for entering into binding contracts that will permit such contracts for homeless youth or youth who are victims of domestic violence (whether that violence was directed against the youth or against others in the youth's household), while protecting other young people from contract liability.

6. Health Care Access For Unaccompanied Youth

Unaccompanied youth face hurdles in accessing healthcare due to both financial and consent and confidentiality barriers. Only 34 jurisdictions enable unaccompanied youth under 18 to apply for health insurance coverage without the need for parental consent in at least some situations, but at least 15 require, formally or informally, a parent or adult guardian to apply. Jurisdictions vary widely in terms of specific procedures for which youth can consent, including treatment for mental illness and substance abuse, treatment for sexually-transmitted infections, abortions, and examination and treatment relating to a sexual assault.We recommend establishing clear eligibility for unaccompanied minors to apply for Medicare and CHIP through age 21, and removing burdensome enrollment requirements such as proof of parental income, permanent residence, and other documentation that unaccompanied youth may lack. Additionally, jurisdictions should establish statutory guidelines and Good Samaritan exceptions so licensed health care pratictioners can provide medical care and services to an unaccompanied youth who consents, without notifying their parents, if the medical practitioner reasonably believes that the youth understands the benefits and risks of the care and is giving informed consent, and the care would be to the minor's benefit.

7. Discharge from the Juvenile Justice System

Youths released from the juvenile justice system can be at risk of being released either directly into homelessness or to a placement from which they can easily become displaced. However, only 21 jurisdictions direct an agency to develop procedures related to discharge or aftercare, and only 8 of these specifically address housing needs in the direction. We recommend requiring that all youths be released from juvenile justice systems pursuant to discharge plans formed in consultation with and based on the interests of the youths and that include housing and health care options. Jurisdicitons should also establish a social service system to support youths after release from commitment and foster their reintegration into schools and their communities, including a system for youth of an appropriate age to live independently after release, access educational resources, and obtain job training, Additionally, before discharge, jurisdictions should provide youth with assistance in obtaining a drivers license or state ID card, a Social Security card, a birth certificate, and

other records necessary to establish identity.

8. Interstate Compact For Juveniles

The Interstate Compact for Juveniles is a multi-state agreement that provides the procedural means to coordinate the supervision and return of juveniles who have run away or moved across state lines. 49 states and 2 territories have enacted the Compact. While jurisdictions should, in general, take a non-punitive approach to unaccompanied homeless youth, and ensure homeless youth are not returned to situations where they feel unsafe, the Compact ensures some procedural safeguards for youth who must be returned across state lines. Those jurisdictions that have not enacted laws adopting the new Interstate Compact for Juveniles should do so; and jurisdictions that have not repealed laws regarding the former Interstate Compact on Juveniles should do so, as it is no longer in force.

9. Federal Benefits

Temporary Assitance for Needy Families (TANF) can provide homeless youth with necessary support in meeting their survival needs. Federal restrictions limit states in only providing assistance to a family that includes either a pregnant individual or a minor child who resides with the family, so only pregnant or parenting youths qualify. 47 jurisdictions include language in their statute regarding possible exemption from the requirement that, in order to receive benefits, a minor parents must live with a parent or other legal guardian. Only 9 jurisdictions supply or subsidize child care for eligible minors when employment or school is required, and only17 jurisdictions explicitly exempt minors with children under certain ages from work or school requirements. 3 jurisdictions include cash incentives for youth who graduate high school or earn a GED. We recommend establishing TANF eligibility for pregnant minors ideally 120 days, but minimally 90 days, before their due date; ensuring exemptions from the minor parent living arrangement rule for pregnant and parenting minors in appropriate cases; establishing living alone/independently as an "appropriate alternative living arrangement" option for minor parents; exempting minor parents with children less than three months of age from the employment and training rules; providing child care services or assistance, as well as transportation to child care, school, and place of employment, for minor parents in order to help them comply with the employment and training rules; and providing cash incentive payments or higher education scholarship assistance to minor parents on TANF who complete education and training requirements.

10. Rights of Unaccompanied Youth to Public Education

The federal McKinney-Vento Homeless Assistance Act establishes the right of homeless children and youth to access education. We recommend jurisdictions implement policies to ensure immediate and continuous enrollment in school for homeless youth; ensure transportation is provided to homeless students for school attendance and extracurricular activities; prohibit exclusion of homeless students from any school activity due to their homeless status; assign an educational advocate to each homeless student to assist the student in school enrollment, attendance, and completion; include plans for meeting subsistence needs and attaining affordable housing in education plans of homeless students; establish a right to civil action for homeless students to enforce their educational rights under the state Constitution or laws; and ensure prompt dispute resolution procedures with appropriate assistance and deference to homeless families and youth who are not proficient in the law.

11. Harboring Unaccompanied Youth

Some states and territories have enacted statutes that either explicitly or implictly prohibit the "harboring" of runaway youth by individuals and organizations not holding legal custody of the young person. While enacted to protect the rights of families to raise their children and protect children from abuse, these statutes may pose a risk to those individuals and organizations that have a legitimate purpose in providing safe havens for young people currently away from their guardian. We recommend adopting explicit exemptions for reasonable cause in such statutes; providing affirmative defenses for "Good Samaritans" who provide temporary shelter to an unaccompanied youth; and amending mandatory child abuse or neglect reporting statutes to permit licensed human services agencies and professionals to provide shelter and supports to unaccompanied youth for at least 72 hours before being required to report the location of the young person to guardians or authorities, and additional discretion if needed to ensure the safety and well-being of the youth.

12. Services and Shelters for Unaccompanied Youth

A broad number of jurisdictions have statutes authorizing regulation and licensing of services and shelters for unaccompanied youth, though only 10 jurisdictions explicitly authorize the expenditure of funds, or authorize local units of government to expend funds, for programs and services targeted to runaway and homeless youth. We recommend explicitly assigning responsibility for offering opportunities and supports for runaway and homeless youth to a human services agency; considering the merits of unaccompanied youth-specific facility licensure compared to child-caring facility licensure and either establishing separate licensure for unaccompanied youth programs if there are clear benefits to doing so or explicitly including shelters and homeless youth as eligible for child-care licensing; and authorizing and appropriating state and local funds for programs and services targeted to runaway and homeless youth.

Definition Of Terms Pertinent To Unaccompanied Youth

Background

Definitions are critical components of statutes because they establish the meaning of key terms used therein. Definitions do not exist in a statutory vacuum. Rather they are integral to the overall statutory sections with which they are associated, such as provisions granting legal protections or assigning responsibilities to or authorizing public funding for programs and services to groups of persons.

Some definitions set forth the parameters of the group of persons to be affected by the statutory provision. Critical to the analysis of state and territorial statutes regarding unaccompanied youth, therefore, is both knowing which terms and definitions are used to describe young people generally and whether unaccompanied youth are recognized as a distinct group of young persons with shared characteristics and life circumstances.

Fast Facts

- **12** jurisdictions include a definition of the term "youth;"
- **48** jurisdictions establish age 18 as the age for no longer being considered a child;
- **2** jurisdictions establish the age of childhood as under age 17;
- **1** jurisdiction establishes the age of childhood as under age 16;
- **7** jurisdictions establish the age of childhood or youth as encompassing persons older than 18 (excluding special conditions);
- **18** jurisdictions explicitly define the term "runaway;" and,
- **18** jurisdictions explicitly define the terms "homeless child," "homeless youth," "homeless minor" or "homeless student."

Purpose and Findings

Two definitional issues were researched for this analysis: how the statutes define young people and whether the statutes include definitions of runaway and homeless children and youth.

The terms for young people that jurisdictions typically use and define are "child" (forty-eight jurisdictions) and/or "minor" (forty-nine jurisdictions). "Juvenile" is used less frequently (twenty-one jurisdictions). Rarely, jurisdictions use the term "infant" to include persons up to age 18 (five jurisdictions). Many statutes use more than one term to describe essentially the same group of young persons.

The term "youth" is defined in twelve jurisdictions: Arizona, Colorado, Connecticut, Florida, Mississippi, Montana, Oregon, Texas, Washington, District of Columbia, Northern Mariana Islands, and Puerto Rico. In only two of those jurisdictions (Connecticut and Puerto Rico), however, does the maximum age parameter for this group exceed 17 years of age, which is also the typical maximum age limit associated with the jurisdictions' definitions of "child," "juvenile," and "minor."

In the overwhelming majority of jurisdictions (fifty-five), persons are considered children, minors, juveniles, or youth if they are under 18 years of age. Two jurisdictions (Georgia and Texas) establish the age of childhood as under 17 years of age. One jurisdiction (New Hampshire) defines juveniles as persons under the age of 17. One jurisdiction (Connecticut) establishes the age of childhood as under age 16. On the opposite end, seven jurisdictions surpass the age 17 limitation. Connecticut defines "youth" to be from ages 16 to 18. Alabama defines a minor as under age 19, and both Mississippi and South Carolina define it as under age 21. Oregon and Puerto Rico establish age 21 as their cut-off for childhood; in seven jurisdictions (Illinois, Georgia, Missouri, Nevada, Ohio, South Dakota, and Utah), the cut-off for childhood is also age 21 for those persons in the custody of a Department of Family Services or under the court's supervision.

Eighteen jurisdictions include explicit definitions of the term "runaway." Those jurisdictions are: Alaska, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Minnesota, Nevada, New Jersey, New York, North Dakota, Ohio, Oklahoma, Tennessee, Utah, and Vermont.

Eighteen jurisdictions specifically define "homeless child," "homeless youth," homeless minor," or "homeless student," including Arizona, California, Colorado, Florida, Idaho, Illinois, Indiana, Kansas,

Louisiana, Maine, Michigan, Minnesota, Missouri, Nevada, New Jersey, New York, and West Virginia.

Some jurisdictions' terminology and definitions for youth in high-risk situations reflect a punitive or blaming attitude toward these young people.

Twenty-eight jurisdictions do not explicitly define "runaway," but clearly include this group of young people in a broader grouping of young persons in high-risk situations. Eight jurisdictions do not explicitly define "homeless child," "homeless youth," "homeless minor," or "homeless student," but include this group of young people in a broader grouping of young persons in high-risk situations. Many of these jurisdictions use terms such as "dependent" or "in need of services" for these children and youth. In fewer instances, runaway and homeless youth are among the young people defined by statute as "incorrigible" (Arizona), "unruly" (Georgia), "delinquent" (Indiana), "vagrant" (Mississippi), or "status offender."

Analysis

The fact that so few jurisdictions have established statutory definitions of the term "youth" indicates that statutes have not kept pace with contemporary understanding of human development and the distinctions between its childhood and adolescent phases. Furthering this point, the fact that so many jurisdictions determine the age of majority to be age 18 indicates that older youth are not viewed as different from adults. It may also suggest that the public sector's responsibility for individuals diminishes beyond age 17.

Current understanding of youth development, psychosocial functioning, and cultural norms indicate that youth are never truly "independent" at age 18. The inclusion of young people ages 18 and older in categories other than "adult" in six jurisdictions appears to recognize this reality, and moreover, suggests an opportunity for other jurisdictions to move in the same direction.

Although runaway and homeless children and youth reside in every state and territory, a majority of jurisdictions do not have specific definitions of these populations. This is likely reflective of the large absence of focused attention by the jurisdictions on children and youth in runaway and homeless situations. Inclusion of explicit definitions for runaway and homeless youth, in the context of protections, opportunities, and supports would naturally signal states' recognition that these groups of young people have unique life circumstances and needs that require targeted opportunities and supports.

Some jurisdictions' terminology and definitions for youth in high-risk situations reflect a punitive or blaming attitude toward these young people. Terms such as "vagrant," "unruly," or "incorrigible" have negative connotations. Further, definitions of "runaway" that establish absence "without permission" from the young person's guardian implies rebelliousness on the youth's part, rather than the more likely circumstance that the young person has been "thrown away" by the guardian or has "voluntarily" fled the home environment for safety considerations.

Noteworthy Statutes

Ohio's definition of "runaway" is well constructed in that it simply acknowledges that "any child who is separated from the child's guardian and appears to be in need of emergency housing and other services" is a runaway, but does not comment on the cause of the child's separation from the guardian or whether the separation need be voluntary or coerced on the part of the young person. Ohio Rev. Code Ann. §5119.64 (2011).

New Jersey's definition of "homeless youth" merits consideration both because it includes persons 21 years of age or younger within its scope and because it acknowledges that even these older young people are in need of "appropriate care and supervision." N.J. Rev. Stat. § 9:12A-4 (2011).

Maine's definition of "homeless person" is important in that it includes persons who are "in imminent danger of losing an adequate nighttime residence." Me. Rev. Stat. Ann. tit. 30-A, § 5002 (2011).

Florida, Maine, Missouri, New Hampshire's definitions of "homeless child" or "homeless student" track the language of the federal McKinney-Vento Act's education provisions, which is important because it explicitly encompasses children and youth sharing the housing of others, or "doubled-up" with family and friends due to economic necessity. Similarly, North Carolina refers directly to the McKinney-Vento Act. Fla. Stat. § 1003.01 (2011); Me. Rev. Stat. Ann. tit.

20-A, § 1 (2011); Mo. Rev. Stat. § 167.020 (2011); N.H. Rev. Stat. Ann. § 193:12 (2011); N.C. Gen. Stat. § 115C-366 (2011).

Recommendations

- Establish a definition of "youth" that is distinct from "child;"
- Extend eligibility for publicly-funded opportunities and supports available to children and youth to include older young people through age 24;
- Explicitly define "runaway child" and "runaway youth" in both criminal and civil statutes;
- Explicitly define "homeless child" and "homeless youth" in both criminal and civil statutes using the definition found in the education subtitle of the McKinney-Vento Act;
- Establish separate definitions of "missing child" and "runaway child;" and
- Replace judgmental and negative terminology (e.g., unruly, incorrigible, vagrant) for youth in high-risk situations with neutral terminology.

Research Methodology and Limitations

To compile state and territorial statutes defining and classifying young people and young people in runaway and homeless situations, our search used the following terms: Adult, Child, Infant, Juvenile, Minor, Minority, Majority, Nonage, Youth, Homeless, Runaway, Run(s) Away, Absent and, Home.

Because these words appear countless times throughout each state's statute, our search focused upon the most pertinent definitions of these terms. Typically, the definitions we selected to summarize occur in titles of the code most likely to affect young people. In some instances, we drew upon definitions of these terms in other titles if the term was not defined in a more obvious "children and families" title.

With regard to our investigation of the definition of "child," "youth," and other terms describing young people, the research focused on age parameters. Other determinants that could also classify one as a child, such as mental disability, were not captured.

With regard to our search for definitions of "runaway youth" and "homeless youth," we looked for explicit definitions of these populations. In the case of homeless youth, if no such definition existed for that population in the statute, we did capture in the compendium the statute's definition of "homeless" generally, in the belief that one could reasonably combine the definitions of "child" or "youth" with "homeless" to construct a statutory definition of "homeless youth."

Definitions Of Child, Infant, Juvenile, Minor, And Youth

Alabama

Child: Any person under 18 years of age [Courts Title]. Ala. Code §12-15-102 (2011).

Minor: Any person under 19 years of age and not a child. [Courts Title]. Ala. Code §12-15-102 (2011). See also [Infants and Incompetents Title]. Ala. Code §26-1-1 (2011).

Alaska

Child: Any person under 18 years of age [Welfare, Social Services and Institutions Title]. Alaska Stat. §47.10.990 (2011).

Minor: Any person under 18 years of age [Welfare, Social Services and Institutions Title]. Alaska Stat. §47.12.990 (2011).

Arizona

Child: Any person under 18 years of age [Children Title]. Ariz. Rev. Stat. § 8-201 (2011).

Juvenile: Any person under 18 years of age [Children Title]. Ariz. Rev. Stat. § 8-201 (2011).

Minor: Any person under 18 years of age [General Provisions Title]. Ariz. Rev. Stat. § 1-212 (2011).

Youth: Any person under 18 years of age [Children Title]. Ariz. Rev. Stat. § 8-201 (2011).

Arkansas

Child: Any person under 18 years of age [Family Law Title]. Ark. Code Ann. §9-30-103 (2011).

Juvenile: Any person from birth to 18 years of age. [Juvenile Code]. Ark. Code Ann. § 9-27-303 (2010).

Minor: Any person under 18 years of age [Criminal Offenses Title]. Ark. Code Ann. § 5-2-601 (2011).

California

Minor: Any person under 18 years of age [Family Code, Minors Division]. Cal. Fam. Code § 6500 (2010).

Colorado

Child: Any person under 18 years of age [Children's Code]. Colo. Rev. Stat. § 19-1-103 (2010).

Juvenile: Any person under 18 years of age [Children's Code]. Colo. Rev. Stat. § 19-1-103 (20010).

Youth or Child: Any person who is at least 15 years of age but is less than 18 years of age [Homeless Youth Article]. Colo. Rev. Stat. § 26-5.7-102 (2010).

Connecticut

Child: Any person under 16 years of age [Social and Human Services and Resources Title, Department of Children and Families Chapter]. Conn. Gen. Stat. § 17a-1 (2011).

Youth: Any person at least 16 and under 19 years of age [Social and Human Services and Resources Title, Department of Children and Families Chapter]. Conn. Gen. Stat. § 17a-1 (2011).

Delaware

Child: Any person under 18 years of age [General Provisions Title, Interpretation of Statutes Chapter]. Del. Code Ann. tit. 1, § 302 (2011).

Infant: Any person under 18 years of age [General Provisions Title, Interpretation of Statutes Chapter]. Del. Code Ann. tit. 1, § 302 (2011).

Juvenile: Any person under 18 years of age [Youth Services Commission Chapter]. Del. Code Ann. tit. 31,§ 5101 (2011).

Minor: Any person under 18 years of age [General Provisions Title, Interpretations of Statutes Chapter]. Del. Code Ann. tit. 1, § 302 (2011).

Florida

Child: Any unmarried person under 18 years of age [Criminal Procedure and Corrections Title, Children and Families in Need of Services Chapter]. Fla. Stat. Ann. § 984.03 (2011).

Juvenile: Any unmarried person under 18 years of age [Criminal Procedure and Corrections Title, Children and Families in Need of Services Chapter]. Fla. Stat. Ann. § 984.03 (2011).

Minor: Any person under 18 years of age whose disabilities have not been removed by marriage or other things [Domestic Relations Title, Guardianship Chapter]. Fla. Stat. Ann. § 744.102 (2011).

Youth: Any unmarried person under 18 years of age [Criminal Procedure and Corrections Title, Children and Families in Need of Services Chapter]. Fla. Stat. Ann. § 984.03 (2011).

Georgia

Child: Any person under 17 years of age, under 21 years of age and under the supervision of the court, or under 18 years of age and alleged to be a "deprived child" or a "status offender" [Courts Title, Juvenile Proceedings Chapter]. Ga. Code Ann. § 15-11-2 (2011).

Minor: Any person under 18 years of age [Minors Title]. Ga. Code Ann. § 39-1-1 (2011).

Hawaii

Child: Any person under 18 years of age [Family Title]. Haw. Rev. Stat. Ann. § 571-2 (2011).

Minor: Any person under 18 years of age [Family Title]. Haw. Rev. Stat. Ann. § 571-2 (2011).

Idaho

Child: Any person under 18 years of age who is not enrolled in an institution of higher education [Health and Safety Title]. Idaho Code Ann. §39-1202 (2011).

Juvenile: Any person under 18 years of age [Probate Code Title, Juvenile Corrections Act Chapter]. Idaho Code Ann. §20-502 (2011).

Minor: Any person under 18 years of age [Domestic Relations Title]. Idaho Code Ann. §32-101 (2011).

Illinois

Child: Any person under 18 years of age who has not been emancipated by marriage or entry into the armed forces [Children Chapter]. 325 Ill. Comp. Stat. Ann. 5/3 (2011); any person under the age of 18 and certain persons under the age of 21who have been committed to the Department of Children and Family Services prior to the age of 18 [Children and Family Services Act]. 20 Ill. Comp. Stat. Ann.505/5 (2011).

Minor: Any person under 18 years of age [Children Chapter]. 325 Ill. Comp. Stat. Ann. 45/2 (2011).

Indiana

Child: Any person under 18 years of age [Family Law & Juvenile Law Title]. Ind. Code Ann. § 31-9-2-13 (2011).

Infant: Any person under 18 years of age [General Provisions Title, Construction of Statutes Chapter]. Ind. Code Ann. § 1-1-4-5 (2011).

Minor: Any person under 18 years of age [General Provisions Title, Construction of Statutes Chapter]. Ind. Code Ann. § 1-1-4-5 (2011).

Iowa

Child: Any person under 18 years of age [Juvenile Justice Chapter]. Iowa Code § 232.2 (2011).

Juvenile: Any person under 18 years of age [Juvenile Justice Chapter]. Iowa Code § 232.2 (2011).

Kansas

Juvenile: Any person who (a) is 10 or more years of age but less than 18 years of age, (b) is alleged to be a juvenile offender, or (c) has been adjudicated as a juvenile offender and continues to be subject to the jurisdiction of the court [Minors Chapter]. Kan. Stat. Ann. § 38-2302 (2011).

Minor: Any person under 18 years of age, except persons 16 years of age or older who are married. [Minors Chapter]. Kan. Stat. Ann. § 38-101 (2011).

Kentucky

Child: Any person under 18 years of age [Unified Juvenile Code Title]. Ky. Rev. Stat. Ann. § 600.020 (2011).

Minor: Any person under 18 years of age [Kentucky Penal Code Title]. Ky. Rev. Stat. Ann. §500.080 (2011).

Louisiana

Child: Any person under 18 years of age [Children's Code]. La. Child. Code Ann.art. 116 (2011).

Minor: Any person under 18 years of age [Children's Code]. La. Child. Code Ann. art. 116 (2011).

Maine

Child: Any person under 18 years of age [General Provisions Title, Rules of Construction Chapter]. Me. Rev. Stat. Ann. tit. 1, § 72 (2011).

Infant: Any person under 18 years of age [General Provisions Title, Rules of Construction Chapter]. Me. Rev. Stat. Ann. tit. 1, § 72 (2011).

Juvenile: Any person under 18 years of age [Maine Juvenile Code Title]. Me. Rev. Stat. Ann. tit. 15, § 3003 (2011).

Minor: Any person under 18 years of age [General Provisions Title, Rules of Construction Chapter]. Me. Rev. Stat. Ann. tit. 1, § 72 (2011).

Maryland

Child: Any person under 18 years of age [Courts of General Jurisdiction Title, Juvenile Causes Subtitle]. Md. Code Ann., Cts. & Jud. Proc. § 3-801 (2011).

Minor: Any person under 18 years of age [Criminal Law, General Provisions Title, General Definitions Subtitle]. Md. Code Ann. Est. & Trusts§ 1-101 (2011).

Massachusetts

Child: Any person under 18 years of age [Public Welfare Title, Protection and Care of Children, and Proceedings Against Them Chapter]. Mass. Ann. Laws ch. 119, § 21 (2011).

Minor: Any person under 18 years of age [Jurisdiction and Emblems of the Commonwealth, The General Court, Statutes and Public Documents Title; Statutes Chapter]. Mass. Ann. Laws ch. 4, § 7 (2011).

Michigan

Child: A person under 18 years of age [Children Chapter]. Mich. Comp. Laws Serv. § 722.622 (2011).

Minor: A person under 18 years of age [Children Chapter]. Mich. Comp. Laws Serv. § 722.1 (2011).

Minnesota

Child: Any person under 18 years of age [Public Welfare and Related Activities Title]. Minn. Stat. § 256E.21, 260C.007 (2010).

Minor: Any person under 18 years of age [Public Welfare and Related Activities Title]. Minn. Stat. § 260C.007 (2010) and [Statutes, Construction Title] Minn. Stat. § 645.45 (2010).

Mississippi

Child: Any person under 18 years of age, who is unmarried and not on active duty in the armed forces [Public Welfare Title, Youth Court Chapter]. Miss. Code Ann. § 43-21-105 (2011).

Infant: Any person under 21 years of age [Laws and Statutes Title, Construction of Statutes Chapter]. Miss. Code Ann. § 1-3-21 (2011).

Minor: Any person under 21 years of age [Laws and Statutes Title, Construction of Statutes Chapter]. Miss. Code Ann. § 1-3-27 (2011).

Youth: Any person under 18 years of age, who is unmarried and not on active duty in the armed forces [Youth Court Chapter]. Miss. Code Ann. § 43-21-105 (2011).

Missouri

Child: Any person under 18 years of age or any person in the custody of the Division of Family Services who is under 21 years of age [Domestic Relations Title, Adoption and Foster Care Chapter]. Mo. Rev. Stat. § 453.015 (2011); any person under 17 years of age or any person 17 years of age but under 18 years of age alleged to have committed a status offense [Public Heath and Welfare Title, Juvenile Courts Chapter]. Mo. Rev. Stat. § 211.021 (2011).

Minor: Any person under 18 years of age or any person in the custody of the division of family services who is under 21 years of age [Domestic Relations Title, Adoption and Foster Care Chapter]. Mo. Rev. Stat. § 453.015 (2011).

Montana

Child: Any person under 18 years of age [Minors Title, Child Abuse and Neglect Chapter]. Mont. Code Ann. §41-3-102 (2010).

Minor: Any person under 18 years of age [Minors Title, Rights and Obligations of Minors Chapter]. Mont. Code Ann. § 41-1-101 (2010).

Youth: Any person under 18 years of age without regard to sex or emancipation [Minors Title, Youth Court Act]. Mont. Code Ann. § 41-5-103 (2010).

Nebraska

Juvenile: Any person under 18 years of age [Infants and Juveniles Chapter, Juvenile Code]. Neb. Rev. Stat. Ann. § 43-245 (2011).

Minor: Any unmarried person under 19 years of age [Infants and Juveniles Chapter, Age of Majority]. Neb. Rev. Stat. Ann. § 43-2101 (2011).

Nevada

Child: Any person under 18 yeas of age or a person under 21 years of age and subject to the jurisdiction of the juvenile court [Procedure in Juvenile Cases Title, General Provisions Chapter]. Nev. Rev. Stat. Ann. § 62A.030 (2011).

Minor: Any person under 18 years of age [Wills and Estates of Deceased Persons Title, General Provisions Chapter]. Nev. Rev. Stat. Ann. § 132.230 (2011).

New Hampshire

Child: Any person under 18 years of age [Public Safety and Welfare Title, Child Protection Act Chapter]. N.H. Rev. Stat. Ann. 169-C:3 (2011).

Minor: Any person under 17 years of age [Public Safety and Welfare Title, Delinquent Children Chapter]. N.H. Rev. Stat. Ann. 169-B:2 (2011).

New Jersey

Child: Any person under 18 years of age [Children – Juvenile and Domestic Relations Courts Title]. N.J. Rev. Stat. § 9:2-13 (2011).

Minor: Any person under 18 years of age [Administration of Estates – Decedents and Others Title]. N.J. Rev. Stat. § 3B;1-2 (2011).

New Mexico

Child: Any person under 18 years of age [Children's Code Chapter]. N.M. Stat. Ann. § 32A-1-4 (2011).

Minor: Any person under 18 years of age [Uniform Probate Code Chapter]. N.M. Stat. Ann. §45-1-201 (2011).

New York

Child: Any person under 18 years of age or a full-time student under 19 years of age [Social Services Law] N.Y. Soc. Serv. Law § 345 (2011); any person "actually or apparently" under 18 years of age [Social Services Law] N.Y. Soc. Serv. Law § 371 (2011); any person under 18 years of age [Domestic Relations Law] N.Y. Dom. Rel. Law § 75(a) (2011).

Infant: Any person under 18 years of age [Family Court Act Title]. N.Y. Fam. Ct. Act § 119 (2011).

Minor: Any person under 18 years of age [Family Court Act Title]. N.Y. Fam. Ct. Act § 119 (2011).

North Carolina

Juvenile: Any person under 18 years of age who is not married, emancipated, or a member of the United States armed forces [Juvenile Code Chapter]. N.C. Gen. Stat. § 7B-101 (2011).

Minor: Any person under 18 years of age [Minors Chapter]. N.C. Gen. Stat. §48A-2 (2011).

North Dakota

Child: Any person under 18 years of age [Domestic Relations and Persons Title, Minors Chapter]. N.D. Cent. Code, § 14-10-01 (2011).

Minor: Any person under 18 years of age [Domestic Relations and Persons Title, Minors Chapter]. N.D. Cent. Code, § 14-10-01 (2011).

Ohio

Child: Any person under 18 years of age, unless adjudicated an unruly child, in which case such person shall be deemed a child until age 21 [Courts—Probate—Juvenile Title, Juvenile Court Chapter]. Ohio Rev. Code. Ann. § 2151.011 (2011).

Minor: Any person under 18 years of age [Domestic Relations – Children Title, Children Chapter]. Ohio Rev. Code Ann. § 3109.01 (2011).

Oklahoma

Child: Any unmarried person under 18 years of age [Children and Juvenile Code Title; Oklahoma Children's Juvenile Code]. Okla. Stat. Ann. tit. 10A, § 1-1-105 (2011); any person under 18 years of age [Children and Juvenile Code Title; Oklahoma Children's Code]. Okla. Stat. Ann. tit. 10A, § 1-1-105 (2011).

Infant: Any child who is 12 months of age or younger [Children and Juvenile Code Title; Oklahoma Children's Code]. Okla. Stat. Ann. tit. 10A, § 1-1-105 (2011).

Juvenile: Any person under 18 years of age [Children and Juvenile Code Title; Oklahoma Juvenile Code]. Okla. Stat. Ann. tit. 10A § 2-1-103 (2011).

Minor: Any unmarried person under 18 years of age [Children and Juvenile Code Title; Oklahoma Children's Juvenile Code]. Okla. Stat. Ann. tit. 10A, § 1-1-105 (2011).

Oregon

Child: Any person under 21 years of age [Human Services; Juvenile Code; Corrections Title; Child Welfare Services Chapter]. Or. Rev. Stat. § 418.001 (2009); any unmarried person under 18 years of age [Human Services; Juvenile Code; Corrections Title; Child Welfare Services Chapter]. Or. Rev. Stat. § 419B.005 (2009).

Juvenile: Any person under 21 years of age [Human Services; Juvenile Code; Corrections Title; Child Welfare Services Chapter]. Or. Rev. Stat. § 418.001 (2009).

Minor: Any person under 18 years of age [Human Services; Juvenile Code; Corrections Title; Juvenile Code: Dependency Chapter]. Or. Rev. Stat. § 419B.550 (2009).

Youth: Any person under 18 years of age who is alleged to have committed an act that, if committed by an adult, is a violation of law [Human Services; Juvenile Code; Corrections Title; Juvenile Code Chapter]. Or. Rev. Stat. § 419A.004 (2009).

Pennsylvania

Child: Any unemancipated person under 18 years of

age [Domestic Relations Title, Child Custody Chapter]. 23 Pa. Cons. Stat. § 5322 (2011).

Minor: Any person under 21 years of age [General Provisions Title, Rules of Construction Chapter]. 1 Pa. Cons. Stat. § 1991 (2011); any person under 18 years of age [Domestic Relations Title, Abuse of Family Chapter]. 23. Pa. Cons. Stat. § 6102 (2011).

Rhode Island

Child: Any person under 18 years of age [Delinquent and Dependent Children Title]. R.I. Gen. Laws §14-1-3 (2011).

Minor: Any person under 18 years of age [Domestic Relations Title]. R.I. Gen. Laws § 15-12-1 (2011).

South Carolina

Child: Any person under 18 years of age [South Carolina Children's Code Title]. S.C. Code Ann. § 63-1-40 (2010).

Minor: Any unemancipated, unmarried person under 21 years of age [Children's Code]. S.C. Code Ann. § 63-5-510 (2009); any unemancipated, unmarried person under 18 years of age [South Carolina Probate Code Title]. S.C. Code Ann. § 62-1-201 (2009).

South Dakota

Child: Any person under 18 years of age or any person under 21 years of age that is in the continuing jurisdiction of the court [Minors Title]. S.D. Codified Laws § 26-7A-1 (2011).

Minor: Any person under 18 years of age [Minors Title]. S.D. Codified Laws § 26-1-1 (2011).

Tennessee

Child: Any person under 18 years of age or under 19 years of age and under the continuing jurisdiction of the court [Juveniles Title]. Tenn. Code Ann. § 37-5-103 (2011); any person under 21 years of age [Juveniles Title, Miscellaneous Provisions Chapter (Missing Children Recovery Act)]. Tenn. Code Ann. § 37-10-201 (2011).

Juvenile: Any person under 18 years of age [Juveniles Title]. Tenn. Code Ann. § 37-5-103 (2011).

Minor: Any person under 18 years of age [Code and Statutes Title, Construction of Statutes Chapter] Tenn. Code Ann. § 1-3-105 (2011).

Texas

Child: Any person 10 years of age or older and under 17 years of age, or between 17 and 18 years of age who is in the supervision of the courts [Juvenile Justice Code Title]. Tex. Fam. Code § 51.02 (2010); any unmarried person under 18 years of age [The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship Title]. Tex. Fam. Code § 101.003 (2011).

Minor: Any unmarried person under 18 years of age [The Parent-Child Relationship and the Suit Affecting the Parent-Child Relationship Title]. Tex. Fam. Code § 101.003 (2011).

Youth: Any person under 18 years of age [General Government Title; State Buildings, Grounds, and Property Chapter]. Tex. Gov't Code § 2165.254 (2010).

Utah

Child: Any person under 18 years of age [Utah Human Services Code Title, Child and Family Services Chapter]. Utah Code Ann. § 62A-4a-101 (2011).

Minor: Any person under 18 years of age, or any person 18 years of age and under 21 years of age for whom a juvenile court has ordered the Division of Child and Family Services to provide service [Utah Human Services Code Title, Child and Family Services Chapter]. Utah Code Ann. § 62A-4a-101 (2011).

Vermont

Child: Any person under 13 years of age [Human Services Title, Child Care Chapter]. Vt. Stat. Ann. tit. 33, § 3511 (2010); any person under 18 years of age, under 21 years of age, and a student [Domestic Relations Title] Vt. Stat. Ann. tit. 15, § 201 (2011); any person under 18 years of age and is a child in need of care or supervision; any person who is alleged to have committed an act of delinquency at or following the age of 10, but before the age of 18 [Human Services Title, General Provisions Chapter] Vt. Stat. Ann. tit. 33, § 5102 (2011).

Virginia

Child: Any person under 18 years of age [Juvenile Justice Title]. Va. Code Ann. § 66-12 (2011); [General Provisions Title, Common Laws and Rules of Construction Chapter] Va. Code Ann. § 1-207 (2011); [Juvenile and Domestic District Courts Chapter] Va. Code Ann. §16.1-228 (2011).

Infant: Any person under 18 years of age [General Provisions Title, Common Laws and Rules of Construction Chapter]. Va. Code Ann. § 1-207 (2011).

Juvenile: Any person under 18 years of age [Juvenile

and Domestic Relations District Courts Chapter]. Va. Code Ann. §16.1-228 (2011); [General Provisions Title, Common Laws and Rules of Construction Chapter]. Va. Code Ann. § 1-207 (2011)

Minor: Any person under 18 years of age [Juvenile and Domestic Relations District Courts Chapter]. Va. Code Ann. § 16.1-228 (2011); [General Provisions Title, Common Laws and Rules of Construction Chapter]. Va. Code Ann. § 1-207 (2011).

Washington

Child: Any person under 18 years of age [Juvenile Courts and Juvenile Offenders Title]. Wash. Rev. Code. Ann. § 13.04.011 (2011).

Juvenile: Any person under 18 years of age [Juvenile Courts and Juvenile Offenders Title]. Wash. Rev. Code Ann. § 13.04.011 (2011).

Youth: Any person under 18 years of age [Juvenile Courts and Juvenile Offenders Title]. Wash. Rev. Code Ann. § 13.04.011 (2011).

West Virginia

Child: Any person under 18 years of age [Child Welfare Chapter]. W. Va. Code Ann. § 49-1-2 (2011).

Juvenile: Any person under 18 years of age [Child Welfare Chapter]. W. Va. Code Ann. § 49-1-2 (2011).

Wisconsin

Child: Any person under 18 years of age [Children's Code Chapter]. Wis. Stat. Ann. § 48.02 (2011).

Juvenile: Any person under 18 years of age [Juvenile Justice Code Chapter]. Wis. Stat. Ann. § 938.02 (2011).

Wyoming

Age of Majority: Any person reaches the age of majority upon becoming 18 years of age [Children Title]. Wyo. Stat. Ann. § 14-1-101 (2011).

Child: Any person under the age of majority (18) [Children Title]. Wyo. Stat. Ann. § 14-6-402 (2011).

Minor: Any person under the age of majority (18) [Children Title]. Wyo. Stat. Ann. § 14-6-402 (2011).

American Samoa

Child: Any person under 18 years of age, or a mentally retarded or developmentally disabled person regardless of age. Am. Samoa Code Ann. § 45.0103 (2010).

District of Columbia

Child: Any person under 18 years of age [Family Division Proceedings Chapter]. D.C. Code Ann. § 16-2301 (2011).

Minor: Any person under 21 years of age [Family Division Proceedings Chapter]. D.C. Code Ann. § 16-2301 (2011).

Youth: Any person who is at least 13 years of age and under 18 years of age [Youth Affairs Chapter]. D.C. Code Ann. § 2-15014 (2011).

Guam

Child: Any person under 18 years of age [Family Court Act]. Guam Code Ann. tit. 19, § 5102 (2011).

Minor: Any person under 18 years of age [Persons in General Title]. Guam Code Ann. tit. 19, § 1101, §5102 (2011).

Northern Mariana Islands

Child: Any person under 18 years of age. 1 N. Mar. I. Code § 2373 (2007).

Juvenile: Any person under 18 years of age. 1 N. Mar. I. Code § 2373 (2007).

Minor: Any person under 18 years of age. 1 N. Mar. I. Code § 2373 (2007).

Youth: Any person under 18 years of age. 1 N. Mar. I. Code § 2373 (2007).

Puerto Rico

Child: Any person under 21 years of age [Public Welfare and Charitable Institutions Title]. P.R. Laws Ann. tit. 8, § 68 (2008).

Minor: Any person under 18 years of age [Public Welfare and Charitable Institutions Title, Comprehensive Child Wellbeing and Protection Act Chapter]. P.R. Laws Ann. tit. 8, § 444 (2009).

Youth: Any person between 13 and 29 years of age [The Commonwealth Title, Youth Bill of Rights Chapter]. P.R. Laws Ann. tit. 1, §445 (2008).

Virgin Islands

Child: Any person under 18 years of age [Welfare Title]. V.I. Code Ann. tit. 34, §104 (2011). [Judicial Procedure Title, Family Division of Superior Courts Chapter] V.I. Code Ann. tit. 5, § 2502 (2011).

Juvenile: Any person under 18 years of age [Judicial Procedure Title, Family Division of Superior Courts Chapter]. V.I. Code Ann. tit. 5, § 2502 (2011).

Minor: Any person under 18 years of age [Judicial Procedure Title, Family Division of Superior Courts Chapter]. V.I. Code Ann. tit. 5, § 2502 (2011).

Classifications Of Homeless And Runaway Youth

Alabama

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a missing child. Under state law, a missing child is a child who voluntarily leaves the care and control of the child's guardian without intent to return and without the guardian's consent. Ala. Code § 26-19-1 (2011).

Alaska

Homeless: No specific definition.

Runaway Minor: Any person under 18 years of age who is habitually absent from home or refuses to accept available care. Alaska Stat. § 47.10.390 (2011). A runaway could also be classified as a child in need of aid. A child in need of aid is, among other things, a child who is habitually absent from home. Alaska Stat. § 47.10.011 (2011).

Arizona

Homeless Minor: Any person under 18 years of age who lives apart from the minor's guardian and who lacks a fixed, regular nighttime residence or whose primary residence is an emergency shelter, halfway house, or a place not designated for or ordinarily used for sleeping. Ariz. Rev. Stat. § 44-132 (2011).

Runaway: No specific definition, but could be classified as an incorrigible child. An incorrigible child is, among other things, a runaway. Ariz. Rev. Stat. § 8-201 (2011).

Arkansas

Homeless: No specific definition, but all juveniles in shelters or awaiting foster care placement who are in the custody of the Department are considered homeless children and youth. Ark. Code. Ann. § 9-27-332 (2011).

Runaway: No specific definition, but could be classified as a child of a family in need of services. Under state law, a family in need of services means, among other things, any family whose juvenile has absented him/herself from the home without sufficient cause, permission, or justification. Ark. Code. Ann. § 9-27-303 (2011).

California

Homeless Person: An individual or family, who prior to participation in a transitional housing program, lacked a fixed, regular and adequate nighttime residence or had a primary residence in a supervised shelter, an institution providing temporary residence for individuals intended to be institutionalized, or a place not designated for regular sleeping accommodations for human beings. Cal. Health & Safety Code § 50582 (2010).

Homeless Children: A school-aged child who lacks a fixed, regular, and adequate nighttime residence or who has a primary residence in a supervised shelter, an institution providing temporary residence for individuals intended to be institutionalized, a temporary/makeshift arrangement in the accommodations of another person, or a place not designated for regular sleeping accommodations for human beings. Cal. Educ. Code § 1981.2 (2010).

Homeless Youth: Any person 24 years of age or under that is homeless, at-risk of being homeless, is no longer eligible for foster care, or has run away from home; any person under 18 years of age who is emancipated and is homeless or at-risk of becoming homeless. Cal. Gov't Code § 11139.3 (2011).

Runaway: No specific definition.

Colorado

Homeless Youth: A youth who is at least 15 but is less than 18 and who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Colo. Rev. Stat. 26-5.7-102 (2010). A homeless youth could also be classified as neglected or dependent. A child is neglected or dependent if the child is, among other things, homeless. Colo. Rev. Stat. 19-3-102 (2010).

Runaway: No specific definition, but could be classified as neglected or dependent child. A neglected or dependent child is, among other things, a child who has run away from home. Colo. Rev. Stat. 19-3-102 (2010).

Connecticut

Homeless Person: Any person who does not have overnight shelter or sufficient income/resources to secure shelter. Conn. Gen. Stat. § 8-355 (2011).

Homeless Child: No specific definition, but a could be classified as "uncared for." A child is uncared for if the child is homeless or if the child's home cannot provide the specialized care which the child's physical, emotional, or mental condition requires. Conn. Gen. Stat. § 46b-120 (2011).

Runaway: No specific definition, but police officers are authorized to transport, with the permission of the person being transported, any person over 16 and under 18 years of age who appears to be away from home without permission of his/her parents or guardian or who appears to be suffering from lack of food, shelter, or medical care. Conn. Gen. Stat. §17a-185 (2011).

Delaware

Homeless: No specific definition, but could be classified as a "dependent child." A dependent child is a child for whom an adult is responsible, but the adult fails to provide necessary food, clothing, shelter, education, health care, medical care, or other care necessary for the child's emotional, physical, or mental health, safety, and general well-being. A dependent child can also be defined as a child who is living in a nonrelated home on an extended basis without the consent and approval of the Department of Services for Children, Youth and Families or any court-licensed or authorized agency designated to place children in a nonrelated home. Del. Code Ann. tit. 10, § 901(2011).

Runaway: No specific definition.

Florida

Homeless: Any child who lacks a fixed, regular, and adequate nighttime residence, which includes children who (a) are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason, (b) are living in motels, hotels, travel trailer parks, or camping grounds due to the lack of alternative adequate accommodations, (c) are living in emergency or transitional shelters, (d) are abandoned in hospitals, (e) are awaiting foster care placement, (f) have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, or (g) are living in cars, parks, public spaces, abandoned buildings, bus or train stations, or similar settings, as well as migratory children. Fla. Stat. § 1003.01 (2011).

Runaway: No specific definition, but could be classified as a child in need of services. A child in need of services is, among other things, a child that is found to have persistently run away from the child's guardian despite reasonable efforts that were made to help the child. Fla. Stat. § 984.03 (2011).

Georgia

Homeless: Any person or family who has no access or reasonably expected not to have access to either traditional or permanent housing which can be considered safe, sanitary, decent, and affordable. Ga. Code Ann. § 8-3-301 (2011).

Runaway: No specific definition, but could be classified as an unruly child. Under state law, an unruly child means, among other things, a child who, without consent of his/her guardian deserts his/her home. Ga. Code Ann. § 15-11-2 (2011).

Hawaii

Homeless: An individual or family who lacks a fixed, regular, and adequate night-time residence or who has a primary night-time residence in a shelter, temporary living institution or public or private place not designated for regular sleeping accommodations for humans. Haw. Rev. Stat. Ann § 346-361 (2011).

Runaway: No specific definition.

Idaho

Homeless Child: A child who is without adequate shelter or other living facilities, and the lack of such shelter or other living facilities poses a threat to the health, safety, or well-being of the child. Idaho Code Ann. § 16-1602 (2011).

Runaway: An individual under 18 years of age that is reported to any law enforcement agency as a runaway. Idaho Code Ann. § 18-4508 (2011).

Illinois

Homeless Youth: A person under 19 years of age who is not in a safe and stable living situation and cannot be reunited with his or her family. 20 Ill. Comp. Stat. Ann. 505/5 (2011).

Runaway Youth: A person under 18 years of age who is absent from his/her legal residence without the consent of his/her parent or legal guardian or who is without a place of shelter where supervision or care are available. 55 Ill. Comp. Stat. Ann. 5/5-1090 (2011); 60 Ill. Comp. Stat. Ann. 1/215-15 (2011); 65 Ill. Comp. Stat. Ann. 5/11-5.2-3 (2011). A runaway could also be classified as a minor "requiring authoritative

intervention." A minor requiring authoritative intervention is, among other things, a minor under 18 years of age who is absent from home without the consent of the his/her guardian. 705 Ill. Comp. Stat. Ann. 405/3-3 (2011).

Indiana

Homeless Child: A minor who lacks a fixed, regular, and adequate nighttime residence. Ind. Code Ann. § 20-50-1-1 (2011).

Runaway: No specific definition, but could be classified as a delinquent child. A child commits a delinquent act if the child leaves home without reasonable cause and without permission of the child's guardian. Ind. Code Ann. § 31-37-2-2 (2011).

Iowa

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Iowa Code § 48A.2 (2011).

Chronic Runaway: A child who is reported to law enforcement more than once in any 30-day period or three or more times in any year. Iowa Code § 232.2 (2011).

Kansas

Homeless: A child who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Kan. Stat. Ann. § 72-1046 (2011).

Runaway: Any child under 18 years of age who is willfully and voluntarily absent from home or a designated placement without consent of a guardian. Kan. Stat. Ann. § 21-3612 (2011).

Kentucky

Homeless Individual: Any person who (a) lacks a fixed, regular, and adequate nighttime residence, (b) is at-risk of becoming homeless because the residence is not safe, decent, sanitary, or secure, (c) has a primary nighttime residence in a shelter, (d) has a primary nighttime residence not designated for human use, or (e) who does not have access to normal accommodations due to violence or the threat of violence from a cohabitant. Ky. Rev. Stat. Ann. § 198A.700 (2011).

Habitual Runaway: Any child who has been found by the court to have been absent from his/her place of lawful residence without the permission of his/her custodian for at least three days during a one year period. Ky. Rev. Stat. Ann. § 600.020 (2011).

Louisiana

Homeless: Any person under 21 years of age who is without a place of shelter where supervision and care are available. La. Rev. Stat. Ann. § 46:1352 (2011).

Runaway: Any person under 18 years of age who is absent from his/her legal residence without the consent of his/her guardian. La. Rev. Stat. Ann. § 46:1352 (2011).

Maine

Homeless Person: A person or family (a) who lacks, or is in imminent danger of losing, an adequate nighttime residence, or (b) whose primary nighttime residence is a shelter, institution that provides temporary residence, or a public or private place not designated for regular sleeping accommodations for humans. Me. Rev. Stat. Ann. tit. 30-A, § 5002 (2011).

Homeless Student: Any student who lacks a fixed, regular, and adequate nighttime residence; or is sharing the housing of others due to loss of housing or economic hardship, or is living in a public or private place not designated for regular sleeping accommodations for humans. Me. Rev. Stat. Ann. tit. 20-A, § 1 (2011).

Homeless Youth: A person 21 years of age or younger (a) who is unaccompanied by a parent or guardian, (b) who is without shelter where appropriate care and supervision are available, (c) whose parent or legal guardian is unable or unwilling to provide shelter and care, or (d) who lacks a fixed, regular, and adequate nighttime residence. Me. Rev. Stat. Ann. tit. 22, § 4099-D (2011).

Runaway: An unmarried child under 18 years of age who is absent from the home of a parent, guardian, or other lawful placement without the consent of the parent, guardian, or lawful custodian. Me. Rev. Stat. Ann. tit. 22, § 4099-D (2011).

Maryland

Homeless Person: A Maryland resident who is in need of housing, emergency shelter, and/or proper nutrition and cannot be placed immediately in another available housing, nutrition, and service program. Md. Code Ann. [Human Services] § 6-417.

(2011).

Runaway: No specific definition.

Massachusetts

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of services. A child in need of services is, among other things, a child who persistently runs away from the home of the child's guardian. Mass. Ann. Laws ch. 119, § 21 (2011).

Michigan

Homeless Person: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. Mich. Comp. Laws Serv. § 388.1763a (2011).

Homeless Child: Any school-age child who is homeless. Mich. Comp. Laws Serv. § 388.1763a (2011).

Runaway: No specific definition.

Minnesota

Long-Term Homelessness: Lacking a permanent place to live continuously for one year or more or at least four times in the past three years. Minn. Stat. § 256K.26 (2010).

Homeless Youth: A person 21 years of age or under (a) who is unaccompanied by a parent or guardian, (b) who is without shelter where appropriate care and supervision are available, (c) whose parent or legal guardian is unable or unwilling to provide shelter and care, or (d) who lacks a fixed, regular, and adequate nighttime residence. Minn. Stat. § 256K.45 (2010).

Runaway: An unmarried child under 18 years of age who is absent from the home of a parent or other legal placement without the consent of a guardian. Minn. Stat. §§ 260C.007, § 256K.45 (2010).

Mississippi

Homeless: No specific definition, but could be classified as a vagrant. Under state law, a vagrant includes any person over 16 years of age and under 21 years of age who is able to work and who does not, who has no property for support, who has no visible means of a livelihood, who lacks parental support, and who is not attending school. Miss. Code. Ann. § 97-35-37 (2011).

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision is, among other things, any child who is 7 years of age or older and is in need of treatment or rehabilitation because the child ran away from home without good cause. Miss. Code Ann. § 43-21-105 (2011).

Missouri

Homeless: An involuntary state, characterized by a lack of habitable housing or shelter. Mo. Rev. Stat. § 67.1062(2011).

Homeless child or homeless youth: Any person under 21 years of age who (a) lacks a fixed, regular, and adequate nighttime residence, (b) is living on the street, in a car, tent, abandoned building, or some other form of shelter not designed as a permanent home, (c) is sharing the housing of other persons, (d) is living in a hotel or motel, (e) is living in a community shelter facility, or (f) is living in transitional housing for less than one full year. Mo. Rev. Stat. § 167.020 (2011).

Runaway: No specific definition, but could be classified as a child in need of care and treatment. A child in need of care and treatment is, among other things, a child who is habitually absent from the child's home without sufficient cause, permission, or justification. Mo. Rev. Stat. § 211.031 (2011).

Montana

Homeless Child: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. Mont. Code Ann. § 20-5-101 (2010).

Runaway: No specific definition, but could be considered a youth in need of intervention. A youth in need of intervention is, among other things, a youth adjudicated for running away from home. "Running away from home" means that a youth has been reported to have run away from home without the consent of a guardian. Mont. Code Ann. § 41-5-103 (2010).

Nebraska

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence and who is living in a publicly or privately subsidized hotel, motel, shelter, or other temporary living quarters or any place not designated for or ordinarily used as regular sleeping accommodations. Neb. Rev. Stat. Ann. § 68-1602 (2011).

Runaway: No specific definition, but could be classified as a child in need of special supervision.

Under state law, a child in need of special supervision is, among other things, defined as any child under 18 who is habitually truant from home. Neb. Rev. Stat. Ann. § 28-709 (2011).

Nevada

Runaway and Homeless Youth: Any youth under 18 years of age who lives in a homeless situation (as defined by the McKinney-Vento Act, 42 U.S.C. § 11434a(2)(B)(ii)-(iii)) without the consent of a parent, guardian, or custodian. Nev. Rev. Stat. Ann. § 244.424 (2011).

Runaway Child: A runaway child could also be classified as a child in need of supervision. Under state law, a child in need of supervision is under 18 years of age, and among other things, a runaway. Nev. Rev. Stat. Ann. § 201.090 (2011).

New Hampshire

Homeless Children and Youths: Individuals who lack a fixed, regular, and adequate nighttime residence, including children and youths who (a) are sharing the housing of other persons out of necessity, (b) are living in motels, hotels, trailer parks, or camping grounds, (c) are living in shelters (d) are abandoned in hospitals (e) are awaiting foster care placement, or (f) have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings, such as cars, parks, public spaces, substandard housing, and bus and train stations. N.H. Rev. Stat. Ann. § 193:12 (2011).

Runaway: No specific definition, but could be classified as a child in need of services. A child in need of services is, among other things, a child under the age of 18 who habitually runs away from home. N.H. Rev. Stat. Ann. § 169-D:2 (2011).

New Jersey

Homeless Youth: Any person under 21 years of age or younger who is without shelter where appropriate care and supervision are available. N.J. Rev. Stat. § 9:12A-4 (2011).

Runaway or Homeless Youth: A person under 18 years of age who is absent from his legal residence without the consent of his parents or legal guardian, or who is without a place of shelter where supervision and care are available. N.J. Rev. Stat. § 40:5-2.10b (2011).

New Mexico

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child of a family in need of services. A family in need of services is, among other things, a family whose child is absent from the child's place of residence for 24 hours or more without the consent of the guardian. N.M. Stat. Ann. § 32A-3A-2 (2011).

New York

Homeless Person: Any undomiciled person who is unable to secure permanent and stable housing without special assistance, as determined by the Commissioner. N.Y. Soc. Serv. Law § 42 (2011).

Homeless Child: A child or youth who lacks a fixed, regular, and adequate nighttime residence, including a child or youth who has a primary nighttime location that is a place not intended to be used as a regular sleeping accommodation for human beings. This includes a child or youth who is living in a car, park, public space, abandoned building, substandard housing, bus or train stations, or similar setting. N.Y. Educ. Law § 3209 (2011) (expires June 30, 2012).

Homeless Youth: A person under 21 years of age who is in need of services and is without a place of shelter where supervision and care are available. N.Y. Exec. Law § 532-a (2011). A homeless child could also be classified as a destitute child. A destitute child is, among other things, any child who, through no neglect on the part of the child's guardian, is destitute or homeless. N.Y. Soc. Serv. Law § 371 (2011).

Runaway Youth: A person under 18 years of age who is absent from the minor's legal residence without the consent of the minor's guardian. N.Y. Exec. Law § 532-a (2011). A runaway could also be classified as a destitute child. A destitute child is, among other things, any child who, through no neglect on the part of the child's guardian, is absent from the child's legal residence without the consent of the child's guardian. N.Y. Soc. Serv. Law § 371 (2011).

North Carolina

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or are "homeless children and youths" as defined by the McKinney-Vento Homeless Education Assistance Improvements Act of 2001. N.C. Gen. Stat. § 115C-366 (2011).

Runaway: No specific definition, but could be

classified as an undisciplined juvenile. Under state law, an undisciplined juvenile is, among other things, a juvenile 16 or 17 years of age who has run away from home for a period of more than 24 hours. N.C. Gen. Stat. § 7B-1501 (2011).

North Dakota

Homeless Person: No specific definition, but refers to the definition provided by the Stewart B. McKinney Homeless Assistance Act. N.D. Cent. Code § 15.1-19-08 (2011).

Runaway: Any unemancipated minor who is voluntarily absent from the minor's home without consent of the minor's guardian and with the intention of evading the direction or control of the minor's guardian. N.D. Cent. Code § 12.1-08-10 (2011).

Ohio

Homeless: No specific definition, but could be classified as a dependent child. A dependent child is among other things, a child who is homeless, destitute, or without adequate parental care, through no fault of the child's guardian. Ohio Rev. Code Ann. § 2151.04 (2011).

Runaway Minor: Any minor who is separated from the minor's guardian and appears to be in need of emergency housing and other services. Ohio Rev. Code Ann. § 5119.64 (2011).

Oklahoma

Homeless Person: Any person or family who (a) lacks a fixed, regular, and adequate nighttime residence, (b) has a primary nighttime residence in a shelter or a public or private place not designed for the regular sleeping accommodations of humans, or (c) is in imminent danger of becoming homeless. Okla. Stat. tit. 74, § 2900.1 (2011).

Homeless Child: No specific definition, but could be classified as a dependent child. A dependent child is, among other things, homeless through no fault of his or her parent/guardian/custodian. Okla. Stat. tit. 10A, § 1-1-105 (2011). Could also be classified as a deprived child, which includes a child that is for any reason destitute, homeless, or abandoned. Okla. Stat. tit. 10A, § 1-1-105 (2011).

Runaway: Any unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a guardian, and without the guardian's knowledge of the child's whereabouts. Okla. Stat. tit. 21, § 856 (2011). A runaway may also be referred to as a delinquent child or a child in need of supervision. A delinquent child, among other things, is a minor who is a runaway from his guardian. Okla. Stat. tit. 21, § 857 (2011). A child in need of supervision is, among other things, a juvenile who is willfully and voluntarily absent from home without the consent of a guardian for a substantial length of time or without intent to return. Okla. Stat. tit. 10A,§ 2-1-103 (2011).

Oregon

Homeless Person: A person who has no fixed place of residence or resides in temporary housing such as a hotel or shelter. Or. Admin. R. 309-032-0180 (2011).

Runaway: No specific definition.

Pennsylvania

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a dependent child. A dependent child is, among other things, a child who is without a legal guardian, has been abandoned by the child's guardian, or has committed acts of disobedience relating to the lawful and reasonable commands and control of the child's guardian. 42 Pa. Cons. Stat. § 6302 (2011).

Rhode Island

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a wayward child. A wayward child is, among other things, a child who has deserted the child's home without good or sufficient cause. R.I. Gen. Laws §14-1-3 (2011).

South Carolina

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. S.C. Code Ann. § 56-1-3350 (2010).

Runaway: No specific definition, but could be classified as a status offender. S.C. Code Ann § 63-1-40 (2010).

South Dakota

Homeless: No specific definition, but a homeless child could be classified as an abused or neglected child. An abused or neglected child is, among other

things, a child who is homeless, without proper care, or not domiciled with the child's guardian through no fault of the child's guardian. S.D. Codified Laws § 26-8A-2 (2011).

Runaway: No specific definition, but could be classified as a child in need of supervision. A child in need of supervision means, among other things, a child who has run away from home or is otherwise beyond the control of the child's guardian. S.D. Codified Laws § 26-8B-2 (2011).

Tennessee

Homeless: No specific definition.

Runaway: Any child who is away from his/her home, residence, or any other residential placement of the child's guardians without their consent. A runaway may also be referred to as an unruly child. Tenn. Code Ann. § 37-1-102 (2010).

Texas

Homeless Person: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision is, among other things, a child who is voluntarily absent from the child's home without the consent of the child's guardian for a substantial length of time or without intent to return. Tex. Fam. Code Ann. § 51.03 (2010). A runaway could also be classified as a status offender. Tex. Fam. Code Ann. § 51.02 (2010).

Utah

Homeless: No specific definition, but could be classified as a dependent child. A dependent child is a child who is homeless or without proper care through no fault of a guardian. Utah Code Ann. § 62A-4a-101 (2010).

Runaway: A minor, other than an emancipated minor, who is absent from the home or lawfully prescribed residence of the parent or legal guardian of the minor without the permission of the parent or legal guardian. Utah Code Ann. § 62A-4a-501 (2011).

Vermont

Homeless: A child of homeless parents means a child whose parents or guardians lack a fixed, regular, and adequate nighttime residence; or have a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. Vt. Stat. Ann. tit. 16, § 1075 (2011).

Runaway: A child voluntarily absent from the child's residence without the consent of the child's guardian. Vt. Stat. Ann. tit. 13, § 1311 (2011). A runaway could also be classified as a child in need of care or supervision. A child in need of care or supervision is, among other things, abandoned by the child's guardian or beyond the control of the child's guardian. Vt. Stat. Ann. tit. 33, § 5102 (2011).

Virginia

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. A child in need of supervision is a child who remains away from, deserts, or abandons his/her family or guardian without consent on more than one occasion, or escapes from a residential care facility. Such conduct must present a clear and substantial danger to the child's life or health; the child or his family must be in need of treatment, rehabilitation, or services not presently being received; and the intervention of the court is essential to provide the treatment, rehabilitation, or services needed by the child or his family. Va. Code Ann. § 16.1-228 (2011).

Washington

Homeless: Persons, including families, who, on one particular day or night, do not have decent and safe shelter nor sufficient funds to purchase or rent a place to stay. Wash. Rev. Code Ann. § 84.36.043 (2011). Could also be classified as a youth in crisis. A youth in crisis is, among other things, any youth under 18 years of age who is homeless. Wash. Rev. Code Ann. § 82.08.02917 (2011).

Runaway: No specific definition, but could be classified as a youth in crisis, an at-risk youth, or a child in need of services. A youth in crisis is, among other things, any youth under 18 years of age who is a run away from the home of a guardian. Wash. Rev. Code Ann. § 82.08.02917 (2011). An at-risk youth is, among other things, a juvenile who is absent from home for at least 72 consecutive hours without the consent of the juvenile's guardian. Wash. Rev. Code Ann. § 13.32A.030 (2011). A child in need of services is, among other things, a child who has been reported to law enforcement as absent from the home of the his/her guardian or from a court-ordered placement without consent for at least 24 consecutive hours on two or more separate occasions and either has a substance abuse problem or exhibits behavior that

puts the child or others at risk. Wash. Rev. Code Ann. § 13.32A.030 (2011).

West Virginia

Homeless Child: Any child who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, or a public or private place not designated for regular sleeping accommodations for humans. W. Va. Code Ann. § 18-8A-1 (2011).

Runaway: No specific definition, but could be classified as a status offender. A status offender is, among other things, a juvenile who has left the care of the juvenile's guardian, without the consent of the juvenile's guardian or without good cause. W. Va. Code Ann. § 49-1-4 (2011).

Wisconsin

Homeless Person: Any person who does not have a place to stay and states that he/she does not have the financial means to acquire housing. Wis. Admin. Code Comm 150.02 (2011).

Runaway: No specific definition, but could be classified as a juvenile in need of protection or services. A juvenile in need of protection or services is, among other things, a juvenile who is habitually truant from home. Wis. Stat. § 938.13 (2011).

Wyoming

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. Under state law, a child in need of supervision is, among other things, a child is under 17 years of age and who has run away from home. Wyo. Stat. Ann. § 14-6-402 (2011).

American Samoa

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a child in need of supervision. A child in need of supervision is, among other things, a child who has run away from home or is otherwise beyond the control of the child's guardian. Am. Samoa Code Ann. § 45.0103 (2010).

District of Columbia

Homeless: Any person lacking a fixed, regular residence that provides safe housing or the financial ability to immediately acquire one, or having a primary nighttime residence that is (a) a supervised publicly- or privately-operated shelter or transitional housing facility designed to provide temporary living accommodations, or (b) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings. D.C. Code Ann. § 4-751.01 (2011).

Runaway: No specific definition.

Guam

Homeless Person: Families or individuals who are economically disadvantaged and have no access to shelter. Guam Code Ann. tit. 10, § 17101 (2011). Shelter means any facility with sleeping accommodations and acceptable sanitary facilities, the primary purpose of which to provide temporary shelter to the homeless. This definition encompasses transitional housing and similar arrangements that provide longer term accommodations, as long as the maximum length of stay does not exceed 12 months. Guam Code Ann. tit. 10, § 17101 (2011).

Runaway: No specific definition.

Northern Mariana Islands

Homeless: No specific definition.

Runaway: No specific definition.

Puerto Rico

Homeless Person: Any person who lacks a fixed, regular, and adequate nighttime residence or has a primary nighttime residence in a shelter, a temporary living institution, a public or private place not designated for regular sleeping accommodations for humans, or living in a privately-owned room given on a charitable basis for a short period and that may be terminated at any time. P.R. Laws Ann. tit. 8, §1006 (2008).

Runaway: No specific definition.

Virgin Islands

Homeless: No specific definition.

Runaway: No specific definition, but could be classified as a person in need of supervision. A person in need of supervision is among other things, any child who has run away from the person responsible for the child's care. V.I. Code. Ann. tit. 5, § 2502 (2011).

Youth In Need Of Supervision

Background

Many states and territories permit the juvenile or family court to become involved with young people or families who "need supervision." Youth and families are considered in need of supervision in a variety of circumstances, including those in which youth have run away from home. In many jurisdictions, a young person who "needs supervision" can be taken into custody by police or other government officials. The youth may then be provided with services before or after going through court proceedings.

State and territorial laws use a variety of terms to refer to young people and families in need of supervision, including the following:

- CHINCS: Child in Need of Care or Supervision
- CHINPS: Child in Need of Protection or Services
- CHINS: Child in Need of Supervision or Child in Need of Services
- CINA: Child in Need of Aid or a Child In Need of Assistance
- CINC: Child in Need of Care
- FINA: Family in Need of Aid
- FINS: Family in Need of Services
- FWSN: Family with Service Needs
- JINPS: Juvenile in Need of Protection or Services
- JINS: Juvenile in Need of Supervision
- MRAI: Minor Requiring Authoritative Intervention
- PINS: Person in Need of Supervision
- YAR: Youth at Risk
- YINI: Youth in Need of Intervention
- YINS: Youth in Need of Services

This publication uses the term "CHINS" to encompass all of these denominations.

Fast Facts

- **46** jurisdictions have a CHINS statute:
  - In **22** jurisdictions, youth who have run away from home are automatically considered CHINS,
  - In **16** jurisdictions, youth who have run away from home are explicitly considered CHINS if they meet certain criteria in addition to having run away, and
  - In **8** jurisdictions, runaway youth are not specifically named as CHINS, but may be considered CHINS for other reasons related to having run away;
- **15** jurisdictions specify that CHINS who are taken into custody cannot be held with delinquent juveniles;
- **32** jurisdictions specify the maximum amount of time CHINS can be held in custody without a court order;
- **5** jurisdictions expressly authorize courts to punish CHINS as they would delinquent youth;
- **19** jurisdictions expressly authorize courts to force CHINS to pay fines and/or restitution, to undergo drug screening, and/or to relinquish their driver's licenses; and
- **21** jurisdictions provide statutory opportunities for CHINS to receive services without court involvement.

Purpose and Findings

Two CHINS issues were researched for this publication: the circumstances in which young people are considered to be in need of supervision under various state laws; and the consequences for being identified as a CHINS.

46 jurisdictions have a CHINS statute. The ten jurisdictions that do not have a CHINS statute are Idaho, Kentucky, Maine, Oregon, South Carolina, Utah, West Virginia, Guam, the Northern Mariana Islands, and Puerto Rico.

Runaway youth are expressly named as CHINS in thirty-six jurisdictions. In twenty-two of those thirty-six jurisdictions, runaway youth are automatically

considered to be CHINS: Alabama, Arizona, Colorado, Delaware, Florida, Illinois, Iowa, Kansas, Louisiana, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Pennsylvania, South Dakota, Tennessee, Wyoming, American Samoa, and the Virgin Islands. In the remaining sixteen jurisdictions, runaway youth are CHINS if they meet certain criteria in addition to having run away, as follows:

- In Arkansas, Connecticut, Missouri, and Rhode Island, youth who have run away from home are considered CHINS only if they have run away without cause or justification.
- In Alaska and New Hampshire, runaway youth are CHINS only if they also need care and/or treatment. Alaska's statute also specifically states that a youth cannot be considered a CHINS solely because the youth's family is poor, lacks adequate housing, or exhibits a lifestyle that is different from the community standard.
- In Georgia, Mississippi, and Virginia, youth who have run away are CHINS if they have both left home without cause and need care and/or treatment. Virginia's statute also specifically states that a child is not a CHINS solely because the child ran away from home due to physical, emotional, or sexual abuse.
- Massachusetts, Michigan, Montana, Oklahoma, Texas, Wisconsin, and Washington establish additional required criteria, such as remaining away from home for a specified period of time, running away repeatedly, and being in immediate danger.

Runaway youth could be considered CHINS in 8 additional jurisdictions if they are beyond their parents' control, "ungovernable," or for other reasons. They are California, Hawaii, Indiana, Maryland, North Dakota, Ohio, Vermont, and District of Columbia.

The consequences of being considered a CHINS vary among jurisdictions. CHINS can almost always be taken into custody without a court order, although at least 8 jurisdictions limit the circumstances under which CHINS can be taken into custody: Iowa, Kansas, Louisiana, Massachusetts, Michigan, New York, Oklahoma and Virginia.

Only fifteen jurisdictions specify in their statutes that CHINS who are taken into custody cannot be held with delinquent juveniles: California, Florida, Iowa, Louisiana, Maryland, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, Pennsylvania, Virginia, Washington, District of Columbia, and the Virgin Islands. While many statutes state or imply that CHINS should be released as soon as possible, only thirty-two jurisdictions specify the maximum amount of time CHINS can be held in custody without a court order.

After law enforcement or another government official suspects that a young person is a CHINS, several consequences can follow. First, the court can send the youth and/or family for services without opening a court case. This kind of diversion is expressly permitted by twenty-one jurisdictions: Arkansas, Colorado, Connecticut, Florida, Hawaii, Louisiana, Massachusetts, Montana, Nevada, New Hampshire, New Jersey, New York, North Dakota, Pennsylvania, South Dakota, Texas, Virginia, Washington, Wisconsin, Wyoming, and the Virgin Islands.

Once a case goes to court, a judge can order many different dispositions for the youth, including (a) sending the youth to the parent's, guardian's, a relative's, or another adult's home, (b) placing the youth on probation, (c) awarding custody to the state or a treatment facility, (d) requiring drug screening (Alabama, Minnesota, Mississippi, and North Dakota), (e) revoking or suspending driving privileges (Delaware, Illinois, Minnesota, Montana, North Dakota, Ohio, Rhode Island, South Dakota, Virginia, and Wyoming), or (f) ordering fines or restitution (Alabama, Arizona, Arkansas, Delaware, Illinois, Minnesota, Mississippi, Montana, Nebraska, New York, South Dakota, Tennessee, Texas, and American Samoa).

Parents can be subjected to court ordered treatment in seventeen jurisdictions, including Alabama, Alaska, Arkansas, Florida, Iowa, Louisiana, Maryland, Minnesota, North Dakota, Rhode Island, Texas, Virginia, Washington, Wisconsin, Wyoming, District of Columbia, and the Virgin Islands. Treatment and counseling for youth can be ordered in every jurisdiction. Georgia, Illinois, North Dakota, South Dakota and Vermont explicitly permit courts to place CHINS, who have committed no other offense, in secure detention facilities for delinquent juveniles.

Analysis

States and territories define CHINS in different ways. Some automatically include runaway youth, while others include these young people only in

certain circumstances. Whether it is beneficial for unaccompanied youth to be considered CHINS depends on the consequences of being a CHINS. If CHINS are not provided with appropriate services or are subjected to incarceration or other punitive sanctions, runaway youth should not be included in the definition. However, even if services are provided, it is important to distinguish between young people who have run away and are living with relatives or friends and those young people who find themselves living on the streets or in other unsafe circumstances. Statutes that limit their CHINS definitions to those young people who have run away from home and need care or are in immediate danger recognize that state interference is unnecessary for and potentially detrimental to some unaccompanied youth.

The label jurisdictions place on their CHINS statutes is also significant. Some jurisdictions use terms such as "Family with Service Needs" (Connecticut) and "Family in Need of Services" (Arkansas, Florida, Louisiana and New Mexico) rather than CHINS. These alternative terms recognize that when young people leave home, it is a sign of family dysfunction. The entire family must be considered. Hawaii uses the term "Youth At Risk," which recognizes the dangers facing the youth. States should opt for these more truly descriptive terms. Negative terms such as "unruly" (Georgia, North Dakota, Ohio, and Tennessee), "wayward" (Rhode Island), and "incorrigible" (Arizona) must be avoided, as such stigmatization will ultimately limit the efficacy of the statute.

Courts should never be permitted to punish runaway youth for their status with such sanctions as fines, drug screening or suspended driving privileges.

Statutes that permit law enforcement or other government officials to take runaway youth into custody infringe on young people's rights, can cause suspicion and hostility between young people and law enforcement, and can dissuade youth from seeking out available services. In some cases, law enforcement intervention can remove youth from dangerous situations. However, the balance between concern for a youth's safety and respect for the youth's rights must be struck carefully. At a minimum, young people should only be permitted to be taken into custody with their consent or if they are in immediate physical danger (e.g., Iowa, Kansas, Louisiana, Michigan, Oklahoma, and Virginia). If youth are taken into custody, law enforcement should be required to release them within a specified, brief period of time. Youth should never be returned home against their wishes or housed in facilities with delinquent youth or adults. For example, both Illinois and Indiana specify that youth cannot be returned home against their wishes. Washington law prevents law enforcement from returning a youth home if the young person expresses fear or distress that makes a law enforcement officer reasonably believe there is abuse at home.

All jurisdictions should provide services to runaway youth and their families without requiring court involvement. Services such as counseling, family mediation, parenting classes and addiction and mental health services should be widely available at the request of youth and families. For example, Arkansas has created a youth mediation program in its statutes, and New Jersey requires every county to establish at least one juvenile-family crisis intervention unit. If a young person is considered a CHINS, these services should be intensified. The needs, wishes and circumstances of each individual youth should be considered when creating a service plan. Through appropriate and intensive intervention, court involvement can be avoided.

If the court does become involved with a young person, the court should be expressly required to consider the youth's wishes (e.g., Oklahoma) and individualized needs when developing treatment plans and determining where to place the youth. The wishes of older youth in particular should be given great weight in these decisions. Services should address the youth's and family's needs holistically, including needs for housing and appropriate education. Statutes should authorize courts to join school districts as parties to the case when appropriate (e.g., New Mexico). Finally, courts should be authorized and encouraged to make appropriate orders against parents and guardians and to provide extensive voluntary services.

Courts should never be permitted to punish runaway youth for their status with such sanctions as fines, drug screening or suspended driving privileges. Not only do these sanctions punish young people for the mere act of running away, which is often an act of self-preservation, but they open the doors for

further court involvement. For example, if a young person is ordered to undergo drug screening and is caught under the influence, the juvenile or criminal court will become involved. Similarly, if a young person's driver's license is suspended and the youth is caught driving to work or school, more restrictive punishments will likely follow. Youth should be provided with a clear process to appeal such punishments where they exist.

Noteworthy Statutes

Elements of the CHINS statutes of Florida, New Mexico and Wisconsin bear consideration. First, Florida uses the term "Family in Need of Services" (FINS) as well as CHINS to describe runaway youth. The term FINS recognizes that when young people leave home, the stability and health of the entire family is requires attention. Florida law specifies that CHINS and FINS cannot be placed in detention facilities under any circumstances. Services must be provided to young people and their families and must increase as needed. Florida's statute also emphasizes that a court must not become involved with the youth or family until after all appropriate services, including family mediation, have been tried and have not solved the problem. The court must then order family services, counseling, and can place the youth with another adult or with a service provider. As a whole, Florida's law recognizes the role of the family, provides extensive services, and limits the court's involvement in a young person's life. See Fla. Stat. Ann. §§ 984.03, 984.04, 984.11, 984.13, 984.14, 984.18, 984.22, 984.225 (2011).

New Mexico's statute also uses the term FINS to refer to runaway youth. The law also expressly permits a young person to request services independently. Although police can take runaway youth into custody, they must explain to the youth why he/she is in custody, and can only bring the young person home, to a foster home, to a relative, or to a community-based shelter. New Mexico law also explicitly limits custody to 48 hours without a court order and states that runaway youth cannot be transported in a police car unless necessary for their immediate safety. The law could be improved by decreasing the amount of time youth can be held in custody without a court order. One of the most compelling elements of New Mexico's law is that it authorizes the court to join the local school district as a party if there are unmet educational needs. See N.M. Stat. Ann. §§ 32A-3A-2, 32A-3A-3, 32A-3B-3, 32A-3B-4, 32A-3B-5, 32A-3B-6, 32A-3B-7, 32A-3B-16, 32A-4-2, 32A-9-3 (2011).

Finally, Wisconsin's statute offers some positive approaches. Although the state uses the term JINPS, rather than a more family-oriented term, runaway youth are only considered JINPS if the youth or parent request court involvement because reconciliation efforts have failed. This definition recognizes that the court should not intervene until the family has attempted to address the problems independently. JINPS can only be held in custody for 24 hours without a court order. Wisconsin law also gives courts two separate options for referring the family for services without further court involvement, including an informal referral for services and a supervised treatment plan. The services the court can provide are compelling, and include housing assistance, homemaker or parent aide services, respite care, day care or parent skills, and volunteer mentors. The statute explicitly prohibits punitive sanctions, such as detention, restitution, or denying driving privileges. See Wis. Stat. §§ 938.13, 938.21, 938.32, 938.34, 938.345 (2011).

Recommendations

- Exempt runaway youth from CHINS statutes that do not provide appropriate services;
- Use terms such as "Family with Service Needs," "Family in Need of Services" or "Youth At Risk" rather than CHINS, to recognize the role of the family and the unique dangers facing youth;
- Reject policies that automatically classify runaway youth as CHINS and instead distinguish appropriately between young people in different circumstances and focus on providing services to meet the youth's indvidual needs;
- Limit the circumstances under which runaway youth can be taken into custody, if at all;
- Specify very brief time limits for runaway youth to be held in custody;
- Prohibit housing of runaway youth with delinquent youth or adults ("commingling") at any time;
- Prohibit law enforcement officers from forcing young people to return home against their wishes;
- Provide extensive opportunities for young people to avoid court involvement, through diversion programs, counseling, treatment, family mediation, housing assistance, and other services, as well as adequate time for youth and families to meet treatment goals;
- Require courts, social workers, and other service providers to consider the youth's wishes and individualized needs when developing treatment plans and determining where to place youth;

- Consider the young person's educational needs and authorize courts to join school districts as parties to the case when appropriate;
- Do not authorize courts to fine young people, order drug screening, or suspend driving privileges; and
- Encourage courts to make appropriate orders against parents and guardians and to provide extensive voluntary services.

Research Methodology and Limitations

To compile state statutes defining and classifying young people and families as in need of supervision, our search used the following terms: Child in Need of Supervision, Youth in Need of Supervision, Person in Need of Supervision, Child in Need of Services, Family in Need of Services, Unruly, Delinquent, Wayward, Undisciplined, Incorrigible, Intervention, In Need, and Youth/Child.

We also researched definitions of "abandoned child," "dependent child," and "neglected child." Our search used the following terms: Abandon, Dependent, Destitute, Neglect, and Youth/Child. Where we found no definition of abandoned child, dependent child, or neglected child, we included definitions of "abandoned," "dependent," and "neglected" assuming that these could be combined with statutory definitions of child or youth to develop relevant definitions.

The state and territorial law summaries accompanying this analysis summarize the circumstances, in addition to running away, under which young people might be considered to be CHINS.

Our research into the consequences of being characterized a CHINS was limited to the terms and limits of taking the young person into custody and what types of treatment and other consequences a court can order after a hearing finding a youth to be a CHINS. Specific hearing procedures and other details are not included in the summaries.

Youth In Need Of Supervision Statutes

Alabama

The term "CHINS" refers to a child who has been adjudicated by a juvenile court for doing any of the following and who is in need of care or rehabilitation: (a) disobeys the reasonable and lawful demands of and is beyond the control of parents/guardians/custodians, (b) is habitually truant from school, (c) leaves or remains away from home without the permission of parents/guardians/custodians or, (d) has committed a status offense.

The term "dependent child" refers to a child who has been adjudicated dependent by a juvenile court and is in need of care or supervision and also, among other things, (a) whose parent/guardian/custodian subjects the child to abuse or neglect, abandons the child, or is unable or unwilling to discharge responsibilities to and for the child, (b) who is without a parent/guardian/custodian willing to provide care and support of the child, and (c) whose parent/guardian/custodian neglects or refuses to provide care necessary for health or well-being of the child.

The term "abandoned" refers to a parent's voluntary and intentional relinquishment of the custody of a child and the withholding from the child, without good cause or excuse, of the parent's presence, care, love, protection, or failure to perform the duties of a parent.

The term "neglect" refers to mal- or negligent treatment of a child. It includes, but is not limited to, the failure to provide adequate food, medical treatment, supervision, education, clothing, or shelter.

Young people taken into custody as CHINS must be immediately released to a parent/guardian/custodian or another suitable person once the authorities have obtained necessary information, except if there is no suitable person available, such release presents a serious threat to the young person, or the youth has a history of failing to appear in court. The court may then permit a CHINS to remain with parents/guardians/or custodians, place him/her on probation, or transfer legal custody to the Department of Youth Services, the Department of Human Resources, a licensed local agency or facility willing to provide for the young person, a qualified relative, or another person. The court may also make other orders it finds in the child's best interest, including random drug screens, assessment of fines and restitution, or ordering parents/custodians to promote the child's best interest. A CHINS cannot be sent to a facility for delinquent children unless he/she has been specifically found delinquent, not amenable to treatment, or has been previously found to be a CHINS. See Ala. Code §§ 12-15-102, 12-15-127, 12-15-215, 12-15-301 (2011).

Alaska

A court can find a child to be a "CINA" if the child (a) is habitually absent from home and at substantial risk of physical or mental injury, (b) is without parents/guardians/custodians due to abandonment, incarceration, or unwillingness to care for the child, (c) needs medical or mental health treatment and parents/guardians/custodians refuse to provide the treatment, (d) has been abused or neglected by parents/guardians/custodians, or (e) has committed an illegal act as a result of pressure, guidance, or approval from parents/guardians/custodians. The statute specifies that a youth cannot be considered a CINA solely on the basis that the youth's family is poor, lacks adequate housing, or exhibits a lifestyle that is different from the generally accepted lifestyle standard of the community where the family lives. However, the statute specifies that it should not be construed to prevent a finding of CINA if any of the conditions in the preceding sentence are met.

A court may find abandonment of a child if, among other things, a parent/guardian has shown a conscious disregard of parental responsibilities toward the child by failing to provide reasonable support, maintain regular contact, or provide normal supervision considering the child's age and need for care by an adult.

A court may find neglect of a child if the parent/guardian/custodian, though financially able to do so or offered financial or other reasonable means to do so, fails to provide the child with adequate food, clothing, shelter, education, medical attention, or other care and control necessary for the child's physical and mental health and development.

Upon receiving a request to locate a runaway youth, a police officer must take the young person (a) into custody and take him/her home, unless there

is reasonable cause to believe that the minor has experienced physical or sexual abuse in the parent's or guardian's household, (b) to another place agreed to by the parent, (c) to a Department of Health and Social Services office, (d) to a program or shelter for runaway youth, or (e) to another facility or location. Runaway youth cannot be housed in jail or other detention facilities, unless they are in severe and imminent danger and there is no other reasonable placement. The youth and his/her family must be informed of available mediation and counseling services.

If a court finds a youth to be a CINA, the court may order treatment for the youth and his/her parent or guardian, commit the youth to the Department of Health and Social Services, release the youth to parent, relative, guardian or other suitable person under supervision, or terminate the parents' rights. The family must be provided with support services. See Alaska Stat. §§ 47.10.011, 47.10.013, 47.10.014, 47.10.019, 47.10.141, 47.10.080, 47.10.086 (2011).

Arizona

The term "incorrigible child" is used to refer to runaways. The term also refers to children who are adjudicated to be beyond their parents'/guardians'/custodians' control, are habitually truant from school, commit status offenses, disobey court orders, or habitually behave in such a manner as to injure or endanger the morals or health of themselves or others.

A "dependent child" is one who is adjudicated to be in need of proper and effective parental care and has no parent or guardian, one who is beyond the control of parents or guardian, one who is not provided with the necessities of life, or one whose home is unfit due to abuse, neglect, or cruelty by a parent or guardian.

The court may send an incorrigible child to live under the supervision of the Probation Department with a parent, relative, reputable person, or other public or private agency. The court may also require the child to pay a fine. The court may send a "dependent child" to live with the child's parents (subject to the supervision of the department of economic security), a grandparent or other family member, a suitable institution or school, an association willing to receive the child or an appropriate agency licensed to care for children, or to a reputable citizen.

The term "abandoned" means the failure of the parent to provide reasonable support and to maintain regular contact with the child, including providing normal supervision. Abandoned includes a judicial finding that a parent has made only minimal efforts to support and communicate with the child.

The term "neglect" means, among other things, the inability or unwillingness of a parent/guardian/custodian to provide a child with supervision, food, clothing, shelter, or medical care if that inability or unwillingness causes unreasonable risk of harm to the child's health or welfare.

A court may also assign a surrogate parent to a child with a disability who is between 3 and 22 years of age. The surrogate parent may be appointed if a parent cannot be identified, the child is a ward of the state, or the child meets the criteria of an unaccompanied youth as defined in the McKinney-Vento Act. Where permitted, the Department of Education must notify the court if it appoints a surrogate parent for a ward of the state. See Ariz. Rev. Stat. Ann. §§ 8-201, 8-341, 8-341.01, 8-845, 15-763.01 (2011).

Arkansas

The term "FINS" refers to any family with a child who has run away from home without sufficient cause, permission or justification, is habitually truant from school, or habitually disobeys parents/guardians/custodians.

A "dependent juvenile" is a child of a parent under 18 years of age who is (a) in the custody of the Department of Human Services, (b) the child of an incarcerated parent or guardian with no appropriate relative or friend to serve as guardian, (c) a child whose parent or guardian is incapacitated, (d) a child whose custodial parent dies and no stand-by guardian exists, or (e) an infant child who is relinquished to the Department of Human Services solely to be adopted.

The term "abandonment" means the failure of the parent to provide reasonable support and to maintain regular contact with a juvenile when the failure is accompanied by an intention to permit the condition to continue for an indefinite period in the future, failure to support or maintain regular contact with the juvenile is without just cause, or there is an articulated intent to forego parental responsibility.

The term "neglect" means the failure by those legally responsible to provide for the care and maintenance of a child, as well as the proper or necessary support,

education (as required by law), medical, surgical, or any other care necessary for the child's well-being. Neglect also means any maltreatment of a child.

A juvenile may be taken into custody without a warrant pursuant to a court order or by a law enforcement officer or an authorized representative of the Department of Human Services only if there are clear, reasonable grounds to conclude that the juvenile is in immediate danger, that removal is necessary to prevent serious harm, and if parents, guardians, or others with authority to act have not taken action necessary to protect the juvenile from the danger and there is not time to petition for and to obtain an order of the court before taking the juvenile into custody. The officer taking the juvenile into custody shall immediately make every effort possible to notify the parent/guardian/custodian of the juvenile's location.

Children who are suspected to belong to a FINS cannot be held in a detention facility for more than the minimum time necessary for processing unless he/she has been away from home for more than 24 hours and the parent or guardian lives more than 50 miles away. Intake officers may offer services outside the court system if they find it in the best interest of the juvenile and the community. The court may (a) order family services, (b) transfer children's custody to the Department of Human Services or to another licensed agency, a relative, or another person, (c) order the parents or guardians to attend a parental responsibility training program, (d) place the child on home detention, (e) order the child, parents, or guardians to perform community service, (f) place the child on supervision, or (g) impose a fine, service fee, or court costs on the child, parents, guardians, or custodians. The court may not remove the child from the family and give custody to the Department of Human Services or other agency unless it has ordered appropriate services for the family or the child's health and safety require immediate removal. Custody can only be transferred to a relative or other individual after the Department or a licensed social worker conducts a home study and determines the placement is in the juvenile's best interest. Arkansas also has established a Youth Mediation Program to assist FINS. See Ark. Code Ann. §§ 9-27-303, 9-27-313, 9-27-323, 9-27-328, 9-27-332, 9-27-333, 9-27-336, 9-30-103, 9-31-402 (2011).

California

A child may be adjudged to be a "dependent child" of the court if the child has, among other things, suffered serious physical harm that was purposely inflicted upon the child by his/her parent/guardian or as a result of the parent's/guardian's failure to supervise or protect the child, or by the willful or negligent failure of the parent/guardian to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's/guardian's mental illness, developmental disability, or substance abuse. No child shall be found to be a dependent child of the court solely due to the lack of an emergency shelter for the family.

Police may take a child into temporary custody without a warrant if the officer reasonably believes the child is a dependent child and has an immediate need for medical care, is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. The police shall first try to contact the parent/guardian to determine if the parent/guardian is able to assume custody of the child. Police may also, without a warrant, take into temporary custody any child who is found in any street or public place suffering from any sickness or injury that requires care, medical treatment, hospitalization, or other remedial care.

Young people can become wards of the court if they persistently or habitually disobey the reasonable and proper orders or directions of their parents/guardians/custodians, are beyond the control of their parents/guardians/custodians, violate a curfew law, or are truant four or more times in a school year.

Police can take such youth into custody without a warrant, but must advise them of their constitutional rights. These young people can be held in shelters, nonsecure facilities, or crisis resolution homes. They can also be held in secured facilities (e.g. jail, lockup, juvenile hall), but they can only be held there for up to (a) 12 hours after having been taken into custody to determine if there are any warrants against the youth, (b) 24 hours if necessary to find parents or guardians and to arrange to return the youth to them, or (c) 72 hours if the parents or guardians live outside of California and such time is necessary due to the parents' or guardians' distance or difficulty in locating either the parents or resources for returning the youth. Youth detained in a secured facility cannot be commingled with other youths who have been detained for breaking the law. Police may, without a

warrant, take into temporary custody a youth who is found in a public place to be suffering from any sickness or injury that requires medical treatment or other remedial care. Excess transportation funds can be used to serve children who are habitual truants, runaways, at risk of being wards of the court, or are under juvenile court supervision or supervision of the Probation Department. Such funds may also be used to serve parents or other family members of these children if doing so will promote increased self-sufficiency, personal responsibility, and family stability for the child. See Cal. Welf. & Inst. Code §§ 207, 300, 305, 601, 625, 18221 (2011).

Colorado

A young person can be found to be "neglected" or "dependent" if the child (a) is homeless or a runaway, (b) has been abandoned, abused, or neglected by his/her parents/guardians/custodians, including through the failure to provide education, medical, other care, or allowing others to mistreat or abuse the child, or (c) is beyond the control of his/her parents/guardians/custodians. A child may be considered neglected if the child tests positive for controlled substances as a result of the mother's unlawful intake of these substances.

A child may be taken into temporary custody by the police, without order of the court, when the child is abandoned, lost, or seriously endangered and immediate removal appears to be necessary for such child's protection, the protection of others, or the child has run away or escaped from such child's parents/guardian/custodian.

Courts can order temporary protective custody for up to 72 hours for neglected and dependent youth at the request of law enforcement officers, the Department of Social Services, or physicians. Courts can also provide informal services without further court hearings.

If a court finds a youth to be neglected or dependent, the court can terminate the parents' rights or approve an appropriate treatment plan. The treatment plan can include sending the youth home, to a relative, or to another person, with or without supervision, providing family services, giving custody to the Department of Social Services, or sending the youth to a foster home or other child care facility. The court may consider in-state and out-of-state placement options. See Colo. Rev. Stat. §§19-3-102, 19-3-401, 19-3-405, 19-3-501, 19-3-508 (2011).

Connecticut

The term "FWSN" is used to refer to a family with a child or youth who (a) has run away from home without just cause, (b) is beyond the control of parents/guardians/custodians, (c) has engaged in indecent or immoral conduct, (d) is habitually truant from school or has been continuously and overtly defiant of school rules, or (e) is over 13 years of age and has engaged in sexual intercourse with someone who is also over 13 years of age and not more than two years older or younger than such child.

A "youth in crisis" is any youth 16 or 17 years of age who, within the last two years, has run away from home without just cause, is beyond the control of the youth's parents, guardian or other custodian, or has four unexcused absences from school in any one month or ten unexcused absences in any school year. [Note: Effective July 1, 2012, the term "youth in crisis" will be removed from the statute.]

A child or youth may be found "neglected" if he/she (a) has been abandoned, (b) is being denied proper care and attention (physically, educationally, emotionally or morally), (c) is being permitted to live under conditions, circumstances, or associations injurious to the well-being his/her well-being, or (d) has been abused.

A child or youth may be found "dependent" if his/her home is a suitable one for the child or youth, except for the financial inability of the child's or youth's parents, parent, guardian, or other person maintaining such home to provide the specialized care the condition of the child or youth requires.

A child or youth may be found "uncared for" if he/she is homeless or whose home cannot provide the specialized care that the physical, emotional, or mental condition of the child or youth requires.

Many people can charge that a family is a FWSN, including police officers, welfare departments, probation officers, school superintendents, the Commissioner of Children and Families, youth service bureaus, parents, or children. A probation officer must investigate the charge and either refer the family, with their consent, to an appropriate service provider or file a petition in court.

If parents report to the police that they are a FWSN, the police must look for their child and tell the parents where the child is. Police may then bring the child home, to another person's home, refer the child to court, hold the child in custody for up to 12 hours,

or bring the child to a service provider. A child of a FWSN can be removed from home and placed with a person or agency if there is a strong probability that the child injured him/herself, ran away, or is from another jurisdiction. No non-delinquent juvenile runaway from another state may be held in a state-operated detention home. A hearing about the placement must be held within 10 days.

The court can refer the family for services for up to 6 months before holding a hearing and may extend the hearing another 3 months for cause. If those services adequately address the problem, the judge may dismiss the petition. The court can also refer the child to the Department of Children and Families for voluntary services, commit the child to the custody of the Commissioner of Children and Families, or order the child to remain at home or with a relative or other person, under a probation officer's supervision. The court can refer families to the authorities of the local or regional school district or private school if the child is only in need of services because the child is a truant or habitual truant. The child is entitled to representation by counsel, an evidentiary hearing, and adequate and fair warning of the consequences of a violation of any order issued. See Conn. Gen. Stat. §§ 46b-120, 46b-149, 46b-149a (2011).

Delaware

The term "dependent child" means a child (a) whose physical, mental, or emotional health and well-being is threatened or impaired because of inadequate care and protection by the child's custodian, regardless of whether such inadequacy is caused by the child's behavior, (b) who has been placed in a nonrelated family home on a permanent basis without the state's consent, or (c) who has been placed with a licensed agency which certifies it cannot complete a suitable adoption plan.

"Neglect" or "neglected child" means that a person is responsible for the care, custody, and/or control of the child and has the ability and financial means to provide for the care of the child, yet fails to provide necessary care with regard to food, clothing, shelter, education, health, medical, or other care necessary for the child's emotional, physical, or mental health, safety, and general well-being. Neglect also means that a person responsible for the care, custody, and/or control of the child chronically and severely abuses alcohol or a controlled substance, is not active in treatment for such abuse, and the abuse threatens the child's ability to receive care necessary for that child's safety and general well-being.

If the court declares a child to be dependent or neglected, the court may defer proceedings pending further investigation, medical (or other) examinations, or in the best interest of the child. It may also allow the child to remain in the home with or without court supervision. Custody may be granted to any person or agency where satisfactory arrangements can be made, so long as the Department of Services for Children, Youth and Their Families provides the court with an evaluation and report on any placement other than the home of a relative. Custody may also be granted to (a) the Department of Services for Children, Youth and Their Families for foster home placement, (b) any licensed child-placing agency in the state, (c) any division of the Department of Services for Children, Youth, and Their Families, (d) any private institution that cares for children, or (e) any religious child-caring agency or institution (preferably of the child's religious faith or that of the parents).

If the court declares a child to be delinquent, it may defer proceedings pending further investigation, medical (or other) examinations, or in the best interests of the child. The child may be released on the child's own recognizance or the recognizance of a custodian or near relative, on surety bond, or if no bond is provided the child may be detained in a facility of the Department of Services for Children, Youth and Their Families. The child may remain in the child's home with or without court supervision, be placed on probation, fined, or be ordered to pay out-of-pocket costs, losses, or damages caused by the child's delinquent act. The court may enter a judgment of up to $5,000 against the delinquent child and the child's parent or guardian, provided the parent or guardian knew of the child's delinquent nature and failed to take reasonable measures to control the child. The child may discharge any restitution ordered through appropriate community service arrangements, provided the victim does not object. A delinquent child may be placed in the custody of the Department of Services for Children, Youth and Their Families, be committed to an appropriate institution for mentally ill, retarded, or disturbed children, or any appropriate private institution. The court may revoke or suspend the driving privileges of the delinquent child or postpone the child's eligibility to obtain driving privileges. The court may also immediately enter all traffic, alcohol,

and/or drug adjudications on the child's driving record. The child may be placed under house arrest or ordered into appropriate treatment, rehabilitation, or care. The court may also order the child's parents, guardian, or custodian to participate in counseling. See Del. Code Ann. tit. 10, §§ 901, 1009; Del. Code Ann. tit. 13, §§ 2501, 2502, 2512 (2011).

Florida

The term "CHINS" refers to a child who has been found by a court to have persistently run away from home, be habitually truant from school, or be beyond the control of parents/custodians (as opposed to one who has been abused or neglected).

The term "FINS" refers to a family that has a child who has run away from home, is habitually truant from school, is beyond the control of parents/custodians, or who is engaging in other serious behaviors that place the child at risk of abuse, neglect, delinquency. The child must be referred to a law enforcement agency, the Department of Juvenile Justice, or an agency contracted to provide services. Services will increase as needed.

The term "abandoned" means a situation in which the parent/custodian/person responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child. If the efforts of such parent/custodian/person responsible for the child's welfare to support and communicate with the child are, in the opinion of the court, only marginal and do not evince a settled purpose to assume all parental duties, the court may declare the child to be abandoned. The term "abandoned" does not include a CHINS or a FINS.

The term "child who is found to be dependent" or "dependent child" means a child who is found by the court to have been abandoned, abused, or neglected by the child's parents/custodians, to have been surrendered to the Department of Child and Family Services or licensed agency for purpose of adoption, to have no parent/custodian/responsible adult relative to provide supervision and care, or to be at substantial risk of imminent abuse or neglect by the parents/custodian.

"Neglect" occurs when a child's parent/custodian/person primarily responsible for the child's welfare deprives a child of, or allows a child to be deprived of, necessary food, clothing, shelter, medical treatment, or permits a child to live in an environment when such deprivation or environment causes the child's physical, mental, or emotional health to be significantly impaired or to be in danger of being significantly impaired. The foregoing circumstances shall not be considered neglect if caused primarily by financial inability unless actual services for relief have been offered to and rejected by such person.

Police may take a CHINS into custody and release him/her to a parent, guardian, custodian, relative, service provider, or to the Department of Juvenile Justice, which must also release the child to one of those locations and may provide temporary services. A CHINS can only be placed in a shelter prior to a hearing if the child and parent/guardian/custodian agree, it is required to allow the family and the child to get services, or no family is available. CHINS may not be placed in a detention facility under any circumstances.

The court only becomes involved after all services have been tried and have not solved the problem. At any stage, the family can be referred to mediation services. The court can order the family to participate in services or complete community service, order a parent/guardian/custodian to pay a fine, place the child under the supervision of a service provider, or place the child temporarily with an appropriate adult or agency. The court must order family counseling and other appropriate services. Participation and cooperation of the family, parent/guardian/custodian, and child in court-ordered services are mandatory. A CHINS can be placed in a secure shelter for up to 90 days only after less-restrictive options have been exhausted, and only if parents/guardians/custodians refuse to provide shelter as a result of the child's behavior, the child refuses to remain at home, or the child has failed to complete a court-ordered program and has been previously placed in a residential program.

Services are provided to FINS on a voluntary basis and include a wide variety of counseling, training, and other support services. See Fla. Stat. Ann. §§ 984.03, 984.04, 984.11, 984.13, 984.14, 984.18, 984.22, 984.225 (2011).

Georgia

The term "unruly child" is used to refer to a child who is in need of supervision, treatment, rehabilitation, or has committed a delinquent act, and (a) is subject to compulsory school attendance and is habitually truant without justification, (b) is habitually disobedient of the reasonable and lawful commands

of his/her parent, guardian, or other custodian and is ungovernable, (c) has committed a status offense, (d) has run away without just cause, (e) loiters in a public place between midnight and 5:00 a.m., (f) disobeys a court order, or (g) patronizes a bar without parents/guardians/custodians or possesses alcohol.

The police can take into custody, without a warrant, any child they believe (a) is delinquent or "unruly," is suffering from illness, injury, or is in immediate danger from his/her surroundings and that his/her removal is necessary, (b) any child who has run away from home or has been reported as a runaway, or (c) any child violating a curfew, and hold him/her in a facility for unruly children. However, within 12 hours of being taken into custody, the child must be returned to parents/guardians, brought before the court or an intake officer, or released. In no case shall an unruly child be detained in a jail.

The court can order the same consequences for an "unruly child" as for a delinquent child, including counseling, except that it cannot commit an unruly child to the Department of Juvenile Justice unless the child is not amenable to treatment.

A "deprived child" means a child who (a) is without proper parental care or control, subsistence, education, or other care or control necessary for the child's physical, mental, or emotional health or morals, (b) has been abandoned by the child's parents/custodian, or (c) is without a parent/custodian.

If a child is found to be deprived, a court may make any of the following orders: permit the child to remain with the child's parents/guardian/custodian, transfer custody temporarily to a qualified adult, public, or private agency authorized to care for the child, or an individual in another state. Unless also found delinquent, a deprived child shall not be confined to a facility for delinquent children. The court is also authorized to order the deprived child and such child's parent/guardian/custodian to participate in counseling, which may be provided by the court, court personnel, probation officers, professional counselors or social workers, psychologists, physicians, qualified volunteers, or appropriate public, private, or volunteer agencies as directed by the court. See Ga. Code Ann. §§ 15-11-2, 15-11-45, 15-11-47, 15-11-55, 15-11-57, 15-11-67, 15-11-68 (2011).

Hawaii

The terms "YAR" or "YINS" refer to any youth who has been arrested, had contact with the police, or is experiencing social, emotional, psychological, educational, moral, physical, or other similar problems. YAR are to be provided with services and programs, including case management, counseling, and shelter.

In addition, among other things, family court has exclusive jurisdiction over any child who, among other things, is (a) neglected as to or deprived of educational services, (b) beyond the control of the child's parents/custodian or whose behavior is injurious to the child's or others' welfare, or (c) in violation of curfew. Police may take such a child into custody without court order, but shall immediately notify the child's parent/guardian/custodian. The child shall be either released to the child's parent or other responsible adult, referred or delivered to the court or other designated agency, or taken directly to a detention facility if the child's immediate welfare or the protection of the community requires it. No child shall be held in a detention facility for juveniles or shelter longer than 24 hours, excluding weekends and holidays, unless a petition or motion for revocation of probation, or motion for revocation of protective supervision has been filed, or unless the judge orders otherwise after a court hearing.

Intake officers may offer services outside the court system if they find it in the best interest of the child and the community. See Haw. Rev. Stat. §§ 352D-2, 352D-3, 352D-4, 571-2, 571-11, 571-31, 571-31.4, 571-31.5 (2011).

Idaho

No CHINS-type statute was found in the Idaho Code.

Illinois

The term "neglected minor" means any minor under 18 years of age who is not receiving the proper or necessary support, education, medical, other remedial care recognized under state law as necessary for a minor's well-being, or other care necessary for his/her well-being (including adequate food, clothing and shelter), or who is abandoned by the minor's parent/guardian/custodian. The term also includes, among other things, any minor under 18 years of age whose environment is injurious to his/her welfare, any minor under the age of 14 years whose parent/guardian/custodian leaves the minor

without supervision for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of that minor, or any minor who has been provided with interim crisis intervention services and whose parent/guardian/custodian refuses to permit the minor to return home unless the minor is an immediate physical danger to himself, herself, or others living in the home.

The term "dependent minor" means any minor under 18 years of age who (a) is without a parent/guardian/custodian, (b) is without proper care because of the physical or mental disability of the minor's parent/guardian/custodian, (c) is without proper medical, remedial, or other care necessary for his/her well being through no fault, neglect, or lack of concern by his/her parents/guardian/custodian, or (d) has a parent/guardian/custodian who, with good cause, wishes to be relieved of all residual parental rights and responsibilities, guardianship, or custody and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor.

Police may, without a warrant, take a minor into temporary custody if the officer believes the minor to be a neglected or dependent minor, as well as a minor who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, or hospitalization. The officer must immediately attempt to notify the minor's parents or other person legally responsible for the minor's care that the minor has been taken into custody.

The term "MRAI" is used to include minors who are in immediate physical danger due to running away from home or being beyond the control of parents/guardians/custodians and who refuse to return home or to another voluntary residential placement after being taken into limited custody and offered crisis intervention services. Minors cannot be determined to be MRAI until a set period of time after being taken into limited custody, unless they have been taken into custody four prior times that year.

Police may take into custody any minor who has run away from home or is beyond parent/guardian/custodian control and in immediate danger. Police can bring the minor home if he/she agrees and can refer the family to services. If the minor cannot be sent home, either because the minor refuses or a caregiver cannot be found or reached, police must bring the child to a crisis intervention facility or Probation Department. No minor can be kept in limited custody for more than 6 hours unless he/she consents.

If authorities believe a minor is a MRAI, there must be a shelter care hearing within 48 hours. At that hearing, the court can release the minor to a parent/guardian/custodian or to a public agency if reasonable efforts to avoid removal from home have been made. The court can only place a MRAI in shelter care if reasonable efforts to avoid removal have been made and it is urgently necessary for his/her safety or the minor is likely to flee.

Probation officers must immediately investigate the cases of minors in custody and release them to a parent, guardian, legal custodian, or responsible relative if appropriate. Any adult person, agency, or association may petition the court to find the minor a MRAI. If the parents/guardians/custodians are unable to care for a MRAI and services have not solved the problem, the court may (a) commit the child to the Department of Children and Family Services, (b) give custody to a relative, other person, agency, school, or institution for delinquent children, (c) place the child under the supervision of a probation officer, (d) order the minor partially or completely emancipated, (e) suspend his/her driver's license, or (f) order restitution. A MRAI may be ordered to make monetary or non-monetary restitution.

A truant minor in need of supervision is a minor who is chronically truant. A truant minor in need of supervision may be committed to the appropriate regional superintendent of schools for services, required to comply with the superintendent's service plan, ordered to obtain counseling or supportive services, subject to a fine for each absence without cause, required to perform reasonable public service work, or have his/her driver's license suspended. See 705 Ill. Comp. Stat. 405/2-3, 405/2-4, 405/2-5, 405/2-6, 405/3-3 et seq. (2011).

Indiana

The CHINS statute does not directly address homeless and runaway youth. However, homeless or runaway youth may qualify as a CHINS if they have experienced parental neglect or sexual abuse or exploitation, or if they are a danger to their own or others' mental or physical health, have exhibited consistent disruptive behavior at school, were born drug- or alcohol-affected, have a disability and have been deprived of nutrition or medical care, or are

missing children.

Police, probation officers, and caseworkers may take CHINS into custody. An intake officer must investigate the case, and the court must appoint a guardian ad litem for the child and hold a hearing the next business day to determine if the child is a CHINS. The Department of Child Services must notify the child's custodial parent/guardian not more than 2 hours after the child has been taken into custody that the child has been taken into custody if it is a result of child neglect or abuse. The court must (a) determine where the child should be placed while permanent options are considered, (b) consider placing the child with a relative before another placement, and (c) release the child to parents/guardians/custodians unless that would endanger the child, the child is unlikely to return to court, the child asks not to return home, or the parent/guardian/custodian is unable or unwilling to take the child. See Ind. Code §§ 31-34-1-1 et seq., 31-34-2-1, et seq., 31-34-3-1, et seq. (2011).

Iowa

The term "abandonment of a child" means the relinquishment or surrender of the parental rights, duties, or privileges inherent in the parent-child relationship. Proof of abandonment must include both the intention to abandon and the act(s) by which the intention is evidenced, but does not require that the abandonment be over a particular period of time.

The term "desertion" means the relinquishment or surrender of the parental rights, duties, or privileges inherent in the parent-child relationship for a period in excess of 6 months. Proof of desertion need not include the intention to desert, but is evidenced by the lack of attempted contact with the child or by only incidental contact with the child.

The term "CINA" refers to unmarried children who (a) have been abandoned by parents/guardians/custodians, (b) are unaccompanied by parents/guardians/custodians, (c) desire to be emancipated from parents for good cause, (d) have been or are in imminent danger of being abused or neglected, (e) have been denied necessary physical, mental, or substance abuse treatment by parents/guardians/custodians, (f) have committed an illegal act as a result of pressure, guidance, or approval from parents/guardians/custodians, or (g) have participated in prostitution or pornography.

Police, juvenile court officers, and physicians can take a CINA into custody if the child is in imminent danger and there is not enough time to get a court order. The child must be immediately brought to a designated location, and the court and parents/guardians/custodians must be informed. CINA can be placed in shelter care only if they have no parent/guardian/custodian or other responsible adult to provide shelter, they choose to go to shelter care, or it is necessary to hold them in shelter until a parent/guardian/custodian comes to get them. Shelter care must be in the least restrictive environment and can only be in a shelter care home, foster home, Department of Human Services facility, or other suitable place that is not used for detention. A child cannot be held in shelter care for more than 48 hours without a court order. A child under 13 years of age cannot be placed in shelter care unless there have been reasonable efforts to place the child in emergency foster care.

After finding a youth to be a CINA, the court can (a) send the youth home under supervision, (b) require parents to provide special treatment or care, (c) send the youth to live with a relative or other suitable person, (d) give custody to an agency, facility, institution, or the Department of Human Services, or (e) require the parent/guardian/custodian to undergo drug testing. If the CINA has previously been placed in one of these options, the CINA can be sent to the Iowa Juvenile Home at Toledo. CINA cannot be placed in the state training school. Prior to transferring custody of the child, the court must make reasonable efforts to preserve and unify the family before determining it is not in the best interest of the child to remain in the child's home.

The term "FINA" means a family in which there has been a breakdown in the relationship between a child and the child's parent/guardian/custodian. If a court makes a finding that a family is a FINA, it may order any or all of the parties to accept counseling and to comply with any other reasonable orders designed to maintain and improve the familial relationship. At the conclusion of any counseling ordered by the court, or at any other time deemed necessary, the parties shall be required to meet together and be apprised of the findings and recommendations of such counseling. Such an order shall remain in force for a period not to exceed one year unless the court otherwise specifies or sooner terminates the order.

Iowa counties are also specifically authorized to develop runaway treatment plans to address

problems with chronic runaway youth and to establish runaway assessment centers. See Iowa Code §§ 232.2, 232.21, 232.79, 232.101, 232.102, 232.106, 232.127, 232.195, 232.196 (2011).

Kansas

The term "abandon" or "abandonment" means to forsake, desert, or cease providing care for the child without making appropriate provision for substitute care.

The term "neglect" means acts or omissions by a parent/guardian/custodian resulting in harm to a child, or presenting a likelihood of harm, and the acts or omissions are not due solely to the lack of financial means of the child's parent/guardian/custodian. Neglect may include, but shall not be limited to, failure to (a) provide the child with food, clothing, or shelter necessary to sustain the life or health of the child, (b) provide adequate supervision of a child or to remove a child from a situation which requires judgment or actions beyond the child's level of maturity, physical condition, or mental abilities and that results in bodily injury or a likelihood of harm to the child, or (c) use resources available to treat a diagnosed medical condition if such treatment will make a child substantially more comfortable, reduce pain and suffering, or correct or substantially diminish a crippling condition from worsening.

The term "CINC" refers to a child under 18 years of age who (a) is without adequate parental care, control, or subsistence and the condition is not due solely to parents'/custodians' financial means, (b) is without the care or control necessary for the child's physical, mental, or emotional health, (c) has been abused, neglected, or abandoned, (d) is truant from school or has run away from home or court-ordered placements, (e) has committed a crime or status offense, (f) is living with another minor who has been abused or neglected, or (g) has a permanent custodian who is no longer able or willing to serve.

Police can take a CINC into custody if the child is in a harmful environment or if a court has ordered it. If there is no court order, the police must deliver the child to the custody of the child's parent/guardian unless that would not be in the child's best interest. In that case, the child must go to a shelter, court services officer, intake worker, or care center. If the child refuses to remain at the shelter, the police must bring him or her to a detention facility for up to 24 hours. The child cannot be held for more than 72 hours without a temporary custody hearing. The court can send the child home, to another person, to a residential facility, or to an agency. Once the court decides a child is a CINC, it can send the child home under supervision, order services, or send the child to live with a relative, another appropriate person, a shelter, or a public agency. The court can only remove the child from home if reasonable efforts to prevent removal have not solved the problem or in the case of an emergency. See Kan. Stat. Ann. §§ 38-2202, et seq. (2011).

Kentucky

No CHINS type statute was found in the Kentucky Code; however, there are provisions relating to the treatment of children that are dependent, abused or neglected.

The term "abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when his/her parent/guardian/custodian (a) inflicts physical or emotional injury by other than accidental means, (b) creates or allows to be created a risk of physical or emotional injury to the child by other than accidental means, (c) engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child including, but not limited to, alcoholism or drug abuse, (d) continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child, (e) commits, allows to be committed, creates, or allows to be created an act of sexual abuse or exploitation upon the child, (f) abandons or exploits the child, (g) does not provide the child with adequate care, supervision, food, clothing, shelter, education, or medical care necessary for the child's well-being, or (h) fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining in foster care for 15 of the most recent 22 months.

The term "dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent/guardian/custodian.

A court may issue an emergency custody order when it appears that removal is in the best interest of the child and that there are reasonable grounds to believe that one or more of the following conditions

exist and that the parents/guardian/custodian are unable or unwilling to protect the child: (a) the child is in danger of imminent death, serious physical injury, or is being sexually abused; (b) the parent has repeatedly inflicted or allowed to be inflicted by other than accidental means physical injury or emotional injury; or (c) the child is in immediate danger due to the parent's failure or refusal to provide for the safety or needs of the child. Emergency custody shall not last longer than 72 hours unless there is a removal hearing or if waived or requested by the child's parent/guardian/custodian.

If the court finds that a child is dependent, neglected, or abused, the court shall issue an order for temporary removal and shall grant temporary custody to an appropriate person or agency. Preference shall be given to available and qualified relatives of the child, considering the wishes of the parent/guardian/custodian. In placing a child under an order of temporary custody, the least restrictive appropriate placement available shall be used. The child shall remain in temporary custody for a period of time not to exceed 45 days from the date of the removal from his/her home.

Prior to removing a child, the court shall first consider whether the child may be reasonably protected against the alleged dependency, neglect, or abuse by alternatives less restrictive than removal. Such alternatives may include, but shall not be limited to, the provision of medical, educational, psychiatric, psychological, social work, counseling, day care, or homemaking services with monitoring wherever necessary by the Cabinet or other appropriate agency. Where the court specifically finds that such alternatives are adequate to reasonably protect the child against the alleged dependency, neglect, or abuse, the court shall not order the removal or continued removal of the child. See Ky. Rev. Stat. Ann. §§ 600.020, 620.060, 620.080, 620.090, 620.130 (2011).

Louisiana

The term "FINS" refers to a family with a child (a) who has run away from home, (b) who has been truant or habitually disruptive in school, (c) who is ungovernable, (d) who habitually possesses or consumes alcohol, (e) who has committed a crime or status offense, (f) who possesses a handgun, (g) whose caretaker has willfully failed to meet with school officials to discuss serious educational problems, or (h) who is found incompetent to proceed with a delinquency matter.

The term "CINC" refers to children who have been abused, neglected, or abandoned, not solely due to inadequate financial resources.

"Neglect" means the refusal or unreasonable failure of a parent or caretaker to supply a child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired. The inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect.

Police or probation officers may take a CINC into custody, without a court order, if there are reasonable grounds to believe that the child's surroundings are such as to endanger the child's welfare and immediate removal appears to be necessary for the child's protection. The police must immediately notify the Department of Social Services. A CINC whose immediate removal is necessary for protection from further abuse or neglect shall be placed, pending a continued custody hearing, in accordance with this priority: with a suitable adult relative, with a suitable adult, or in foster care. If adjudicated a CINC, the child's health and safety shall be the paramount concern, and the court (a) may place the child in the custody of a parent or other suitable person subject to certain conditions, (b) may place the child in the custody of a private or public institution or agency, (c) grant guardianship of the child to any individual, or (d) make such other disposition or combination of the dispositions as the court deems to be in the best interest of the child.

Police or probation officers may take a child of a FINS into custody if immediate removal from the child's surroundings is necessary for his/her protection or control. The child must then be released to his/her parents or taken to a shelter. While awaiting a court hearing, the youth can be released to a relative or other adult, a juvenile shelter, or housed in a secure detention facility apart from adjudicated delinquent youth. A court or district attorney can refer the youth and family for informal services without further court action. The youth and family can also enter an informal family services plan agreement to provide needed services, under supervision.

After a hearing, children of FINS can be (a) ordered to

receive counseling, evaluations, and other services, (b) sent to live with a caretaker or other person, (c) placed on probation, or (d) assigned to an institution or agency. The family can also be ordered to receive counseling, evaluations, and other services. Children of FINS cannot be placed in a facility for delinquent juveniles. See La. Child. Code Ann. art. 603, 606, 621, 622, 628, 681, 730, 736, 737, 744, 779 (2011).

Maine

No CHINS type statute was found in the Maine Code; however, there are provisions relating to the treatment of children that are abused, neglected, or in circumstances of jeopardy to the child's health or welfare.

The term "abuse or neglect" means (a) a threat to a child's health or welfare by physical, mental, or emotional injury or impairment, (b) sexual abuse or exploitation, (c) deprivation of essential needs, (d) a lack of protection from these, or (e) failure to ensure compliance with school attendance requirements by a person responsible for the child.

The term "abandonment" means any conduct on the part of the parent showing an intent to forego parental duties or relinquish parental claims. The intent may be evidenced by (a) failure, for a period of at least 6 months, to communicate meaningfully with the child, (b) failure, for a period of at least 6 months, to maintain regular visitation with the child, (c) failure to participate in any plan or program designed to reunite the parent with the child, (d) deserting the child without affording means of identifying the child and the child's parent/custodian, (e) failure to respond to notice of child protective proceedings, or (f) any other conduct indicating an intent to forego parental duties or relinquish parental claims.

The Department may provide short-term emergency services to a child who has, among other things, been or appears to be threatened with serious harm, has run away from the child's parents/custodian, or is without any person responsible for the child. The Department must attempt to notify the child's parents/custodian that emergency services are being provided. Short-term emergency services cannot exceed 72 hours from when the Department takes responsibility for the child. If the court finds that the child is in circumstances of jeopardy to the child's health or welfare, the court may order one or more of the following, among other things: (a) no change in custody; (b) Departmental supervision of the child and family in the child's home; (c) that the child, custodians, parents and other appropriate family members accept treatment or services; (d) necessary emergency medical treatment for the child when the custodians are unwilling or unable to consent; or (e) emancipation of the child, or removal of the child from his custodian and granting custody to a noncustodial parent, another person, or the Department. Before a court may order the removal of a child from home, the court must specifically find that remaining in the home is contrary to the welfare of the child and the Department shall make reasonable efforts to prevent removal of the child from home.

If a child is in custody of the Department and not expected to be returned home within 21 days, the Department must obtain counseling for the child. See Me. Rev. Stat. Ann. tit. 22, §§ 4002, 4023, 4035, 4036, 4036-B, 4063-B (2011).

Maryland

The term "neglect" means the leaving of a child unattended or other failure to give proper care and attention to a child by any parent/guardian/custodian under circumstances that indicate that the child's health or welfare is harmed or placed at substantial risk of harm. It also means that the child has suffered mental injury or been placed at substantial risk of mental injury.

The term "CINA" means a child who requires court intervention because the child has been abused, neglected, has a developmental disability, or has a mental disorder and the child's parents/guardian/custodian are unable or unwilling to give proper care and attention to the child and the child's needs. Police may take a CINA into custody without a court order if the child is in immediate danger and the child's removal is necessary for the child's protection. Police shall immediately notify the CINA's parent/guardian/custodian. A CINA can be placed in shelter care if necessary to protect the child from serious, immediate danger and no parent/guardian/custodian is available, remaining at home would be harmful, and reasonable efforts to prevent removal have been made and will continue. The court must hold a hearing the next court day to determine if shelter care should continue. The CINA cannot be placed in detention or a mental health facility. Services must be provided at the shelter, including health, counseling, education, and treatment services.

The term "CHINS" refers to a young person who requires guidance, treatment, or rehabilitation and is beyond the control of custodians, habitually truant, dangerous to self or others, or has committed a status offense. Police can take a CHINS into custody, but cannot place him/her in detention. A CHINS can be placed in shelter care if (a) necessary to protect the child, property, or others, (b) the child is likely to run away and no parent/guardian/custodian is available, or (c) remaining at home would be harmful and reasonable efforts to prevent removal have been made and will continue. The court must hold a hearing the next court day to determine if shelter care should continue. Services must be provided at the shelter, including health, counseling, education, and treatment services.

Once found to be a CHINS, a child may be returned home, to a relative, to another person under supervision, ordered to receive services, or committed to a public or private agency. Parents/guardians/custodians can also be ordered to participate in services. See Md. Code Ann., Cts. & Jud. Proc. §§ 3-801, 3-814, 3-815, 3-819 3-8A-01, 3-8A-15, 3-8A-19 (2011).

Massachusetts

The term "CHINS" is defined as a child under 17 years of age who repeatedly runs away from home, repeatedly fails to obey lawful and reasonable commands of parents/guardians, or who is habitually truant or disruptive in school. Police may arrest a CHINS only if the child has failed to appear in court before or the officer believes the child has run away and will not appear in court. Police must inform the Probation and Social Services Departments and return the child home or to a responsible adult if possible, or bring him/her to a shelter or foster home. The child cannot be detained in a police station or town lockup.

The court may (a) divert a child to the Probation Department for informal assistance, (b) send a CHINS home under supervision and with services, or (c) place the child in the care of a relative, probation officer, other adult, a private agency, the Department of Social Services, a therapeutic group home, or the Department of Youth Services. CHINS cannot be sent to a detention facility or training school. See Mass. Ann. Laws ch. 119, §§ 21, 39E, 39G, 39H (2011).

Michigan

The term "neglect" means harm to a child's health or welfare by a person responsible for the child's health or welfare that occurs through negligent treatment, including the failure to provide adequate food, clothing, shelter, or medical care.

In Michigan, courts have authority over children under 17 years of age who have run away from home without sufficient cause if they have been placed, refused alternative placement, have exhausted or refused family counseling, or who have repeatedly disobeyed parents'/guardians'/custodians' reasonable and lawful commands if the court finds that court-accessed services are necessary. Courts also have authority over a child under 17 years of age who is habitually truant or disruptive in school, if the court finds that the child, parent/guardian/custodian, and school officials have met and educational counseling and alternative agency help have been sought. Courts also have authority over a child under 18 years of age (a) whose parent/guardian/custodian, when able to do so, neglects or refuses to provide proper or necessary support, education, medical, surgical, or other care necessary for the child's health or morals, (b) who is subject to a substantial risk of harm to the his/her mental well-being, (c) who is abandoned by parents/guardian/custodian, or (d) whose home or environment, by reason of neglect, cruelty, drunkenness, criminality, or depravity on the part of a parent/guardian/nonparent adult/ is an unfit place for the juvenile to live in. Youth between 17 and 18 years of age can be brought into court if services have been exhausted or refused and the youth are addicted to drugs or alcohol or associating with criminal or disorderly persons or prostitutes.

Police can take any child into custody whose health, morals, or welfare is in danger. Parents/guardians/custodians must be immediately notified. The child can be held in a detention facility while awaiting parents/guardians/custodians if he/she is isolated from adults. Prior to a hearing on the child's conduct, the court may send the child home, to a foster home, to an institution or agency, or to detention if the child violated a court order and requires detention. After a hearing, the court may give the parents/guardians/custodians a warning, put the child under supervision at home or in a relative's home, place the child on probation, in foster care or in a public or private institution, and order community service and court costs. See Mich. Comp. Laws Serv. §§ 712A.2,

712A.14, 712A.15, 712A.18, 722.602 (2011).

Minnesota

The term "CHINPS" is used to refer to children who have run away from home, are habitually truant from school, have engaged in prostitution, or have been abandoned, abused, or neglected. Police can give CHINPS notice to appear in court or take them into custody if they have run away from home or are in danger. Parents/custodians must be informed and can request that the child be placed with a relative or other caregiver instead of in a shelter. CHINPS must be returned home or to another caregiver unless he/she would be a danger to self, others, or run away. CHINPS cannot be placed in a shelter or other caregiver's home for more than 72 hours without a court hearing and cannot be placed in juvenile detention facilities.

The court must make sure that culturally appropriate services are provided to address the family's issues. Once determined to be CHINPS, the court can send the child home under supervision, transfer custody to an agency, order parents/guardians/custodians to provide needed special services, impose a fine, drug-testing or community service, suspend or deny the child's driver's license, or permit a child 16 years of age or older to live independently. In addition to these options, for runaways, courts can also order family counseling or placement in a group foster home, or transfer custody to another adult. See Minn. Stat. §§ 260.012, 260C.007, 260C.143, 260C.175, 260C.176, 260C.181, 260C.201 (2011).

Mississippi

The term "neglected child" means a child (a) whose parent/guardian/custodian neglects or refuses, when able so to do, to provide for the child proper and necessary care, support, education (as required by law), or medical, surgical, or other care necessary for the child's well-being, (b) who is otherwise without proper care, custody, supervision, or support, (c) who, for any reason, lacks the special care made necessary for him by reason of his mental condition, whether the mental condition is having a mental illness or having an intellectual disability, or (d) who, for any reason, lacks the care necessary for the child's health, morals, or well-being.

The term "dependent child" means any child who is not a CHINS, a delinquent child, an abused child, or a neglected child, and has been voluntarily placed in the custody of the Department of Human Services by his/her parent, guardian, or custodian.

The term "CHINS" refers to a youth at least 7 years of age and under 17 years of age who is in need of treatment or rehabilitation due to running away from home without good cause, being habitually truant or habitually disruptive in school, or being ungovernable. A child believed to be a CHINS may not be taken into custody without a court order, except if the child is endangered or any person would be endangered by the child, a parent/guardian/custodian is not available to provide for the care and supervision of the child, and the police cannot find a reasonable alternative to custody. When it is necessary to take a child into custody, the least restrictive custody should be selected. A person taking a child into custody must notify the court immediately and shall also make continuing reasonable efforts to notify the child's parent/guardian/custodian. A child taken into custody shall not be held in custody for a period longer than reasonably necessary, not to exceed 24 hours, and shall be released to the child's parent/guardian/custodian unless a court authorizes temporary custody. Temporary custody will be ordered if reasonable efforts to keep the child home have been made and failed, and custody is necessary because (a) the child is in danger or is dangerous to others, (b) the child is likely not to return to court, or (c) no parent/guardian/custodian is available. In these cases, the child may be held for up to 48 hours. CHINS can also be held in custody in emergency cases.

After a hearing, courts can order CHINS to (a) be released without further action, (b) be sent home or to a relative or other person under conditions or supervision, (c) receive treatment, (d) perform community service, (e) pay restitution, (f) undergo drug testing, or (g) be transferred to the custody of a public or private organization or the Department of Human Services for placement in a wilderness training or other program, not including a training school. See Miss. Code Ann. §§ 43-21-105, 43-21-301, 43-21-307, 43-21-309, 43-21-607 (2011).

Missouri

A person in Missouri is considered to be in "need of care and treatment" if he or she is under 18 years of age and is without care, custody, or support, is living in a room or building that is a public nuisance, or has been neglected or denied education or medical care

by parents or guardians. A child is in need of care and treatment if he/she is habitually absent from home without sufficient cause, permission, or justification, is beyond the control of parent/custodians, is repeatedly and unjustifiably truant from school, is injurious to self or others, or commits a status offense. A mandatory court proceeding must be held within three days of a child being taken into custody.

The child's parent/guardian/custodian must be notified immediately if a child is taken into custody. The person taking the child into custody shall, unless ordered by the court, return the child to his/her parent/guardian/custodian on the promise of such person to bring the child to court. The court may also impose other conditions relating to activities of the child. If such conditions are not met, the court may order the child detained. A child may be conditionally detained for a period not to exceed 24 hours if it is impractical to obtain a written order from the court. The detention may be in a county juvenile detention facility, a shelter care facility, a place of detention maintained by a Child Protection Association, or other suitable custody. A child cannot be detained in a jail or other adult detention facility.

Upon a finding that a child or person 17 years of age is in need of care and treatment, a court may (a) place him/her under supervision in his/her own home or in the custody of a relative or other suitable person subject to such conditions as the court may require, (b) commit him/her to the custody of an agency or institution authorized to care for children, or to place him/her in family homes, or the custody of a juvenile officer, (c) place the child or person 17 years of age in a family home, or (d) order that he/she receive the necessary services in the least restrictive appropriate environment, including home and community-based services, treatment, and support.

See Mo. Rev. Stat. §§ 211.031, 211.032, 211.131, 211.151, 211.181 (2011).

Montana

The term "abandon" means (a) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future, (b) willfully surrendering physical custody for a period of 6 months and during that period, not manifesting a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child, and (c) that the parent has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed.

The term "child neglect" means actual or substantial risk of physical or psychological harm to a child or abandonment. The term also includes actual physical or psychological harm to a child, substantial risk of physical or psychological harm to a child by the acts or omissions of a person responsible for the child's welfare, or exposing a child to the criminal distribution, production, or manufacture of dangerous drugs.

The term "physical neglect" means either failure to provide basic necessities, including but not limited to, appropriate and adequate nutrition, protective shelter from the elements, appropriate clothing related to weather conditions, failure to provide cleanliness and general supervision, or exposing or allowing the child to be exposed to an unreasonable physical or psychological risk to the child.

A social worker, police officer, or county attorney who believes a youth is in immediate or apparent danger of harm may immediately remove the youth and place the youth in a protective facility. The person or agency placing the child shall notify the parent/guardian/custodian as soon after placement as possible. A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail. An abuse and neglect petition must be filed within 5 working days of the emergency removal unless acceptable arrangements for the care of the child have been made by the parents. If a child is found to be a youth in need of care, the court may place the child with the child's custodial parent/guardian, a noncustodial parent, the Department, an agency licensed and authorized to receive and care for children, or an appropriate relative or other adult. The court may also grant limited emancipation to a child who is 16 years of age or older or order any child or other party to the action to undergo treatment, counseling, or evaluations that do not require the Department to expend money. In the case of an abandoned child, the Department will give priority to placement with an extended family member.

The term "YINI" refers to youth who commit a status offense, including running away from home or habitual truancy, if parents/guardians/custodians have exerted all reasonable efforts to mediate, resolve, or control the youth's behavior. If a YINI is taken into custody, a hearing must be held within

24 hours. If the hearing is late, the child must be released. The court can order the child to be held only in shelter care and only if necessary to (a) address the situation and it is not possible for the youth to stay at home, (b) assess the youth, (c) to protect the youth or prevent bad behavior, (d) provide time for case planning, or (e) provide intensive crisis services aimed toward returning the youth home. Shelter care includes both placement in a licensed shelter and placement on house arrest.

A probation officer can resolve a YINI case informally by providing counseling, other services, or voluntarily-accepted treatment. If the court hears the case, the court cannot place the youth in a correctional facility, but can (a) place the youth on probation or house arrest, (b) order residential treatment, (c) commit the youth to a public agency for residential placement if reasonable efforts have failed to prevent removal from the home, (d) require restitution and court costs, (e) require community service, mediation, counseling, evaluations, or other services, (f) suspend the youth's driver's license, or (g) send the youth to an assessment center for up to 10 days.

Montana has established a program for dealing with high-risk children with serious emotional issues. A committee exists to make rules and policies related to the care of those children that are placed or going to be placed in out-of-home settings. See Mont. Code Ann. §§ 41-3-102, 41-3-301, 41-3-437, 41-3-438, 41-3-439, 41-5-103, 41-5-332, 41-5-334, 51-5-342, 41-5-345, 41-5-347, 41-5-1301, 41-5-1512, 41-5-1522, 52-2-301 (2011).

Nebraska

The juvenile court has authority over any juvenile who is habitually truant from home or school, homeless, destitute, abandoned, or neglected, beyond the control of parents/guardians/custodians or dangerous to self or others. These children cannot be held in secure detention or treatment centers.

Police can take a juvenile into custody if they have run away from home or are seriously endangered in their surroundings. The juvenile can be released, committed to the Department of Health and Human Services, placed in a mental health facility, or, if necessary, delivered to a probation officer.

After a hearing, the court may send the child home under supervision or to another adult or family, an institution, mental health facility, or the Department of Health and Human Services. The court may also order restitution, community service, or probation. See Neb. Rev. Stat. Ann. §§ 43-247**,** 43-248,43-250, 43-251.01, 43-253, 43-254, 43-284, 43-286(2011).

Nevada

"CHINS" are people under 18 years of age who (a) are found wandering and have no home, no settled place of abode, no visible means of subsistence, or no proper guardianship, (b) are destitute, (c) are found begging or are found in any public place for the purpose of begging, even if doing so under the pretext of selling items or of giving public entertainment, (d) are beyond the control of parents/guardians/custodians, (e) are found living in a house of ill fame or with any disreputable person, (f) have been neglected or abandoned by parents, (g) live in an unfit home due to parents'/guardians'/custodians' neglect, cruelty, or depravity, (h) unlawfully go to a bar or habitually use alcohol or drugs, (i) are habitually truant, (j) lead idle, dissolute, lewd, or immoral lives or are guilty of indecent conduct, (k) use indecent language, or (l) violate any law. A delinquent act is violating a county or municipal ordinance, violating any rule or regulation have the force of law, or committing any criminal offense.

"Neglected child" and "delinquent child" have the same meaning as CHINS in the statute. However, the law specifies that children who are runaways, unmanageable, or habitually truant are CHINS and not delinquents.

Police can take CHINS into custody, and parents/guardians/custodians and a probation officer must be notified. The child must then be released within 24 hours to a parent or other adult unless impracticable or inadvisable. If not released, the child must be taken to court and may be detained or placed on home detention only if he/she has threatened to run away or is accused of violence or violating a supervision decree. The child cannot be placed in a state detention or correctional facility. CHINS cannot be placed in a detention facility unless they are a danger to themselves or others or are likely to run away. Before a court can determine that a child is a CHINS, it must find that reasonable efforts were taken to help the child. Courts can also release and refer CHINS to services and counseling in the community if the child has not been a CHINS before. See Nev. Rev. Stat. Ann. §§ 201.090, 62B.320, 62B.330, 62C.010, 62C.050, 62C.030, 62E.410, 62E.510 (2011).

New Hampshire

The term "abandoned" means the child has been left by the child's parent/guardian/custodian, without provision for the child's care, supervision, or financial support, although financially able to provide such support.

The term "neglected child" means a child (a) who has been abandoned by the his/her parents/guardian/custodian, (b) who is without proper parental care or control, subsistence, education (as required by law), or other care or control necessary for his/her physical, mental, or emotional health (not due primarily to lack of financial means of the parent/guardian/custodian), or (c) whose parents/guardian/custodian are unable to discharge their responsibilities to and for the child because of incarceration, hospitalization, or other physical or mental incapacity.

The term "CHINS" refers to youth under 18 years of age who both need care, guidance, counseling, discipline, supervision, treatment, or rehabilitation and (a) habitually run away from home, (b) repeatedly disobey parents/guardians/custodians, (c) place themselves or others in unsafe circumstances, (d) are habitually truant from school without sufficient cause, or (e) habitually commit status offenses.

Police can take a child into custody who has run away from home or is in dangerous circumstances. The child must be released to parents/guardians/custodians unless they are not available. In that case, the court shall release CHINS to a parent, guardian, relative, other adult, foster home, group or crisis home, or shelter. Police can place the child in non-secure detention or other alternative program while waiting for parents/guardians/custodians to arrive. Children cannot be detained in a facility designed to physically restrict movement or activities of the person in custody (including locked rooms or buildings and fences).

The court can refer CHINS and their families to diversion programs or other services. After a hearing, CHINS must be placed in the least restrictive setting, including (a) with parents/guardians/custodians under supervision and with counseling, (b) with a relative or other adult, or (c) in a group home, crisis home, shelter home, or foster home. The court can also order community service, participation in appropriate after-school or evening programs, or physical or mental health treatment. See N.H. Rev. Stat. Ann. §§ 169-C:3, 169-D:2, 169-D:8, 169-D:9, 169-D:9-a, 169-D:9-b, 169-D:9-c, 169-D:10, 169-D:13, 169-D:17 (2011).

New Jersey

Abandonment of a child shall consist of (i) willfully forsaking a child; (ii) failing to care for and keep the control and custody of a child so that the child shall be exposed to physical or moral risk without proper and sufficient protection; and (iii) failing to care for and keep the control and custody of a child so that the child shall be liable to be supported and maintained at the expense of the public or private persons not legally chargeable with its or the child's care, custody and control.

"Neglect" of a child shall consist of (a) willfully failing to provide proper and sufficient food, clothing, maintenance, regular school education (as required by law), medical attendance, surgical treatment, or a clean and proper home, or (b) failure to do or permit to be done any act necessary for the child's physical or moral well-being.

The term "juvenile-family crisis" is used to refer to (a) behavior or a condition of a juvenile, parent, guardian, or other family member which results in a youth running away from home for more than 24 hours, (b) a serious conflict between a parent/guardian and juvenile manifested by repeated disregard for parental authority, (c) a serious threat to a youth's well-being and safety, or (d) habitual truancy from school.

Law enforcement officers can take youth into custody if they have run away from home or are in serious danger and must be taken into custody for their protection. The officer must notify the Juvenile-Family Crisis Intervention Unit and bring the youth home or to a relative's home. Youth can be held for a maximum of 6 hours and cannot be held in detention facilities.

Every county must establish at least one Juvenile-Family Crisis Intervention Unit to provide services for youth and families. The unit can assist the family with or without court involvement.

After a hearing, a court can order services through the Juvenile-Family Crisis Intervention Unit, send the youth home or to a relative or other person, place the youth under the care of the Department of Human Services, or order education or counseling. Youth involved in a juvenile-family crisis cannot be placed in a secure facility for delinquent juveniles other than an institution for the mentally retarded, a

mental hospital, or a facility for controlled substances addiction. See N.J. Stat. Ann. §§ 2A:4A-22, 2A:4A-31, 2A:4A-32, 2A:4A-43, 2A:4A-46, 2A:4A-76, 9:6-1 (2011).

New Mexico

The term "abandonment" includes instances when the parent, without justifiable cause, left the child without provision for the child's identification for 14 days or left the child with others, including the other parent or an agency, without provision for support and without communication for a period of 3 months (for a child under 6 years of age) or 6 months (for a child 6 years of age or older).

The term "neglected child" means a child who has either been abandoned or is without proper parental care, control, subsistence, education, medical or other care necessary for the child's well-being because of the faults of the child's parent/guardian/custodian or the failure or refusal of the parent/guardian/custodian, when able to do so, to provide them. A neglected child also includes one (a) who has been physically or sexually abused, (b) whose parent/guardian/custodian is unable to discharge that person's responsibilities to and for the child because of incarceration, hospitalization, physical or mental disorder, or incapacity, or (c) who has been placed for care or adoption in violation of the law.

The term "FINS" is used to refer to a family in which a child runs away for 24 hours or longer, refuses to live at home, is truant from school more than ten days during a semester, or the family refuses to permit the child to live with them.

The term "CHINS" refers to a child in need of care or rehabilitation who commits a status offense.

A "family in need of court-ordered services" means the child or the family has refused family services, the Department has exhausted appropriate and available family services, and/or court intervention is necessary to provide family services to the child or family. In addition, a family in need of court-ordered services is a family (a) whose child, subject to compulsory school attendance, is absent from school without an authorized excuse more than 10 days during a school year, (b) whose child runs away for 12 hours or longer, (c) whose child refuses to return home and there is good cause to believe that the child will run away from home if forced to return to the parent/guardian/custodian, or (d) in which the child's parent/guardian/custodian refuses to allow the child to return home and a petition alleging neglect of the child is not in the child's best interests.

Any family member, including children, can request services as a FINS. Police can take a child into custody who has run away from home, is ill or injured, has been abandoned, or is in immediate danger. The police must tell the child why he/she is in custody and the child can be returned to parents/guardians/custodians or placed in a foster home, community-based shelter, or relative's home. The child cannot be transported in a police car unless necessary for his/her immediate safety and cannot be held for more than 48 hours without court involvement. The court must then send the child home unless that would put the child in danger or his/her parents/guardians/custodians are unable or unwilling to care for the child. If the child is released to a family member, the Department shall refer the family to voluntary family services. The court can also order assessment and referrals. Children of FINS cannot be held in detention facilities.

After a hearing, the court can (a) send the child home with conditions, (b) place the child under supervision, (c) transfer custody to the Department, an agency, or a noncustodial parent, or (d) join the local school district as a party if there are unmet educational needs. See N.M. Stat. Ann. §§ 32A-3A-2, 32A-3A-3, 32A-3B-3, 32A-3B-4, 32A-3B-5, 32A-3B-6, 32A-3B-7, 32A-3B-16, 32A-4-2, 32A-9-3 (2011).

New York

The term "abandoned child" means a child under 18 years of age who is abandoned by both parents, a custodial parent, or any other person or persons lawfully charged with his/her care or custody.

The term "neglected child" means a child under 18 years of age whose physical, mental, or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his/her parent/guardian/custodian to exercise a minimum degree of care in supplying the child with adequate food, clothing, shelter, education, medical or surgical care, though financially able to do so or offered financial or other reasonable means to do so. The definition also includes a child whose parent/guardian/custodian has failed in providing the child with proper supervision or guardianship by unreasonably inflicting or allowing the child to be inflicted with harm, or a child who has been abandoned by his/her parents/other person legally responsible for his/her care.

The term "dependent child" means a child who is in the custody of, or wholly or partly maintained by, an authorized agency, an institution, society or other organization of charitable, eleemosynary, correctional, or reformatory character.

The term "destitute child" means a child who is not neglected by parents/guardians/custodians but is homeless or destitute, suffering from a lack of food, clothing, shelter or medical care, is under 18 years of age and has left home without consent of parents/guardians/custodians, is without shelter, or is a former foster care youth under 21 years of age.

The term "PINS" refers to a person under 18 years of age who is beyond the control of parents/guardians or habitually truant from school.

Police can return runaway youth to their parents if it appears they have run away without just cause. Runaway youth can also be taken to a social services facility, foster home, or secure detention facility certified by the Division for Youth for up to 72 hours without a court hearing. Runaway youth may be taken to a facility if the officer is unable to or it is unsafe to return the youth to his/her home or the custody of the youth's parent or legal guardian. PINS 16 years of age or older cannot be detained unless the court finds special circumstances.

The court can refer a youth for services without further court involvement. The Department of Public Welfare must care for destitute children who cannot be cared for in their homes. The Department must also provide necessary assistance, supervision and treatment, examinations, and health care for PINS and may place PINS and destitute children in foster care, under supervision, or in group homes or institutions if those are necessary or are the least restrictive appropriate placement. The court cannot order detention unless it determines that there is no substantial likelihood that the youth or the youth's family will continue to benefit from diversion services. Vocational training and summer camp can also be provided.

After a hearing, a court can (a) discharge a PINS with a warning, (b) release the child to his/her parents, a relative, or other adult, (c) award custody to the Department of Social Services, or (d) order probation, restitution, and alcohol awareness counseling. See N.Y. Soc. Serv. Law §§ 371, 384, 398 (Consol. 2011); N.Y. Fam. Ct. Act §§ 712, 718, 720, 724, 729, 754, 756, 757, 1015a, 1017, 1021 (Consol. 2011).

North Carolina

The term "dependent juvenile" means a juvenile in need of assistance or placement because the juvenile has no parent/guardian/custodian responsible for the juvenile's care or supervision or whose parent/guardian/custodian is unable to provide for the care or supervision and lacks an appropriate alternative child care arrangement.

The term "neglected juvenile" means a juvenile who (a) does not receive proper care, supervision, or discipline from the juvenile's parent/guardian/custodian/caretaker, (b) has been abandoned, (c) is not provided necessary medical or remedial care, (d) lives in an environment injurious to the juvenile's welfare, or (e) has been placed for care or adoption in violation of law.

The term "undisciplined juvenile" refers to young people 6 to 17 years of age who have run away from home for a period of more than 24 hours, are beyond the control of parents/guardians/custodians, or are regularly found in places where it is unlawful for a juvenile to be. For children 6 to 15 years of age, this also includes those who are truant from school.

Police can take undisciplined juveniles into custody and must notify parents/guardians/custodians. The police can send the juvenile home or file a petition, with a court counselor's approval, to keep the juvenile in custody. The juvenile cannot be held for more than 12 hours without a court order. The court can only order custody if the juvenile has run away from home and agrees to custody, has run away from a residential facility, is suicidal, there are delinquency issues, or custody is necessary for up to 72 hours for evaluation. Undisciplined juveniles can be placed with relatives, in foster homes, or in other facilities.

After a hearing, the court can (a) order needed examinations, evaluations, and treatment, (b) send the child home under supervision and conditions, (c) place the child with a service agency, an appropriate person, or in the custody of the Department of Social Services, or (e) permit alternative education placement. See N.C. Gen. Stat. §§ 7B-101, 7B-1501, 7B-1900, 7B-1901, 7B-1903, 7B-1905, 7B-2502, 7B-2503 (2011).

North Dakota

The term "abandon" means to (a) leave the child for an indefinite period without making firm and agreed plans with the child's immediate caregiver for the

parent's resumption of physical custody, (b) fail to arrange for the child's discharge, after the child's birth or treatment at a hospital, within 10 days after the child no longer requires hospital care, or (c) to willfully fail to furnish food, shelter, clothing, or medical attention reasonably sufficient to meet the child's needs.

The term "deprived child" means a child (a) who is without proper parental care or control, subsistence, education, or other care or control necessary for the child's physical, mental, or emotional health or morals, and the deprivation is not due primarily to the lack of financial means of the child's parents/guardian/custodian, (b) has been placed for care or adoption in violation of law, (c) has been abandoned by the child's parents/guardian/custodian, (d) is in need of treatment and whose parents/guardian/custodian have refused to participate in treatment as ordered by the juvenile court, (e) had chronic or severe pre-natal exposure to alcohol or drugs, or (f) is present in an environment subjecting the child to exposure to a controlled substance, chemical substance, or drug paraphernalia.

The term "unruly child" refers to children who (a) are in need of treatment or rehabilitation and are ungovernable, (b) are willfully in a situation dangerous to the child or others, (c) are habitually truant from school without justification, (d) have committed status offenses, or (e) have purchased, possessed or used tobacco.

A "deprived child" is a child that (a) is without proper parental care, (b) has illegally been placed for care or adoption, (c) has been abandoned, (d) is in need of treatment that has been denied by the child's parents, guardian, or other custodians, (e) was subject to prenatal exposure to chronic or severe drug or alcohol use, or (f) is present in an environment that exposes the child to controlled substances.

A "delinquent child" is one who has committed a criminal act and is in need of treatment or rehabilitation.

Police can take children into custody if they are in immediate danger or have run away from home. Children can only be detained or placed in shelter if necessary to protect the child or others, and only in foster homes, child welfare facilities, detention centers, or other suitable places. The juvenile court can issue a temporary order for custody for 96 hours. The court can order continued shelter care for up to 60 days.

If the family agrees to conditions and counseling, the child can be sent home without court involvement. Otherwise, the court can (a) send the child home, under supervision and conditions, to a relative, another person, a camp, an institution, or a public or private agency, (b) require parents/guardians/custodians to participate in treatment, (c) place the child on probation, (d) order community service or drug/alcohol testing, or (e) order a delinquent child to participate in a juvenile drug court program. When a child is unable to return home due to safety reasons, the Department of Human Services and applicable county service boards must explore the option of kinship care and, absent kinship options, must provide other options that are in the least restrictive care and near the family's home. See N.D. Cent. Code §§ 27-20-02, 27-20-10, 27-20-13, 27-20-14, 27-20-15, 27-20-16, 27-20-17, 27-20-30, 27-20-31, 27-20-32, 50-06-23 (2011).

Ohio

The term "dependent child" means any child (a) who is homeless or destitute or without adequate parental care, through no fault of the child's parents/guardian/custodian, (b) who lacks adequate parental care by reason of the mental or physical condition of the child's parents/guardian/custodian, (c) whose condition or environment is such as to warrant the state, in the interests of the child, in assuming the child's guardianship, or (d) the child is living where a parent/guardian/custodian/other member of the household committed an act that resulted in a sibling of the child or any other child in the household being adjudicated as an abused, neglected, or dependent child, and the child is in danger of being abused or neglected by the parent/guardian/custodian/other member of the household.

The term "unruly child" includes children who are wayward or habitually disobedient to parents/teachers/guardians/custodians, are habitually truant from school, are dangerous to themselves or others, or who commit status offenses.

A "neglected child" means any child (a) who is abandoned by his/her parent, guardian, or custodian, (b) who lacks adequate parental care, (c) whose parents, guardian, or custodian neglects the child or refuses to provide proper or necessary care, (d) whose health or welfare is harmed by the omission of the child's parents, guardian, or custodian, or (e) who is

subjected to out-of-home child neglect.

The term "child without proper parental care" is a child whose (a) home is filthy and unsanitary, (b) parents, stepparents, guardian, or custodian permit him/her to become dependent, neglected, abused, or delinquent, (c) parents, stepparents, guardian, or custodian, when able, refuse or neglect to provide him/her with necessary care, support, medical attention, and educational facilities, or (d) parents, stepparents, guardian, or custodian fail to subject such child to necessary discipline.

Any child can be taken into custody when they have run away, their health or welfare is endangered, or they may not appear in court. They may be held in jail for up to 3 hours for processing or, if the child is delinquent, up to 6 hours. They must then be sent home, unless a court determines they need to be held in detention or shelter care because it is necessary for their safety, they may run away, or if they have no parents/guardians/custodians or other person to care for them. Unruly children may be held only in foster homes, child welfare facilities or other suitable places, or in detention until the next business day if they are taken into custody on a weekend or holiday.

An abused, neglected, dependent, or unruly child can be (a) placed in protective supervision, (b) sent to a private or public agency, parent, relative, foster home, or other approved home, (c) awarded legal custody to either parent or another person, or (d) committed to the permanent custody of an agency. In addition, the person who abused or neglected the child may be ordered to leave the child's home. If a child is unruly, the court may also order community service, drug/alcohol counseling or other conditions, revoke the child's driver's license, or order alternative education. See Ohio Rev. Code Ann. §§ 2151.022, 2151.03, 2151.04, 2151.05, 2151.31, 2151.311, 2151.312, 2151.353, 2151.354 (2011).

Oklahoma

The term "abandonment" means the (a) willful intent by words, actions, or omissions not to return for a child, (b) the failure to maintain a significant parental relationship with a child through visitation or communication in which incidental or token visits or communication are not considered significant, or (c) the failure to respond to notice of deprived proceedings;

The term "dependency" means a child who is homeless or without proper care or guardianship through no fault of his/her parent, legal guardian, or custodian.

The term "deprived child" means a child (a) who is for any reason destitute, homeless, or abandoned, (b) who does not have the proper parental care or guardianship, (c) who has been abused, neglected, or is dependent, (d) whose home is an unfit place for the child by reason of depravity on the part of the parent or legal guardian of the child, or other person responsible for the health or welfare of the child, (e) who is a child in need of special care and treatment because of the child's physical or mental condition, and the child's parents, legal guardian, or other custodian is unable or willfully fails to provide such special care and treatment, (f) who is truant, due to improper parental care and guardianship, (g) whose parent, legal guardian, or custodian, for good cause, desires to be relieved of custody, (h) who has been born to a parent whose parental rights to another child have been involuntarily terminated by the court and the conditions which led to the making of the finding which resulted in the termination of the parental rights to the other child have not been corrected, or (i) whose parent, legal guardian, or custodian has subjected another child to abuse or neglect or has allowed another child to be subjected to abuse or neglect and is currently a respondent in a deprived proceeding.

The term "neglect" means abandonment or the failure or omission to provide (a) adequate nurturance and affection, food, clothing, shelter, sanitation, hygiene, appropriate education, (b) medical, dental, or behavioral health care, (c) supervision or appropriate caretakers, or (d) special care made necessary by the physical or mental condition of the child. The term also includes the failure or omission to protect a child from exposure to the use, possession, sale, or manufacture of illegal drugs, illegal activities, sexual acts, or materials that are not age-appropriate.

The terms "CHINS" and "JINS" refer to juveniles who leave home without the consent of parent/guardian/custodian for a substantial length of time or without intent to return, who have repeatedly disobeyed reasonable and lawful commands of parents/guardians/custodians, or who are truant from school.

Police can take children into custody if they have run away from home for a substantial period of time or are in danger. CHINS can be detained only if necessary to protect them or the public or to assure their appearance in court. CHINS can only

be detained in shelter care or foster care. A minor in need of treatment due to mental illness, alcohol-dependency, or drug-dependency, however, can be admitted into a mental health or substance abuse treatment facility. A court may order a runaway to be held in juvenile detention if necessary for his or her safety. CHINS can be returned home or released to an attorney or other adult.

After a child is found to be a CHINS, he/she may be sent home, to a relative's home, foster home, group home, transitional living program, independent living program, community-based setting, rehabilitative facility, or child care facility. The child may express a preference as to placement. See Okla. Stat. tit. 10A, §§ 1-1-105, 2-1-103, 2-2-101, 2-2-503, 2-3-101 (2011).

Oregon

No CHINS type statute was found in the Oregon Code; however, provisions of the Oregon Code address the terms and limits of taking a young person into custody and the types of treatment and other consequences a court can order for such children.

Police may take a child into protective custody when the child's welfare appears in jeopardy, when ordered by the juvenile court, or when it reasonably appears that the child has run away from home. The police must notify the child's parent/guardian/custodian immediately after the child is taken into custody. If the child taken into custody is a runaway, the police must release the child to the child's parent/guardian or to a shelter. If possible, the police must determine the preferences of the child and the child's parent/guardian as to whether the best interests of the child are better served by placement in a shelter facility or by release to the child's parent/guardian. The police must release the child into the custody of the child's parent or other responsible adult unless the court has ordered that the child be taken into protective custody or the welfare of the child or others is endangered by the release of the child. A child may not be detained in any place where adults are detained except that police may detain a child in a police station for up to 5 hours when necessary to obtain the child's identifying information.

If a child taken into protective custody is not released to the child's parent/guardian, the police shall take the child before court or take the child to a shelter or to a public or private agency. See Or. Rev. Stat. §§ 419B.150, 419B.160, 419B.165, 419B.168 (2010).

Pennsylvania

The term "dependent child" refers to a child who is without parents/guardians/custodians, is ungovernable and needs care, treatment or supervision, is neglected or abandoned by parents/guardians/custodians, or is habitually truant without justification. Police can take a child into custody if he/she is in imminent danger or has run away from home. A child taken into custody shall not be detained or placed in shelter care unless (a) required to protect the child or others, (b) the child may abscond or be removed from the jurisdiction of the court, or (c) he/she has no one able to provide supervision, care, and to return him/her to the court when required. Police must immediately notify the child's parents and can only hold the child for up to 24 hours without a court order. The child must be held only in a medical facility, foster home, child welfare facility, or other appropriate facility.

A probation officer can refer a dependent child for services in the community. If the case goes to court, the court can send the child home under conditions or supervision, to a relative or other adult found to be qualified, or to a public or private agency. See 42 Pa. Cons. Stat. §§ 6302, 6323, 6324, 6325, 6326, 6327, 6331, 6351 (2011).

Rhode Island

The term "wayward" is used to describe a child who has deserted his/her home without good or sufficient cause, who habitually associates with immoral persons, who is leading an immoral life, who habitually disobeys reasonable commands of parents/guardians/custodians, who is habitually truant or disobedient in school, or who has violated the law.

A "dependent" child is one who requires the protection and assistance of the court because the child's welfare is harmed or threatened with harm due to the parent's or guardian's inability to care for the child or the parent or guardian has died or is ill.

The term "neglect" is used to describe a child whose physical or mental health or welfare is harmed or threatened with harm because the parent or guardian is not providing for the child or has abandoned or deserted the child.

Wayward children can be taken into custody for up to 24 hours without a court order. Police may take into custody any child whose health, morals, or welfare is

in immediate danger.

The court can send a children in need of services (a) home or to a relative or other person under supervision or on probation, (b) to the Department of Children, Youth and Families, or (c) to a training school, and may (a) order community service, (b) revoke the child's driver's license or (c) order the child's parents to receive counseling. A wayward, dependent, or neglected child may be placed on probation, placed under supervision in the child's home, placed in the custody of a relative or other suitable person, or placed in the custody of the Department of Children, Youth, and Families. Dependent and neglected children cannot be committed to a training school (although a wayward child may be so committed). See R.I. Gen. Laws §§ 14-1-3, 14-1-22, 14-1-25, 14-1-32, 14-1-36, 14-1-67 (2011).

South Carolina

No CHINS type statute was found in the South Carolina Code.

The term "abandonment of a child" means a parent/guardian willfully deserts a child or willfully surrenders physical possession of a child without making adequate arrangements for the child's needs or the continuing care of the child.

"Child neglect" occurs when the parent/guardian/custodian (a) inflicts physical or mental injury on the child, (b) commits a sexual offense against the child, or (c) fails to supply the child with adequate food, clothing, shelter, education, age- and development-appropriate supervision, or health care, though financially able to do so or offered financial or other reasonable means to do so, the failure of which has caused or presents a substantial risk of causing physical or mental injury. Child neglect also occurs when the parent/guardian/custodian abandons the child. See S. C. Code Ann § 63-7-20 (2011).

South Dakota

The term "CHINS" refers to a child who has run away from home, who is beyond the control of parents/guardians/custodians, who is a danger to self or others, who is habitually truant from school, or who has committed a status offense.

An "abused child" or "neglected child" includes is a child (a) whose guardian has abandoned the child or subjected the child to mistreatment or abuse, (b) who lacks proper parental care, (c) whose environment is injurious to the child's welfare, (d) whose parent/guardian/custodian fails or refuses to provide proper or necessary subsistence, supervision, education, medical care, or any other care necessary for the child's health, guidance, or well-being, (e) who is homeless or has run away, and (f) whose parent/guardian/custodian has exposed them to manufacture, use, or distribution of illegal drugs.

Police can take CHINS into custody if the child is a runaway, is abandoned, is seriously endangered or endangering others, or is under the influence of alcohol or drugs. The child must then be sent home, or to a shelter if a parent/guardian/custodian cannot be found and an intake officer decides the parent/guardian/custodian is not suitable. The child may only be placed in detention if the child (a) has failed to follow court-ordered services, (b) is being held for another jurisdiction as a runaway or probation violator, or (c) has shown a tendency to run away, and when the detention is necessary to prevent harm to the child or others. The state's attorney can refer the child for informal supervision and treatment if the parent/guardian/custodian and the child agree.

If the child is not sent home, he/she can be held for up to 24 hours to wait for a court hearing. The court can send the child home with or without conditions, or place the child in foster care or shelter if the child (a) has failed to follow court-ordered services, (b) is being held for another jurisdiction as a runaway or probation violator or has shown a tendency to run away, or (c) detention is necessary to prevent harm to the child or others.

After the child is found to be a CHINS, the court can (a) send the child home or to a relative or other person under conditions or supervision, (b) place the child on probation, (c) order a supervised work program or alternative education program, (d) order restitution, (e) commit the child to the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center, (f) impose a fine, or (g) revoke the child's driver's license. See S.D. Codified Laws §§ 26-7A-10, 26-7A-11, 26-7A-12, 26-7A-14, 26-7A-20, 26-8A-2, 26-8B-2, 26-8B-3, 26-8B-6 (2011).

Tennessee

The term "dependent and neglected child" means a child (a) who is without a parent/guardian/custodian, (b) whose parent/guardian/custodian is unfit to properly care for the child, (c) whose parent/

guardian/custodian neglects or refuses to provide necessary medical care for the child, (d) who is suffering from abuse or neglect, and (e) who has been allowed to engage in prostitution or pornography.

The term "unruly child" refers to a child (a) needing treatment and rehabilitation who has run away from home, (b) habitually disobey parents/guardians/custodians so as to endanger his/her safety, (c) is habitually truant from school without justification, or (d) commit status offenses.

A child may be taken into custody by police, a social worker of the Department of Human Services, or duly authorized officer of the court, if the child is believed to be a neglected, dependent, or abused child and detention is necessary because the child's health or safety is endangered. Police may also take into a custody a child believed be a runaway. Unruly children can be detained or placed in shelter care for up to 24 hours without a court hearing. The court can order continued detention up to 72 hours before a full hearing. Unruly children can be held in a secure facility if they have violated a court order, have run away from another jurisdiction, or if the risk of flight or serious physical injury leaves no alternative.

After a hearing, a court can (a) order a fine or community service, (b) place the youth with a suitable adult, agency, or facility, (c) place the youth on probation, or (d) refer the youth to the Department of Children's Services Juvenile-Family Crisis Intervention Program. If the youth is placed in shelter care or another temporary placement, necessary services must be provided. If a child is found to be dependent or neglected, the court may (a) permit the child to go home, subject to conditions and supervision, (b) transfer legal custody to a qualified adult, the Department of Children's Services, or an agency or other private organization, (c) commit the child to a county Department of Children's Services, if available, or (d) transfer custody to the juvenile court of another state. See Tenn. Code Ann. § 37-1-102, 37-1-113, 37-1-114, 37-1-130, 37-1-132 (2011).

Texas

The term "neglect" means leaving a child in a situation where the child would be exposed to a substantial risk of harm, without arranging for necessary care for the child, and the demonstration of an intent not to return by a parent/guardian/custodian. Neglect also means (a) failure to provide adequate medical care, food, clothing, or shelter (excluding failure caused primarily by financial inability unless relief services had been offered and refused), (b) placing a child in a situation where the child is could be exposed to harmful sexual conduct, or (c) failure to permit a child to return home after child has been absent from the home for any reason, including having run away.

The statute uses the expression "conduct indicating a need for supervision" to include running away from home for a substantial length of time or without intent to return, habitual truancy, and violation of school rules.

Law enforcement officers can take a youth into custody for conduct indicating a need for supervision. An officer may take a child who is subject to compulsory school attendance into custody in order to return the child to the school campus. In some cases, the officer can issue a warning to the youth and parents instead of taking the youth into custody. Once in custody, the youth must be immediately returned home or to another adult, brought before the juvenile board, or brought to a detention facility. In some cases, the officer can dismiss the case without involving the court, by referring the youth to another agency, conferencing with the family, or referring the family for other services. Juvenile boards can also establish first offender programs for youth who are taken into custody for conduct indicating a need for supervision. Participation must be voluntary and can result in restitution, community service, required reporting to law enforcement, school, counseling, or other services. Cases can also be diverted later in the court process to allow families to agree to participate in services without court involvement.

The court must hold a detention hearing within 2 days and must release the youth unless necessary to prevent flight, provide suitable supervision and care, or protect the youth or the public. The court can order physical or mental health examinations at any time. The court can defer prosecution for up to one year. After a hearing, the court can order parents or other responsible persons to receive counseling or take other actions. The court can also order restitution, counseling, or provide referral information for social services.

The Department of Family and Protective Services is required to provide services for children in at-risk situations and for the families of those children, which may include crisis family intervention,

emergency short-term residential care, family counseling, parenting skills training, youth coping skills training, mentoring, and advocacy training. See Tex. Fam. Code Ann. §§ 51.03, 51.20, 52.01, 52.02, 52.03, 52.031, 53.03, 54.01, 54.041, 59.003, 59.004, 261.001, 264.301 (2011).

Utah

No CHINS type statute was found in the Utah Code; however, provisions of the Utah Code address the terms and limits of taking a young person into custody and the types of treatment and other consequences a court can order for such children.

"Dependent child" includes a child who is homeless or without proper care through no fault of the child's parent, guardian, or custodian.

A "neglected child" is a child who has been subjected to neglect, which is defined to include abandonment, lack of proper parental care, or failure or refusal of parent/guardian/custodian to provide proper or necessary subsistence, education, medical care, or any other care necessary for the child's health, safety, morals, or well-being.

A minor may be taken into custody by the police without court order if the minor is a run away or habitual truant, has violated the law in the presence of the officer, or is seriously endangered or endangers others and immediate removal is necessary for the minor's or others' protection. Once taken into custody, the police must immediately notify the minor's parent/guardian/custodian and the minor must be released to the care of his/her parent/guardian/custodian or other responsible adult, unless the minor's immediate welfare or the protection of the community requires the minor's detention. A child cannot be held in temporary custody any longer than necessary to obtain identifying information and contact the child's parents/guardian/custodian. If the minor is not released to parents or another adult, the minor must be taken to a shelter or other place of detention.

The court may (a) return the minor to the his/her home, subject to conditions and supervision, (b) place the minor on probation, (c) place the minor in the custody of a relative or other suitable adult, (d) vest custody in the Division of Child and Family Services, Division of Juvenile Justice Services, or the Division of Substance Abuse and Mental Health, (e) commit a minor to the Division of Juvenile Justice Services for secure confinement (unless the minor is before the court solely on the ground of abuse, neglect, or dependency), (f) place the minor on a ranch, forestry camp, or similar work facility, (g) order restitution, (h) revoke the minor's driver's license, (i) order examination by a physician, psychiatrist, or psychologist, or (j) any combination of the above. See Utah Code Ann. §§ 78A-6-105, 78A-6-112, 78A-6-117, 78A-6-301 (2011).

Vermont

The term "CHINCS" refers to children who are beyond the control of parents/guardians/custodians, habitually truant from school, abandoned or abused by parents/guardians/custodians, or without proper parental care or subsistence, education, or medical care.

The term "abused or neglected child" means a child whose physical health, psychological growth and development, or welfare is harmed or is at substantial risk of harm by the acts or omissions of his/her parent or other person responsible for the child's welfare. An abused or neglected child also means a child who is sexually abused or at substantial risk of sexual abuse by any person.

A person is considered to have abandoned a child if the person is (a) unwilling to have physical custody of the child, (b) unable, unwilling, or has failed to make appropriate arrangements for the child's care, (c) unable to have physical custody of the child and has not arranged or cannot arrange for the safe and appropriate care of the child, or (d) has left the child with a care provider and the care provider is unwilling or unable to provide care or support for the child, the whereabouts of the person are unknown, and reasonable efforts to locate the person have been unsuccessful.

CHINCS can be taken into custody and must be immediately released to parents or brought to court. Runaway youth must be brought home or to an organization that assists runaway youth and their families.

The Department of Social and Rehabilitation Services must assess the youth's medical, psychological, social, educational, and vocational needs and recommend services. After a hearing, the court can (a) send the child home with conditions, (b) place the child under protective supervision, (c) send the child to a foster home, treatment, educational institution, or child placing agency, or (d) order parents to ensure the youth complies with the orders. CHINCS who are

beyond the control of parents/guardians/custodians or habitually truant from school can be placed in facilities for delinquent children. See Vt. Stat. Ann. tit. 33, §§ 4912, 5102, 5301, 5303, 5316, 5318, 5322 (2011).

Virginia

The term "child in need of services" refers to children whose behavior, conduct, or condition presents a serious threat to the well-being and physical safety of the child, or a child under 14 years of age whose behavior, conduct, or condition presents a serious threat to others. Any child who runs away from home due to physical, emotional, or sexual abuse will not be considered in need of services for that reason alone.

The term "child in need of supervision" means (a) a child who is habitually truant or who has run away from home on more than one occasion, which conduct presents substantial danger to the child's life or health, (b) the child or his/her family is in need of treatment, rehabilitation, or services not presently being received, and (c) the intervention of the court is essential to provide the treatment, rehabilitation, or services needed by the child or his/her family.

The term "abused or neglected child" means any child (a) whose parents inflict physical or mental injury or creates a substantial risk of death or harm, (b) whose parents neglect or refuse to provide care necessary for his/her health, (c) who is abandoned, or (d) who is without parental care caused by the unreasonable absence or the mental or physical incapacity of the child's parent/guardian/custodian.

Either type of CHINS can be taken into custody if necessary to ensure the child will appear in court or there is a clear and substantial danger to the child's life or health. Runaway youth can be taken into custody if there is a clear and substantial danger to their welfare.

CHINS must be sent home, to another adult, or brought to court. They can be brought to shelter care after a detention order is issued. Runaway youth must be sent home, released, or placed in shelter care for up to 24 hours if a detention order has been issued. A court can issue detention orders for several reasons, including if the youth does not consent to return home. CHINS cannot be placed in detention facilities. The court cannot become involved unless the youth and family have been referred to and made a reasonable effort to use community treatment and services.

After a hearing, CHINS can be (a) sent home under conditions, (b) permitted not to attend school if 14 years of age or older, (c) permitted to work if 14 years of age or older, (d) ordered to do community service, (e) sent to a foster home, residential facility, or independent living program, or (f) placed with a relative or other adult, child welfare agency, or facility. The court can order the child's parents to participate in treatment programs or take other actions.

CHINS must be evaluated to determine their service needs. The court can then make any order permitted for a CHINS, place the youth on probation, suspend driving privileges, order the youth or parents to participate in treatment programs, take other actions, or order community service. See Va. Code Ann. §§ 16.1-228, 16.1-246,16.1-247**,** 16.1-248.1, 16.1-260, 16.1-278.4, 16.1-278.5 (2011).

Washington

The term "at-risk youth" refers to youth who are absent from home for at least 72 consecutive hours without parental consent, are beyond the control of parents so as to endanger the youth or another person, or have a substance abuse problem.

The term "CHINS" refers to juveniles who (a) have been absent from home or a court placement for at least 24 consecutive hours on two or more occasions, (b) are beyond the control of parents so as to endanger the youth or another person, (c) have serious substance abuse problems, (d) have exhibited behaviors that create a serious risk to health or welfare, or (e) need food, shelter, health care, clothing, education, or family reunification services.

The term "abuse or neglect" means the injury, sexual abuse, sexual exploitation, negligent treatment, or maltreatment of a child by any person under circumstances that indicate that the child's health, welfare, and safety is harmed.

A law enforcement officer must take a youth into custody if a parent, agency, or court reports a child as a runaway youth, a youth is in danger, or a youth is violating a curfew ordinance. The youth must be immediately returned home or, at the parent's request, to a relative, other adult, crisis residential center, the department, or a licensed youth shelter. The youth can also be brought to a designated crisis residential center's secure facility or a center's semisecure facility if the youth expresses fear or distress that makes a law enforcement officer reasonably believe there is abuse at home or no

parent is available. A youth may also be placed in another out-of-home placement by the Department. If none of those options are available, the officer must try the following, in order: (a) the home of an adult extended family member; (b) a responsible adult, or (c) a licensed youth shelter. If no option is available, the youth must be released. The more restrictive of these placements can only last 72 hours without a court order.

Crisis residential center staff must make reasonable efforts to protect the child, achieve a reconciliation of the family, and inform the parent and youth of (a) the availability of counseling services, (b) the right to file a CHINS petition, (c) the right to a multidisciplinary team, (d) the right to request a mental health or chemical dependency evaluation, and (e) the right to request treatment in a program.

Youth can file CHINS petitions on their own behalf and can object to particular out-of-home placements. Parents can file CHINS or at-risk youth petitions. After a hearing, a court may reunite the family and dismiss the case, or approve an out-of-home placement. Family reconciliation services must be provided if requested, including referral to services for (a) suicide prevention, (b) psychiatric or other medical care, (c) psychological, mental health, drug or alcohol treatment, (d) welfare, legal, educational, or other social services, as appropriate to the needs of the child and the family, and (e) training in parenting, conflict management, and dispute resolution skills.

At-risk youth can also be ordered to attend school, receive counseling, participate in a substance abuse or mental health outpatient treatment program, report regularly to an agency, get a job, complete an anger management program, refrain from using alcohol or drugs, or other requirements. Their parents can be ordered to attend counseling or other services. See Wash. Rev. Code Ann. §§ 13.32A.030, 13.32A.040, 13.32A.050, 13.32A.060, 13.32A.120, 13.32A.130, 13.32A.179, 13.32A.191, 13.32A.196 (2011).

West Virginia

No CHINS type statute was found in the West Virginia Code.

The term "neglected child" means a child (a) whose physical or mental health is harmed or threatened by a present refusal, failure, or inability of the child's parent/guardian/custodian to supply the child with necessary food, clothing, shelter, supervision, medical care, or education when such refusal, failure, or inability is not due primarily to a lack of financial means on the part of the parent/guardian/custodian, or (b) who is presently without necessary food, clothing, shelter, medical care, education, or supervision because of the disappearance or absence of the child's parent/custodian. See W. Va. Code. §49-1-3 (2011).

Wisconsin

The term "JINPS" refers to youth (a) who habitually run away from home if the youth or parent/guardian/caretaker request court involvement because reconciliation efforts have failed, (b) whose parent/guardian request court involvement and cannot control the youth, (c) are habitually truant from school after intervention, or (d) have dropped out of school.

The term "neglect" means failure, refusal, or inability on the part of a caregiver, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of the child.

JINPS can be taken into custody and held for 24 hours without a court order. The court can then send JINPS home or to another adult with restrictions, including electronic monitoring. The court can also dismiss the case and refer the family for informal services, or enter a consent decree that suspends the case, places the youth under supervision and orders actions of the youth or family.

After a hearing, the court can (a) send JINPS home to parents or another relative and order counseling of the youth or family, (b) place the youth under supervision, (c) order homemaker or parent aide services, respite care, housing assistance, day care or parent skills training, a volunteer role model, or general monitoring, (d) send the youth to teen court, or (e) order intensive supervision. JINPS cannot be placed in serious juvenile offender programs or secure facilities, ordered to pay restitution, denied driving privileges, or ordered into detention or nonsecure custody. See Wis. Stat. §§ 48.02, 938.13, 938.21, 938.32, 938.34, 938.345 (2011).

Wyoming

The terms "CHINS" is used to refer to youth under 17 years of age who have run away from home, are habitually truant, habitually disobey reasonable and lawful demands of parents/guardians/custodians, commit status offenses, or are beyond control.

The term "neglect" means a failure or refusal by those responsible for the child's welfare to provide adequate care, maintenance, supervision, education, or medical, surgical, or any other care necessary for the child's well being.

Law enforcement officers can take into custody runaway youth and any CHINS who are a danger to themselves or endangered by their surroundings. The youth must be sent home or to another adult and cannot be placed in detention or shelter care unless it is required for the youth's protection, to prevent flight, or to provide care. CHINS must be held in the least restrictive placement, including a foster home or other child care facility. CHINS cannot be held in jail or the state boys' or girls' school, but can be held in a separate detention home. CHINS cannot be placed in shelter care without a court order.

The Department of Family Services must prepare a family study, including consulting with the youth's school to determine educational needs. The court must also appoint a multi-disciplinary team to recommend a disposition for the youth. The court can also issue a consent decree, with the youth's consent, to provide services and supervision without further court involvement.

After a hearing, the court can (a) send the youth home under protective supervision, (b) place the youth under supervision with a relative or other adult, (c) transfer custody to a public agency, (d) revoke driving privileges, (e) order community service, work, counseling, or treatment (including placement in a facility or school for that purpose), or (f) order the parents to receive evaluation and treatment (including parenting classes). CHINS cannot be sent to the state boys' or girls' school. Wyoming has also created an Interagency Children's Collaborative. See Wyo. Stat. Ann. §§ 14-3-202, 14-3-215, 14-3-402, 14-3-405, 14-3-406, 14-3-407, 14-6-427, 14-6-428, 14-6-429 (2011).

American Samoa

The term "CHINS" refers to a child who has run away from home, is a danger to self or others, is beyond the control of parent/guardian/custodian, or is repeatedly truant from school.

The term "neglected or dependent child" means a child (a) whose parent/guardian/custodian has abandoned the child or subjected the child to mistreatment or abuse, (b) who lacks proper parental care through the actions or omissions of the parent/guardian/custodian, (c) whose environment is injurious to the child's welfare, (d) whose parent/guardian/custodian fails or refuses to provide proper or necessary subsistence, education, medical care, or any other care necessary for his health, guidance, or well-being, or (e) who is homeless, without proper care, or has run away.

Police can take into custody a child who has run away, been abandoned, is in serious danger, or seriously endangering others. The child must be released to a parent or other adult, unless detention in a shelter is necessary for the child's welfare or the protection of the community. A court must then review the case within 48 hours and determine if continued shelter placement is necessary.

After a hearing, the court may (a) send a CHINS home with parents or guardians under conditions, (b) place the child on probation, (c) place the child with a relative or other person under conditions, (c) order supervised work, (d) place the child in a child care center, (e) commit the child to the Department of Health or another agency, or (f) order restitution. See Am. Samoa Code Ann. §§ 45.0103, 45.0201, 45.0202, 45.0203, 45.0210, 45.0352 (2010).

District of Columbia

The term "CHINS" is used to refer to a child who is both in need of care or rehabilitation and (a) is habitually disobedient of the reasonable and lawful commands of his/her parent/guardian/custodian and is ungovernable, (b) is habitually truant from school, or (c) has committed an offense committable only by children.

The term "neglected child" means a child (a) who has been abandoned or abused by the child's parent/guardian/custodian, (b) who is without proper parental care, control, subsistence, education (as required by law), or other care or control necessary for the child's physical, mental, or emotional health, and the deprivation is not due to the lack of financial means of the child's parent/guardian/custodian, (c) whose parent/guardian/custodian is incarcerated, hospitalized, or incapacitated, (d) whose parent/guardian/custodian refuses or is unable to assume the responsibility for the child's care, control, or subsistence and the person or institution which is providing for the child states an intention to discontinue such care, (e) who is in imminent danger of being abused and/or another child living in the same household or under the care of the same

parent/guardian/custodian has been abused, (f) who has received negligent treatment or maltreatment from the child's parent/guardian/custodian, (g) who is born addicted to or in whose body there is a controlled substance, or (h) who is regularly exposed to illegal drug-related activity in the home.

Police may take CHINS into custody. A person taking a child into custody must, as soon as possible, release the child to his/her parent/guardian or custodian, bring the CHINS before the Director of Social Services, bring the child to a medical facility, or bring the neglected child to the Director of the Child and Family Services Agency. A child under 13 years of age who is taken into custody shall remain in the immediate physical presence of a police officer pending release or delivery one of the agencies listed above. CHINS can be held prior to a court hearing only in a foster home, group home, shelter, or detention home designed from CHINS. However, no child may be detained in such a facility if it would result in his commingling with children who have been adjudicated delinquent and committed by order of the Family Division.

After a hearing, the court can let the child remain with his/her parents/guardians/custodians with necessary treatment, parenting classes, and/ or family counseling. The court can also (a) place the child under protective supervision or probation, (b) transfer custody to a public or private agency, relative, or another appropriate person, or (c) if necessary, commit the child to a facility for medical, psychiatric, or other treatment. The child must complete at least 90 hours of community service. Children who are found to be CHINS more than once may be placed in a facility for delinquent children. D.C. Code §§ 16-2301, 16-2309, 16-2311, 16-2313, 16-2320 (2011).

Guam

No CHINS type statute was found in the laws of Guam.

Northern Mariana Islands

No CHINS type statute was found in the laws of the Northern Mariana Islands.

Puerto Rico

No CHINS type statute was found in the Puerto Rico Code.

Virgin Islands

The term "PINS" refers to children who have run away from home, are beyond the control of parents/ guardians/custodians, use alcohol or drugs, or are habitually truant from school.

The term "abandoned child" means a child whose parents/guardian/custodian desert the child for such a length of time and under such circumstances as to show an intent to evade the duty of rearing the child or a reckless disregard for the child's needs. Under the statute, abandonment is a form of neglect.

The term "neglect" means the failure by those responsible for the care and maintenance of the child to provide the necessary support, maintenance, education (as required by law), and medical or mental health care, to the extent that the child's health or welfare is harmed or threatened thereby. It shall also mean an abandoned child as defined in this chapter.

Police may take a child into custody who has run away, is in immediate physical danger, or has no parent/guardian/custodian or other person to care for him/her. The child must be sent home with a warning or bring the child to an intake officer, shelter care, or medical facility. If the child is brought to shelter care, the Attorney General must review the case and release the child, unless shelter care is necessary to protect the child or there is no person or agency able to care for the child and the child is unable to care for himself. If the child is not released, a court hearing must be held with 48 hours. The court can continue the shelter placement or release the child under supervision or conditions. If the child agrees, the court can also divert the child to services in the community.

After a hearing, the court can send a PINS home under conditions, place the child on probation, order treatment or shelter care, and require actions of the parents. See V.I. Code Ann. tit. 5, §§ 2502, 2511, 2513, 2514, 2516, 2519, 2521 (2011).

Status Offenses

Background

Status offenses are behaviors or actions that are legally punishable only when performed by minors, defined as persons under the age of majority as established by the jurisdictions. They are purportedly designed to protect young people from harm and victimization and to prevent delinquent acts. However, they also restrict the rights of young people and can result in entangling otherwise law-abiding youth with the juvenile justice system. Three specific types of status offenses with the greatest impact on unaccompanied youth were researched for this analysis: running away from home; truancy from school; and curfew violations.

Young people who run away from home often do so for their own survival. One study found that 21 percent of youth who had run away or had been kicked out of their homes had either experienced physical or sexual abuse, or were afraid of being harmed if they went home[1]. Furthermore, significant correlations have been found between children who had suffered verbal, physical, or sexual abuse and higher rates of running away[2]. Severe dysfunction in the home is also common. For example, over two-thirds of the youth reported that at least one parent abused drugs or alcohol. Tragically, they often find further victimization waiting for them on the streets. Unaccompanied youth are frequently the victims of physical and sexual assaults, as well as robberies[3]. Exploitation is also of great concern for youth experiencing homelessness; within 48 hours of leaving home, one out of every three unaccompanied youth will be lured toward prostitution[4].

Truancy and compulsory education statutes are designed to ensure that young people attend school. Education can provide young people with many benefits, including academic and social skills, job skills, and the opportunity for higher education. However, truancy laws can be very damaging to youth who are on their own. Unaccompanied youth may have difficulty complying with compulsory school attendance requirements for a number of reasons, including unstable and inadequate living environments, unmet educational and psychological needs, lack of transportation to school, and employment responsibilities.

Curfew statutes prohibit young persons from being on the street and possibly in other public places at stated times of the day. These statutes are particularly severe for unaccompanied youth. Youth on their own are often forced to be on the street after curfew for a simple reason: the street is their home. The limited availability of shelters and the unavailability of a safe or affordable legal residence often make public places the only option for unaccompanied youth. Curfew laws essentially criminalize these young people's existence.

Fast Facts

- **50** jurisdictions explicitly allow police to take runaway youth into custody;
- **9** jurisdictions classify running away from home as a status offense;
- **2** jurisdictions classify runaway youth as delinquent;
- **6** jurisdictions explicitly allow runaway youth to be detained in secure facilities;
- **2** jurisdictions do not address runaway youth in their statutes;
- **6** jurisdictions classify truancy as a status offense;
- **5** jurisdictions classify truants as delinquent;
- **39** jurisdictions authorize curfews, either explicitly at the state level or make allowances for authorization by local governments; and
- **18** jurisdictions specifically authorize curfews for youth with ages ranging from under 12 to under 18 years old.

Running Away

Purpose and Findings

We sought to determine how many jurisdictions included running away from home as a status offense and the legal consequences of running away.

Nine jurisdictions classify runaway youth as status offenders: Georgia, Idaho, Kentucky, Nebraska, South Carolina, Texas, Utah, West Virginia, and Wyoming. The Northern Mariana Islands places youth who have run away from home in the same category with delinquents. Six jurisdictions explicitly permit

runaway youth to be held in secure detention facilities: Alabama, Georgia, Indiana, Nevada, South Carolina, and the Northern Mariana Islands. Additional jurisdictions may allow this practice. Delaware and Guam do not address runaway youth.

Almost all jurisdictions, fifty in total, permit law enforcement officials to take runaway youth into custody without a court order and without the youth's permission. Almost all jurisdictions also offer services to runaway youth and their families, including, for example, counseling, family mediation and alternative placements. These services follow the classification of the runaway youth as a Child in Need of Supervision (CHINS) or similar classifications. (The CHINS section of this publication describes the consequences of being considered a CHINS. In most cases, CHINS are offered a range of supportive services, although punitive sanctions are also authorized). Thirty-six jurisdictions explicitly authorize police to return runaway youth directly to their homes without considering the youth's wishes.

Analysis

The jurisdictions that classify runaway youth as status offenders or delinquents have made a policy decision to assign responsibility for these youth to the juvenile justice system, rather than (or in addition to) the child welfare system. Symbolically, these jurisdictions view running away from home as criminal, rather than as an indicator of abuse, neglect, or severe family dysfunction. Such a view is inappropriate and harmful to young people.

Almost all jurisdictions permit law enforcement officials to take runaway youth into custody without a court order and without the youth's permission. In some cases, this law enforcement intervention may be helpful in removing youth from dangerous situations. However, these policies again treat youth on their own as criminals, can cause suspicion and hostility between young people and law enforcement and can dissuade youth from seeking out available services. Further, for the many young people who have fled abusive homes, the policy of returning runaway youth directly to their homes without considering the youth's wishes could be dangerous or even fatal.

The state must assume a significant role in providing services and support to runaway youth and their families. However, if these services are provided within a framework that views the youth as blameworthy, they will be of limited efficacy. Jurisdictions should offer a full complement of services, including parenting training, family counseling, anger management, and addiction and mental health services. The state must also provide safe, independent living options for young people who cannot remain at home.

Noteworthy Statutes

The approach of Connecticut's statute displays a concern for the safety, as well as the rights, needs, and dignity, of young people. Connecticut law does not classify running away from home as a status offense. Rather, running away is an independent legal category with consequences specific to runaway youth only. The law permits police to transport runaway youth between ages 16 and 17 to public or private facilities only with the youths' consent. By explicitly requiring law enforcement to comply with a young person's wishes, the statute recognizes the complex circumstances of runaway youth and the young person's own sense of his or her best interest. Police are expressly forbidden to bring such young people to jails or detention facilities, thereby separating runaway youth from individuals who have been accused of violating the law. Connecticut's statute also explicitly requires that transportation to a public or private facility be solely for the purpose of the youth's safety. See Conn. Gen. Stat. § 17a-185 (2011).

Illinois and Oregon also explicitly require the youth's consent before the youth can be returned home or sent to a shelter. Illinois law also makes interim crisis intervention services available for runaway youth in order to prevent their involvement in juvenile court proceedings. See 705 ILCS 405/3-5 (2011).

Recommendations

- De-classify running away as a status offense;
- Classify runaway youth so as to assign responsibility for their care and support to the social service system, rather than the juvenile justice system;
- Prohibit housing runaway youth in secure detention facilities;
- Confer with youth prior to alerting guardians of his/her location;
- Authorize law enforcement to transport runaway

youth to safe places only with the youth's permission unless the youth is in immediate danger;

- Establish a social services system that provides runaway youth with intensive support services based on the individual's needs and desires, including health services, job training, supported living programs, education, life skills training, and counseling;
- Provide services to prevent family dysfunction that causes youth to run away, including family mediation, crisis intervention teams, family counseling, parental substance abuse programs, parenting classes, and anger management programs; and
- Educate law enforcement officers and social services providers about the needs and circumstances of runaway youth.

Truancy

Purpose and Findings

Six jurisdictions classify truant youth as status offenders: Georgia, Idaho, Nebraska, South Carolina, Texas, and West Virginia. In addition, Indiana, New Jersey, and the Northern Mariana Islands consider truant young people to be delinquents. New York calls truant students "School Delinquents," but the term does not carry the consequences of delinquency. In South Carolina, status offenders can be declared delinquent in some cases. Some jurisdictions use unusual terms to describe truant students: Arizona refers to truant students as "incorrigible"; Georgia, Ohio and Tennessee use the term "unruly"; and Michigan uses the term "Juvenile Disorderly Person."

The ages at which education is required differ among jurisdictions. Compulsory education begins between ages five and eight and extends until ages 15 to 18. Most jurisdictions excuse students from school attendance when they turn 16 years old. Sixteen jurisdictions extend compulsory education to age 17; twelve jurisdictions require school attendance until age 18.

Truancy is defined as a number of unexcused absences. Those jurisdictions that define the number of absences required to find a student truant vary in their approach. For example, California, Delaware, and Minnesota consider a student with three unexcused absences in a school year to be truant. Other jurisdictions consider students to be truant if they are absent without an excuse for five (Arizona, Tennessee, Wisconsin, and Wyoming), ten (Colorado, Connecticut, Maine, and North Carolina) or twelve (Ohio and Guam) days in a school year. Montana law permits ten unexcused absences in a semester before a student will be considered truant.

Analysis

The nine jurisdictions that classify truant youth as status offenders or delinquents have made a policy decision to assign responsibility for these youth to the juvenile justice system. While it is important that jurisdictions take steps to ensure that every young person receives an education, this effort should not result in proceedings that punish youth. Missing school is fundamentally different than violating a criminal law. At a minimum, truancy laws should recognize that unaccompanied youth often are forced to miss school by the rigors of caring for themselves, including working and searching for shelter and food.

Further, many truancy statutes provide penalties such as fines, community service, or revocation of driving privileges. For most unaccompanied youth, these sanctions would be onerous and could actually result in further missed schooling and loss of employment. Rather than such counter-productive punishments, reforms to public education, including efforts to engage younger students in elementary school, offering flexible, challenging high school programs, providing transportation, and adopting trauma-informed education and discipline systems would likely be the most effective means to reduce truancy.[5]

Noteworthy Statutes

Elements of Florida's truancy statute provide youth with appropriate interventions designed to increase school attendance. As compulsory school attendance in Florida ends at age 15, youth age 16 and older are not subject to the law at all. For youth age 15 and younger, the law requires the school system to undertake significant efforts to make school attendance viable for the youth. For example, the law requires schools to give truant students opportunities to make up assigned work prior to imposing academic penalties. If a student is repeatedly truant, a child study team must review the situation, meet with the student and parents, and implement interventions to support the youth and

family. Examples of interventions include adjusting the learning environment, providing a mentor, peer counseling, peer or adult tutoring, evaluations for alternative programs, and referrals for family services. Truant students can only be reported to the school superintendent after all reasonable efforts to resolve the nonattendance are exhausted. At that point, the young person is not considered a status offender or delinquent, but a child in need of supervision. This designation permits additional services to be provided to the youth and family (see CHINS section of this publication) (Fla. Stat. 232.17 (2011).

Recommendations

- De-classify truancy as a status offense;
- Assign responsibility for truant youth to the school or CHINS system, rather than the juvenile justice system;
- Provide flexibility in school programs for unaccompanied youth, including flexible school hours and credit and attendance policies, and transportation to and from school;
- Award academic credit for employment experiences;
- Establish intensive interventions in schools to prevent and end truancy;
- Do not sanction youth for truancy; rather, offer positive alternatives and services to enable youth to earn academic credits; and
- Educate school personnel, including teachers, administrators and attendance officers, about the needs and circumstances of unaccompanied youth.

Curfews

Purpose and Findings

Thirty-nine jurisdictions either explicitly authorize curfews or include allowances in the statute for local governments to authorize curfews. Curfews are commonly enacted by local governments, including cities and counties. Therefore, localities in all the jurisdictions may have their own curfew ordinances, and many do. Nonetheless, it is significant that a majority of jurisdictions authorize curfews at the state level. These policies implicitly encourage curfew laws.

Ten jurisdictions specifically authorize curfews for youth as old as 17 years: Alaska,Indiana, Maryland, Minnesota, New Jersey, North Carolina, Tennessee, Texas, West Virginia, and Guam. Hawaii, Michigan, New Hampshire, Rhode Island, and Vermont authorize curfews for youth as old as 16 years. Several jurisdictions provide specific hours for curfews. Some of the more restrictive statutes include: New Hampshire and Rhode Island, which authorize curfews after 9:00 p.m.; the Virgin Islands, which authorizes curfews after 10:00 p.m.; New Jersey, Tennessee, and Virginia, which authorize curfews between 10:00 p.m. and 6:00 a.m.; Guam, which authorizes curfews between 10:00 p.m. and 5:00 a.m.; and Hawaii, which authorizes curfews between 10:00 p.m. and 4:00 a.m..

Analysis

Although many curfew laws contain exceptions for certain activities, such as employment, education, religious activities, or errands directed by a parent, these laws restrict the mobility of young people and criminalize normal, and often necessary, behavior. Youth who are on their own and are forced to be on the street after curfew because it is their only living option may find themselves in contact with the juvenile justice system because of a curfew law. This outcome is harmful, unfair, and unnecessary. Unaccompanied youth must concentrate on daily survival activities, including employment, school, and finding shelter and food. To burden them further with curfew laws and the consequent threat of juvenile court involvement is inappropriate.

More generally, there is much debate as to whether curfew laws keep young people safe or prevent crime. The National Council on Crime and Delinquency, the Justice Policy Institute and the Los Angeles Police Department have found curfews to be ineffective on both counts and to involve youth in the juvenile justice system unnecessarily.

Recommendations

- Eliminate curfews; and
- Provide sufficient safe, emergency shelter and supported independent living programs so that unaccompanied youth do not have to live in public places in violation of curfew laws.

Research Methodology and Limitations

To compile statutes defining status offenses with particular regard to runaway youth, truancy and

curfews, our search used the following terms:

Status Offense, Truancy, Compulsory School Attendance, Truant, Habitual, Absent, School, Runaway, Runs away, Absconds, Absent, Absent from Home, Curfew, and Juvenile.

It is important to note that there are justifications, other than being a suspected runaway, for law enforcement to be able to take a runaway youth into custody. These reasons include, but are not limited to, offenses such as truancy, smoking in public, loitering, and removing the youth from a potentially dangerous situation.

This compendium discusses the potential orders a court may apply to a runaway youth. We tried to capture the most relevant court orders mentioned in the statutes, but the courts are likely free to prescribe orders not included in the summaries.

It is also important to note that often a petition must be filed before a runaway youth becomes involved in a court proceeding and therefore subject to court orders. Petitions concerning runaway youth can be filed by a number of individuals, including guardians, police officers, intake officers, and judges. Thus, if a petition is not filed concerning a runaway youth after being taken into custody, the youth will not automatically be involved in court proceedings. This compendium does not attempt to summarize who may file such a petition.

We did not summarize certain aspects of statutes regarding runaway youth, including the full array of consequences of running away from home. For example, American Samoa has penalties for people who abet or harbor runaway youth. Am. Samoa Code Ann. § 45.1026 (2010). The section on CHINS contains additional information on this topic.

Regarding truancy, the jurisdiction summaries highlight those aspects of each jurisdiction's school attendance laws most relevant to runaway and homeless youth. This includes definitions and classifications of truant youth, the compulsory school age in each jurisdiction, the ability of school officials and police officers to take truant youth into custody, and jurisdictions' general approaches to monitoring school attendance. The summaries do not include descriptions of guardian involvement in school attendance (as guardian involvement with unaccompanied youth is low to nonexistent). Often, the jurisdictions focus their attendance requirements on the youth's guardian, making it the guardian's responsibility to ensure that a youth attends school. Noncompliance with these provisions may result in criminal charges for a youth's guardian.

The summaries also do not include all the exceptions to compulsory attendance, such as home school, developmental problems, and graduation from high school. However, we did note employment exceptions in those jurisdictions that have them, as these are important to unaccompanied youth. We did not summarize certain aspects of truancy statutes, including the full array of consequences of repeated truancy from school.

Regarding curfews, the following list compiles citations to each jurisdiction's juvenile curfew statutes. Our research findings are presented in the chart included in this section. The chart focuses on whether or not each jurisdiction addresses juvenile curfews expressly, lists the ages to which a jurisdiction's curfew applies, and lists the times that the curfew is in effect. Notice that in some jurisdictions, juvenile curfews are addressed explicitly, but specific age limits and times are not provided. In most cases, these jurisdictions expressly give local governments the power to create curfews. If a jurisdiction does not directly address a juvenile curfew in its statutes, a local government may still have the power to pass an ordinance prescribing a curfew. Also, even when jurisdictions have specified age limits and times, local ordinances may be free to impose more expansive curfew measures.

We did not summarize certain aspects of juvenile curfew laws. For instance, some jurisdictions specify the penalty for violating curfew. Others list the instances when a youth is exempt from curfew requirements. For more information regarding a jurisdiction's curfew statutes, consult the code.

---

1. Hammer, H., Finkelhor, D., & Sedlak, A. (October 2002). Runaway/Thrownaway Children: National Estimates and Characteristics. National Incidence Studies of Missing, Abducted, Runaway and Thrownaway Children, pg. 8.

2. National Runaway Switchboard 2011 Reporter's Source Book on Runaway and Homeless Youth (September 2011). National Runaway Switchboard, pg. 18.

3. Note 1, supra; Pierre, Robert E. (August 27, 2002). Homeless Youths: A Study's Portrait of a Perilous Life. Washington Post, A03.

4. U.S. Department of Health and Human Services (2009). Report to Congress on the Runaway and Homeless Youth Programs of the Family and Youth Services Bureau for Fiscal Years 2008 and

2009, pg. 23.

5. See, for example, Black, Susan (December 2002). Keeping Kids in School: Who can play the biggest role in preventing dropouts? Hint: It's not the students. American School Board Journal, www.asbj.com/current/research.html

Status Offenses — Running Away Statutes

Alabama

Runaway youth may be taken into custody without a warrant by a police officer. As soon as reasonably possible, the police officer must return the youth to the custody of the youth's guardian, unless the youth's placement in detention or shelter care appears required. If the police officer chooses to take the runaway youth to a detention or shelter care facility, the youth will be reviewed at intake to determine if the youth should be placed in detention or shelter care as a dependent or delinquent youth or a child in need of supervision. The Code outlines criteria for determining whether a youth shall remain in detention or shelter care beyond 72 hours. These include (a) if the juvenile court or court intake officer finds that the youth has no parent, legal guardian, legal custodian, or other suitable person to provide supervision and care, (b) release of the youth would present a clear and substantial threat of a serious nature to the person or property of others and where the youth is alleged to be delinquent, (c) release of the youth would present a serious threat of substantial harm to the youth, (d) the youth has a history of failing to appear for hearings before the juvenile court, or (e) the youth is alleged to be delinquent for possessing firearms. Code of Ala. § 12-15-128 (2011). However, the Code of Alabama does not directly address proceedings concerning runaway youth. Code of Ala. § 12-15-127 (2011).

Alaska

Runaway youth may be taken into custody without a warrant by a police officer. The police officer must (a) return the youth to the custody of the youth's guardian if the guardian's residence is in the same community in which the youth was found, except that the officer may not return the youth to a guardian if the officer has reasonable cause to believe that the minor has experienced physical or sexual abuse in the guardian's household; or (b) take the youth to a nearby location agreed to by the minor's guardian if the guardian does not consent to return of the youth and the officer does not have reasonable cause to believe the minor has experienced physical or sexual abuse in the guardian's household, or (c) bring the youth to a runaway shelter or other location under the supervision of the Department of Health and Social Services. Alaska Stat. § 47.10.141 (2011). A court may declare the runaway youth a child in need of aid if the youth is habitually absent from home and is in need of services. Alaska Stat. § 47.10.011 (2011). A child in need of aid may be released into the custody of the child's guardian under the supervision of the Department of Health and Social Services and ordered to participate in treatment. A court may also order the custody of the child to be transferred to the Department of Health and Social Services. Alaska Stat. § 47.10.080 (2011). Alaska also offers runaway programs and runaway shelters to address the needs of runaway youth. Alaska Stat. § 47.10.300 et seq. (2011).

Arizona

Runaway youth may be taken into custody without a warrant by a police officer. The police officer must return the youth to the custody of the youth's guardian or transfer custody of the youth to the juvenile court. A.R.S. § 8-303 (2011). A runaway may be declared an incorrigible child by the juvenile court. A.R.S. § 8-201 (2011). An incorrigible child may be subject to treatment, counseling, special education, special supervision, and protection. A.R.S. § 8-234 (2011). The custody of an incorrigible child may be placed with the child's guardian, a relative, an appropriate unrelated adult, or with a public or private childcare agency. A.R.S. § 8-341 (2001). With some exceptions, a juvenile shall not be detained in a police station, jail, or lockup where adults charged with or convicted of a crime are detained. A.R.S. § 8-303; 8-305 (2011).

Arkansas

A youth may be taken into custody without a warrant if it is clear that the youth in danger and taking custody of the youth is necessary to prevent serious harm, a parent or guardian is unavailable or has not taken action necessary to protect the youth from the danger, and there is not time to petition for and obtain an order of the court before taking the youth into custody. A.C.A. § 9-27-313 (2011). If a youth is taken into custody with or without a warrant, the officer taking the youth into custody shall immediately make every effort possible to notify the custodial guardian of the juvenile's location. A.C.A. § 9-27-313 (2011). The police officer must return the youth to the custody of the youth's guardian or

transfer custody to the juvenile court. A.C.A. § 9-27-313 (2011). The family of a youth who has left home without sufficient cause, permission, or justification may be declared a family in need of services. A.C.A. § 9-27-303 (2011). A family in need of services may be subject to family services, parental training, supervision of the youth, or transfer of the custody of the youth to Department of Human Services. A.C.A. § 9-27-332 (2011).

California

A youth may be taken into temporary custody without a warrant if it appears that the youth is beyond the control of the youth's guardian or persistently or habitually refuses to obey the reasonable orders or directions of the guardian. Cal. Welf. & Inst. Code § 625 (2011). A police officer may find it reasonable to take a runaway youth into temporary custody using these guidelines. The youth is typically returned to the custody or his/her guardian within 24 hours of being taken into custody. When a runaway youth is adjudged a ward of the court, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the youth. The court usually will order the care, custody, and control of the youth to be under the supervision of a probation officer who can place the youth in the approved home of a relative or nonrelative, extended family member, a suitable licensed community care facility, or with a foster family agency, who in turn will place the youth with a suitable licensed foster family home or certified family home. The court may order counseling or other treatment services and may require the guardian to participate, unless the guardian's participation is deemed by the court to be inappropriate or potentially detrimental to the youth. Once the court declares a youth a ward, the court may make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the youth. Cal. Welf. & Inst. Code §§ 207, 601, 602, 625, 727 (2011).

Colorado

A runaway youth may be taken into custody without a warrant by a police officer. The youth may be declared a dependent child by the court. After a youth is declared a dependent child, the youth may be returned to the custody of the youth's guardian or placed in an appropriate living situation under the guidance of the county Department of Social Services. A dependent child may be placed in the home of the child's guardian or in the home of a relative, with or without court supervision. A dependent child may also be placed in the custody of a child care facility or the Department of Social Services. The child may also be ordered to undergo treatment. The court shall approve a treatment plan catered to the needs of the dependent child. C.R.S. §§ 19-3-102, 19-3-401,19-3-508 (2010).

Connecticut

A police officer may transport a runaway youth ages 16 or 17 with sole written consent of the youth who appears to be away from home without permission of a parent or guardian. The police officer must transport the youth to a public or private facility that offers services to runaway youth, but not the Department of Corrections, the Connecticut Juvenile Training School or a local police detention facility. If practicable, the facility shall inform the youth's guardian of the youth's presence at the facility within 12 hours. Conn. Gen. Stat. § 17a-185 (2011). A family with a youth that has run away without just cause may be declared a family with service needs. Conn. Gen. Stat. § 46b-120 (2011).

Delaware

The Delaware Code does not directly address runaway youth. Delaware has, however, adopted the Interstate Compact on Juveniles for the purpose of cooperating with other states to return juveniles when their return is sought and accept the return of juveniles whenever a juvenile residing in Delaware is found or apprehended in another state. See Del. Code tit. 31 § 5203 (2011).

Florida

A runaway youth may be taken into custody without a warrant by a police officer. The officer may release the youth into the custody of the youth's guardian or to a Department-approved family-in-need-of-services or child-in-need-of-services provider. Fla. Stat. § 984.13 (2011). The youth may be declared a child in need of services if the youth persistently runs away and reasonable efforts to prevent the youth from running away, such as services and treatment, have not succeeded. Fla. Stat. § 984.03 (2011). A child in need of services may be ordered to undergo treatment and counseling, placed in a childcare facility, or assigned to an agency that has a contract with the state to provide services. Fla. Stat. § 984.22

(2011).

Georgia

A runaway youth may be taken into custody without a warrant by a police officer. O.C.G.A. § 15-11-45 (2011). The officer shall release the youth into the custody of the youth's guardian or deliver the youth to the juvenile court for assessment. O.C.G.A. § 15-11-47 (2011). If this is the first time the youth has run away from home, then any proceedings involving the youth will be dismissed at the request of the youth's guardian. O.C.G.A. § 15-11-64 (2011). The juvenile court may declare the youth an unruly child. The court may also declare the youth a status offender. O.C.G.A. § 15-11-2 (2011). Once the court has declared a youth an unruly child, the court may release the youth into the custody of the youth's guardian, order the commitment of the youth to the Department of Juvenile Justice, and order the youth to undergo counseling and other treatment. O.C.G.A. §§ 15-11-67, 15-11-68 (2011).

Hawaii

A runaway youth may be taken into custody without a warrant by a police officer. The officer shall release the youth into the custody of the youth's guardian or deliver the youth to family court or an appropriate agency for assessment. H.R.S. § 571-31 (2011). The court may order the placement of the youth in a shelter care facility or may order informal treatment and counseling. H.R.S. § 571-31.5, 571-32 (2011). A runaway youth may be considered a youth at risk or a youth in need of services by the Office of Youth Services because of the youth's contact with police and the youth's potential social, emotional, and psychological problems and may be referred to a Youth Service Center. HRS § 352D-3 (2011).

Idaho

A runaway youth may be taken into custody without a warrant by a police officer or by a private citizen until the youth can be delivered into the custody of a police officer. The police officer shall then transfer custody to the youth's guardian or deliver the youth to a juvenile shelter care facility or community-based diversion program to await a hearing. Idaho Code § 20-516 (2011). A hearing may be avoided if the youth is referred to a community-based diversion program for services and treatment or informally supervised by the Probation Department. Idaho Code § 20-511 (2011). A runaway can be declared a status offender by the court. If a youth commits two status offenses (such as running away, truancy, or curfew violations) in one year, the court may declare the youth a habitual status offender. Idaho Code § 20-521 (2011).

Illinois

A runaway youth may be taken into custody without a warrant by a police officer. 705 ILCS 405/3-4 (2011). The police officer shall then make reasonable efforts to contact the youth's guardian and, with the youth's consent, release the youth into the custody of the youth's guardian. If, however, the officer is unable after reasonable efforts to contact the guardian, the guardian lives unreasonably far away, or the minor refuses to be taken to his/her home or other appropriate resident, the officer shall transport the youth to an agency providing crisis intervention services, including, when appropriate, mental health services for voluntary or involuntary admission. If no crisis intervention services exist, the officer may transport the minor to a court services department. 705 ILCS 405/3-4 (2011). The Juvenile Court may declare the youth a minor requiring authoritative intervention. 705 ILCS 405/3-3 (2011). If declared a minor in need of authoritative intervention, the court may release the youth into the custody of the youth's guardian, commit the youth to the Department of Children and Family Services, or, in certain situations, order the youth partially or completely emancipated. 705 ILCS 405/3-24 (2011). Interim crisis intervention services are also available for runaway youth in order to prevent their involvement in Juvenile Court proceedings. 705 ILCS 405/3-5 (2011).

Indiana

A runaway youth may be taken into custody by a police officer, or probation officer or caseworker when a police officer is not available and the youth is in immediate danger and an order from the court cannot be readily obtained. Ind. Code § 31-34-2-3 (2011). A youth may also be taken into custody if an officer has probable cause to believe that a youth has committed a delinquent act. Ind. Code 31-37-4-2 (2011). If a youth is taken into custody without an order of the court, the person taking the youth into custody may release the youth or deliver the youth to a place designated by the juvenile court and shall promptly notify the youth's guardian and an intake officer. Ind. Code § 31-34-4-4 (2011). The juvenile court may declare a runaway youth a delinquent child. Ind. Code § 31-37-2-2 (2011). The juvenile court

may (a) order supervision of the delinquent child by the Probation Department or the county Office of Family and Children, (b) order the delinquent child to receive outpatient treatment, (c) remove the delinquent child from the child's home and place the child in another home or shelter care facility, (d) award wardship to a person or shelter care facility, (e) partially or completely emancipate the delinquent child, or (f) order the delinquent child or the child's guardian to receive family services. Ind. Code § 31-37-19-1 (2011). Informal proceedings are available to avoid juvenile court proceedings. Ind. Code § 31-37-9-1 (2011).

Iowa

A runaway youth may be taken into custody without a warrant by a peace officer. The peace officer may take the youth into custody with the purpose of determining whether the youth should be reunited with the youth's guardian, placed in shelter care, or placed in a runaway placement center where available. Iowa Code § 232.19 (2010). Iowa offers its counties the opportunity to develop a runaway treatment plan to address the problem of chronic runaways. The runaway treatment plan must include the establishment of a Runaway Assessment Center. Iowa Code § 232.195 (2010). A youth will be considered a chronic runaway if the youth runs away more than once in a 30 day period or three or more times in a year. Iowa Code § 232.2 (2010).

Kansas

A law enforcement officer may take a youth into custody if the officer reasonably believes the child will be harmed if not immediately removed from the place or residence where the child has been found or has probable cause to believe the child is a missing person and a verified missing person entry for the child exists in the National Crime Information Center Missing Person System. K.S.A. § 38-2231 (2011). If a person provides shelter to a child whom the person knows is a runaway, that person shall promptly report the child's location either to a law enforcement agency or to the child's parent or other custodian. K.S.A. § 38-2231 (2011). Kansas also has a detailed procedure for placing runaways in secure facilities. Kansas Atty. Gen. Op. 1988-130 (1988).

Kentucky

A runaway youth may be taken into custody without a warrant by a police officer. Kan. Stat. Ann. § 630.030 (2011). The peace officer shall then contact a court-designated worker who shall determine the appropriate placement for the youth. The youth may be released into the custody of the youth's guardian, or placed in an emergency shelter or other appropriate facility. If the youth is not released to the youth's guardian, the peace officer shall also file a complaint with the juvenile session of the District Court explaining why the youth was taken into custody and not released into the custody of the youth's guardian. Kan. Stat. Ann. § 630.040 (2011). If a youth runs away more than three times in a one-year period, the youth will be considered a habitual runaway. Running away may also be classified as a status offense. Kan. Stat. Ann. § 600.020 (2011). The court may order a youth classified as a status offender into nonsecure custody or order treatment or services. Kan. Stat. Ann. § 630.120 (2011).

Louisiana

A runaway youth may be taken into custody without a warrant by a peace officer if the peace officer has reason to believe that the child's family is in need of service. LSA-Ch.C. Art. 736 (2011). A family in need of services is, among other thing, a family with a youth who has run away from home. LSA-Ch.C. Art. 730 (2011). Once a youth is taken into custody, the peace officer must release the child into the custody of the youth's guardian or promptly take the child to a shelter care facility. LSA-Ch.C. Art. 736 (2011). As soon as practicable after a youth is received by a shelter care facility or secure detention facility, the court or probation officer authorized by the court shall release the child to the child's parents, guardian, or other relatives or caretakers upon written promise to bring the child to court as required by the court. If the court finds release is not appropriate, the court may require continued custody pending a hearing. LSA-Ch.C. Art. 738 (2011). The court may declare a runaway youth's family as a family in need services. A family in need of services may be ordered to undergo treatment or counseling or the youth may be placed in a child care facility. LSA- Ch.C. Art. 779 (2011). Alternatively, a family may be involved in an informal family service plan in order to avoid formal court orders regarding the family and the runaway youth. LSA-Ch.C. Art. 744 (2011).

Maine

A runaway youth may be taken into interim care without a warrant by a police officer. The youth may

not be involuntarily held for longer than six hours. The officer must then contact the Department of Human Services, which will designate a place where the youth shall be placed. Either the Department of Human Services or the police officer must contact the youth's parent, guardian, or legal custodian as soon as possible. The Department of Human Services shall inform the youth and the youth's parent, guardian or legal custodian of the social services available to them and encourage them to voluntarily accept the services. 15 M.R.S. §3501 (2011).

Maryland

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then either release the youth into the custody of the youth's guardian upon their written promise to bring the child before the court when requested by the court or deliver the child to shelter care. Md. Code , Courts and Judicial Proceedings § 3-8A-14 (2011); § 3-8A-15 (2011). While the Maryland Code does not directly address proceedings concerning runaway youth, a runaway youth may be declared a child in need of supervision if it is found that the youth is either habitually disobedient, ungovernable and beyond the control of the person having custody of him/her, or is endangering the youth's own safety or the safety of others. Md. Code , Courts and Judicial Proceedings § 3-8A-01 (2011). A child in need of supervision may be subject to probation or rehabilitative services, or may be placed in the custody of the Department of Juvenile Justice, the Department of Health and Mental Hygiene, or a public or private childcare agency. Md. Code , Courts and Judicial Proceedings § 3-8A-19 (2011).

Massachusetts

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then release the youth into the custody of the youth's guardian or deliver the youth to a temporary shelter facility. Mass. Ann. Laws ch. 119, § 39H (2011). A runaway youth may be declared a child in need of services by the juvenile court. A child in need of services may be (a) ordered to undergo social services, (b) placed with the youth's guardian, a relative, a probation officer, or a private agency, or (c) may be committed to the Department of Children and Families. Mass. Ann. Laws ch. 119, § 39G (2011).

Michigan

A youth whose surroundings are such as to endanger his/her health, morals, or welfare or who is found violating any law or ordinance may be taken into custody without a warrant by a police officer. The youth shall not be held in any detention facility unless the youth is completely isolated from other detainees. The youth's parent, guardian, or custodian must be immediately notified. The police officer shall then either release the youth into the custody of the youth's guardian or bring the youth in front of the appropriate probate court for proceedings. Mich. Comp. Laws § 712A.14 (2011). The court has the power to make a variety of orders concerning a runaway youth, including placement decisions and orders for treatment and services. Mich. Comp. Laws § 712A.18 (2011).

Minnesota

A runaway youth may be taken into custody without a warrant by a peace officer. The peace officer shall then notify the youth's guardian that the youth has been taken into custody. Minn. Stat. § 260C.175 (2010). The officer may then release the child into the custody of the youth's guardian or deliver the child to an appropriate child care facility. Minn. Stat. § 260C.176 (2010). A runaway youth may be declared a child in need of services by the juvenile court. Minn. Stat. § 260C.007 (2010). The court may order the youth to undergo counseling or treatment, may subject the youth to supervision by a probation officer, or transfer the custody of the youth to a responsible adult or child care facility. Minn. Stat. § 260C.201 (2010).

Mississippi

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then either release the child into the custody of the child's guardian or bring the youth before the Youth Court. Miss. Code Ann. § 43-21-301 (2011); Miss. Code Ann. §43-21-303 (2001). A runaway may be declared a child in need of supervision by the court. Miss. Code Ann. § 43-21-105 (2011). A child in need of supervision may be (a) released to the child's guardian subject to any conditions and limitations as the court may prescribe, (b) released under the supervision of Youth Court, (c) ordered terms of supervision that may include participation in a constructive program of service, education, or

restitution, (d) placed in a public or private childcare facility, or (e) given other alternatives. Miss. Code Ann. § 43-21-607 (2011). An informal conference is available where a service plan will be established for the youth in order to avoid formal court procedures. Miss. Code Ann. § 43-21-405 (2011).

Missouri

A youth whose behavior, environment, or associations are injurious to his welfare or who is without proper care, custody or support may be taken into custody by a police officer. The parent or guardian of the child taken into custody shall be notified as soon as possible. Mo. Rev. Stat. § 211.131 (2010). A runaway youth may qualify as such a youth and be taken into custody. The juvenile court (in certain counties, the family court) may declare a runaway youth a child in need of care and treatment. Mo. Rev. Stat. § 211.031 (2010). Once a court determines the child is in need of care and treatment, the child may be placed in the custody of his/her guardian while under the supervision of the juvenile court, may be placed with a childcare agency, or ordered to undergo treatment or counseling. Mo. Rev. Stat. § 211.181 (2010).

Montana

A runaway youth may be questioned and taken into custody by a peace officer resulting in a potential petition that the youth is a youth in need of intervention. Mont. Code Ann. § 41-5-331 (2010). The police officer shall then either release the youth into the custody of a responsible person who promises that the youth will appear for all court proceedings or deliver the youth to a temporary shelter facility. Mont. Code Ann. § 41-5-322 (2010). The court may declare a runaway youth a youth in need of intervention. Mont. Code Ann. § 41-5-103(51)(a)(ii) (2010). A youth in need of intervention shall be placed in a residence that ensures that the youth is accountable, that provides for rehabilitation, and that protects the public. A youth in need of intervention also may be placed on probation, or ordered to undergo treatment or counseling. Mont. Code Ann. § 41-5-1512 (2010). Informal proceedings are available as well, in order to avoid formal court proceedings. Mont. Code Ann. § 41-5-1301 (2010).

Nebraska

A runaway youth may be taken into temporary custody without a warrant by a peace officer. Neb. Rev. Stat. § 43-248 (2010). The peace officer must take reasonable measures to notify the guardian of the youth and either release the youth into the custody of the youth's guardian or deliver the youth to a probation officer for assessment and placement in an appropriate facility. Neb. Rev. Stat. § 43-250 (2010). A runaway youth may be considered a status offender. Neb. Rev. Stat. § 43-245 (2010). A runaway youth also may be considered a delinquent child in need of special supervision. Neb. Rev. Stat. § 28-709 (2010). The court may order a child in need of supervision to remain in the child's home subject to supervision, or may make an order committing the child to the care of some suitable institution, the care of some reputable citizen of good moral character, the care of a suitable family, or the care and custody of the Department of Health and Human Services. Neb. Rev. Stat. § 43-284 (2010).

Nevada

A runaway youth may be taken into custody without a warrant by a peace officer. The peace officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or deliver the youth to the Juvenile Court or a temporary place of detention. The Juvenile Court may declare the youth a child in need of supervision. If this is the youth's first proceeding concerning the need for supervision, the court shall admonish the youth to obey the law, to refrain from running away again, and maintain a record of the admonition. The court shall also refer the youth, without formal proceedings, to services available in the community for counseling, behavioral modification, and social adjustment. If this is not the first proceeding concerning the youth's need for supervision, the court may place the youth in the custody of the youth's guardian under the supervision of the court or place the youth in a private or public childcare facility. Nev. Rev. Stat. Ann. §§ 62C.010 (2010), Nev. Rev. Stat. Ann. 62B.320 (2010), Nev. Rev. Stat. Ann. 62E.410 (2010), Nev. Rev. Stat. Ann. 62E.110 (2010).

New Hampshire

A runaway youth may be taken into custody without a warrant by a police officer. N.H. Rev. Stat. Ann. 169-D:8 (2011). The police officer must then release the youth into the custody of the youth's guardian or deliver the youth to the court where the youth will be placed with a guardian, relative, or in a temporary shelter facility. N.H. Rev. Stat. Ann. 169-D:10 (2011). The court may declare the runaway youth a child in

need of services. N.H. Rev. Stat. Ann. 169-D:2 (2011). The court may order a child in need of services to undergo services, to participate in programs, or to be placed in an appropriate facility. N.H. Rev. Stat. Ann. 169-D:17 (2011). Alternatively, the youth may be placed in a diversion program that offers services and other alternatives to formal court proceedings. N.H. Rev. Stat. Ann. 169-D:9 (2011).

New Jersey

A runaway youth may be taken into custody without a warrant by a police officer. N.J. Rev. Stat. § 2A:4A-31 (2010). The police officer shall release the youth from custody within six hours. The police officer may transport the youth to the home of the youth's guardian or another responsible adult and inform the youth of available services. N.J. Stat. § 2A:4A-32 (2011). Diversion services and juvenile-family crisis services may be available to runaway youth. N.J. Stat. § 2A:4A-70 et seq. (2011).

New Mexico

A law enforcement agent who receives a report from a parent, guardian, or custodian that a child has left home without permission may (a) return the child to the parent, guardian, or custodian unless safety concerns are present, (b) hold the child for up to 6 hours if the parent, guardian, or custodian cannot be located, or (c) after 6 hours, take the child into protective custody. N.M. Stat. Ann. § 32A-1-21 (2011); N.M. Stat. Ann. § 32A-3B-3 (2011). A runaway youth may be declared the child of a family in need of services. N.M. Stat. Ann. § 32A-3A-2 (2011). A court may also formally order the family to undergo services and treatment. N.M. Stat. Ann. § 32A-3B-15 (2011).

New York

The New York Statutes do not directly address taking a runaway into custody or formal court proceeding related to runaway youth. Social Services may classify a runaway youth as a destitute child and provide the youth with services if proper care is not available at home. N.Y. Soc. Serv. Law § 398 (2011).

North Carolina

A runaway youth may be taken into custody without a warrant by a police officer. N.C. Gen. Stat. § 7B-1900 (2011). The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or deliver the youth to a juvenile court counselor for assessment. The youth may not be held in custody for more than 12 hours, or 24 hours if youth is taken into custody during the weekend. N.C. Gen. Stat. § 7B-1901 (2011). The Juvenile Court may declare a runaway youth an undisciplined juvenile. N.C. Gen. Stat. § 7B-1501 (2011). An undisciplined juvenile may be ordered to undergo evaluation and treatment concerning the juvenile's physical and mental health. N.C. Gen. Stat. § 7B-2502 (2011). The court may order an undisciplined juvenile to be placed, under the supervision of the court, with the juvenile's guardian, a relative, the Department of Social Services, or a private child-placing agency. The court may also place the juvenile under the protective supervision of a juvenile court counselor. N.C. Gen. Stat. § 7B-2503 (2011).

North Dakota

A runaway youth may be taken into custody without a warrant by a police officer. N.D. Cent. Code, § 27-20-13 (2011). The police officer shall then either release the youth into the custody of the youth's guardian or deliver the youth to a shelter care facility or to the Juvenile Court. N.D. Cent. Code, § 27-20-15 (2011). While the North Dakota Century Code does not directly address proceedings concerning runaway youth, a runaway youth may be declared an unruly child. An unruly child is, among other things, a child who is (a) habitually disobedient of the reasonable and lawful commands of the child's guardian, (b) ungovernable, (c) willfully in a situation dangerous or injurious to the health, safety, or morals of the child, or (d) has committed an offense applicable only to a child. N.D. Cent. Code, § 27-20-02 (2011).

Ohio

A runaway youth may be taken into custody without a warrant by a police officer or by an authorized officer of the court. The police officer shall not deliver the youth to a shelter care facility without a court order unless it is in the best interests of the youth. Ohio Rev. Code Ann. 2151.31 (Anderson 2011). State-regulated runaway shelters exist where runaway youth may be delivered for care and services. Ohio Rev. Code Ann. 5119.65 (Anderson 2011). While the Ohio Revised Code Annotated does not directly address proceedings concerning runaway youth, a runaway youth may be declared an unruly child if the youth does not submit to the reasonable control of

the youth's guardian by reason of being wayward or habitually disobedient. Ohio Rev. Code Ann. 2151.022 (Anderson 2011).

Oklahoma

A runaway youth may be taken into custody without a warrant by a peace officer or by an employee of the Juvenile Court. The peace officer or court employee shall then release the youth into the custody of the youth's guardian, or detain the youth if necessary to protect the youth's well being and deliver the youth to the court for proceedings and placement. Okla. St. tit. 10A, § 2-2-101 (2010). A runaway youth may be declared a child in need of supervision. Okla. St., tit. 10A, § 2-1-103 (2010). A child in need of supervision may be (a) placed on probation, (b) placed with the youth's guardian under supervision of the court, (c) ordered to participate in counseling or other social services, (d) placed in a private child care facility, or (e) placed in the custody of the Office of Juvenile Affairs. Okla. St. tit. 10A, § 2-2-503 (2010).

Oregon

A runaway youth may be taken into custody without a warrant by a peace officer, a counselor, an employee of the Department of Human Services, or by any other person authorized by the Juvenile Court. The person taking custody shall then release the youth into the custody of the youth's guardian or deliver the youth to a shelter care facility approved by the Juvenile Court to provide care for runaway youth. The person taking custody shall consult the youth and the youth's guardian concerning whether they prefer the youth to be placed in a shelter care facility or returned home. If the youth indicates that the youth will not remain at home if returned there, the person taking custody shall deliver the youth to a shelter care facility. ORS § 419B.150 (2009). Regardless of where the youth is taken, the youth's guardian must be notified. ORS § 419B.160 (2009). If the runaway youth's circumstances indicate a need for either delinquency or dependency proceedings, the person who took the youth into custody or the shelter care facility shall deliver the youth to the Juvenile Court. ORS § 419B.168 (2009).

Pennsylvania

A runaway youth may be taken into custody without a warrant by a police officer. 42 Pa. Cons. Stat. § 6324 (2011). The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian, deliver the youth to the court, or deliver the youth to a shelter care facility. 42 Pa. Cons. Stat. § 6326 (2011). While the Pennsylvania Statutes do not directly address proceedings concerning runaway youth, a runaway youth may be declared a dependent child by the court. A dependent child is, among other things, a child who (a) is without a guardian, (b) has committed specific acts of habitual disobedience of the reasonable and lawful commands of the child's guardian, and (c) is ungovernable and found to be in need of care, treatment, or supervision. 42 Pa. Cons. Stat. § 6302 (2011). A dependent child may be permitted to remain in the home of the child's guardian subject to supervision by the court, may be placed temporarily with a relative or public or private childcare agency, or may be placed permanently with a relative or other appropriate adult if this placement is in the best interest of the child and preventative measures were unsuccessful. 42 Pa. Cons. Stat. § 6351 (2011).

Rhode Island

A runaway youth may be taken into custody without a warrant by a police officer. The youth must be referred to the family court for consideration within 24 hours. R.I. Gen. Laws § 14-1-25 (2010). A runaway youth may be declared a wayward child by the court. R.I. Gen. Laws § 14-1-3 (2010). A wayward child may be placed on probation, placed under supervision in the child's home, or placed in the custody of a relative or other suitable person. R.I. Gen. Laws § 14-1-32 (2010). The court has the power to make other orders not specified if they are in the best interest of the youth. R.I. Gen. Laws § 14-1-37 (2010).

South Carolina

The South Carolina Code Annotated does not explicitly address taking a runaway youth into custody. Running away is, however, considered a status offense. S.C. Code Ann. § 63-1-40 (2009). A status offender may be ordered to participate in the Youth Mentor Program. S.C. Code Ann. § 63-19-1430 (2010) or may be committed to the Department of Juvenile Justice for up to 90 days. S.C. Code Ann. § 63-19-1440 (2010). The court may also order the youth to undergo treatment, to endure a period of probation, or to be placed in the custody of a public or private childcare agency. S.C. Code Ann. § 63-19-1410 (2010).

South Dakota

A runaway youth may be taken into custody without a warrant by a police officer. S.D. Codified Laws § 26-7A-12 (2010). The police officer shall then notify the youth's guardian and deliver the youth to an intake officer for assessment. S.D. Codified Laws §§ 26-7A-13.1; S.D. Codified Laws §§ 26-7A-15 (2010). A runaway youth may be declared a child in need of supervision. S.D. Codified Laws § 26-8B-2 (2010). A child in need of supervision may be (a) subject to probation, (b) assigned to a supervised work program, (c) subject to treatment, or (d) placed with the Department of Corrections for placement in a juvenile correctional facility, foster home, group home, group care center, or residential treatment center. S.D. Codified Laws § 26-8B-6 (2010).

Tennessee

A runaway youth may be taken into custody without a warrant by a police officer. Tenn. Code Ann. § 37-1-113 (2010). The police officer shall then release the youth into the custody of the youth's guardian or deliver the youth to the juvenile court. Tenn. Code Ann. § 37-1-115 (2010). A runaway youth may be declared an unruly child by the juvenile court. Tenn. Code Ann. § 37-1-102 (2010). An unruly child may be subject to probation, a fine, or community service. The court may also order an unruly child to participate in services provided by the Department of Children Services. The court may also place an unruly child in the custody of a childcare facility, a child welfare agency, or the Department of Children Services, but must choose the least restrictive option necessary. Tenn. Code Ann. § 37-1-132 (2010).

Texas

A runaway youth may be taken into custody without a warrant by a police officer. Tex. Fam. Code Ann. § 52.01 (2010). The officer shall then release the youth into the custody of the youth's guardian, deliver the youth to a school official, or deliver the youth to the juvenile court for assessment. Tex. Fam. Code Ann. § 52.02 (2010). A runaway youth may be declared a status offender. Tex. Fam. Code Ann. § 51.02 (2010). The juvenile court may order a status offender to be placed into the custody of the youth's guardian, a relative, a foster home, or a public or private institution or agency. Tex. Fam. Code Ann. § 54.04 (2010).

Utah

A runaway youth may be taken into custody without a warrant by a peace officer. The peace officer shall then notify the youth's guardian and release the youth into the custody of the youth's guardian. If the youth's guardian cannot be located or if the youth's welfare is in danger, the peace officer shall deliver the youth to a shelter for care and assessment. Utah Code Ann. § 78A-6-112 (2011). A runaway youth may be considered a status offender by the juvenile court. Utah Code Ann. § 62A-4a-101 (2011). The juvenile court has jurisdiction over runaway youth as status offenders and may place the youth on probation or under protective supervision in the youth's own home, or may place the youth in state supervision with the Probation Department of the court. The court may also place the youth in the legal custody of (a) a relative or other suitable person, (b) the Division of Child and Family Services, (c) the Division of Youth Corrections, or (d) the Division of Mental Health without probation or supervision. The court also may refer the youth to the Department of Human Services to provide dispositional recommendations and services. Utah Code Ann. § 78A-6-117 (2011).

Vermont

A runaway youth may be taken into custody without a warrant by a police officer. Vt. Stat. Ann. Tit. 33, § 5303 (2010). The police officer shall then either release the youth into the custody of the youth's guardian or deliver the youth to a shelter designated by the Commissioner of Social and Rehabilitation Services as qualified to assist youth who have run away for the purpose of reuniting them with their parents, guardian, or legal custodian. 33 Vt. Stat. Ann. tit. 33, § 5304–05 (2010). If the youth is delivered to a shelter, the shelter shall make efforts to reunite the youth with the youth's guardian. The youth shall not remain at the shelter for more than 7 days. If reunification measures are not successful, then the youth must be brought before the juvenile court. A runaway youth may be declared a child in need of care or supervision. A child in need of care or supervision may be (a) released into the custody of the youth's guardian, (b) subject to protective services, or (c) may be placed in the custody of the Department of Social and Rehabilitation Services, a foster care home, or a child placing agency. Vt. Stat. Ann. tit. 33, § 5321 (2010).

Virginia

A runaway youth may be taken into custody without a warrant by a police officer. Va. Code Ann. § 16.1-246 (2011). The police officer shall then deliver the youth to an intake officer at the juvenile court. The intake officer shall then release the youth, return the youth to the youth's home, or place the youth in shelter care. Va. Code Ann. § 16.1-247 (2011). A runaway youth may be declared a child in need of supervision. Va. Code Ann. § 16.1-228 (2011). A child in need of supervision may be released into the custody of the youth's guardian subject to certain conditions and limitations, may be placed in a child care facility or independent living situation, or may be placed in the legal custody of a relative or other qualified individual, a child welfare agency, or private childcare institution. Va. Code Ann. § 16.1-278.4 (2011).

Washington

A runaway youth may be taken into custody without a warrant by a police officer if the youth's guardian has reported to a law enforcement agency that the youth has run away. The police officer shall then deliver the youth to a crisis residential center for assessment and care. Wash. Rev. Code § 13.32A.050 (2011). The crisis residential center must inform the guardian of the youth of the youth's presence at the center and arrange transportation for the youth to the youth's guardian's home or an out-of-home placement such as a foster care or child care facility. Wash. Rev. Code § 13.32A.090 (2011). The guardian of a runaway youth may file a petition alleging that the youth is an at-risk youth. Wash. Rev. Code § 13.32A.191 (2011). The court may order an at-risk youth to undergo treatment and counseling and may order the youth to keep in regular contact with a designated agency. Wash. Rev. Code § 13.32A.196 (2011). The youth may also be subject to permanent out-of-home placement if necessary. Wash. Rev. Code § 13.32A.160 (2011). The public shall be excluded from a child in need of services hearing if the judicial officer finds that it is in the best interest of the child or if either parent requests that the public be excluded from the hearing. Wash. Rev. Code § 13.32A.200 (2011).

West Virginia

A runaway youth may be taken into custody without a warrant by a police officer. The police officer shall then notify the youth's guardian and either release the youth into the custody of the youth's guardian or, if necessary, deliver the youth to an appropriate court or magistrate for a detention hearing. W. Va. Code § 49-5-8 (2011). The youth may be considered a status offender. W. Va. Code § 49-1-4 (2011). The court may (a) order the runaway youth to participate in services offered by the Department for Juveniles and (b) may order the youth placed in a child care facility and transfer custody of the youth to the Department. W. Va. Code § 49-5-11a (2011).

Wisconsin

A runaway youth may be taken into custody without a warrant by a police officer. Wis. Stat. § 938.19 (2011). The police officer shall then either release the youth into the custody of the youth's guardian after counseling or warning the youth as appropriate, or deliver the youth to a runaway home. If the youth is delivered to a runaway home, the parents shall be notified immediately and a detention hearing shall be held. Wis. Stat. § 938.20 (2011). The court may declare the youth a juvenile in need of protection or services. Wis. Stat. § 938.13 (2011). The court may order a juvenile in need of protection or services to undergo counseling, may subject the juvenile in need of protection or services to court supervision, and may either release the juvenile in need of protection or services into the custody of the youth's guardian, or place the youth with a relative, a child caring institution, or in non-secure custody. Wis. Stat. § 938.345 (2011).

Wyoming

A runaway youth may be taken into custody without a warrant by a police officer. Wyo. Stat. § 14-6-405 (2011). The police officer shall then notify the youth's guardian and either release the youth into the custody of his/her guardian or place the youth in shelter care pursuant to a court order. The youth may be placed in shelter care without a court order only if the youth's safety is in danger or to ensure that the youth appears before the court for proceedings. Wyo. Stat. § 14-6-406 (2011). The juvenile court may declare a runaway youth a child in need of supervision and running away may be considered a status offense. Wyo. Stat. § 14-6-402 (2011). The court may (a) release a child in need of supervision into the custody of the youth's guardian under protective supervision of the court, (b) transfer custody of a child in need of supervision to a relative or other responsible adult under protective supervision of the court, or (c) transfer temporary custody to a private

or public child care agency. The court may also order the youth to undergo treatment and counseling. Wyo. Stat. § 14-6-429 (2011).

American Samoa

A runaway youth may be taken into custody without a warrant by a police officer. Am. Samoa Code Ann. § 45.0201 (2010). When a youth is taken into temporary custody, the officer shall notify a parent, guardian, or legal custodian as soon as possible and within 12 hours, and inform the parent, guardian, or custodian that if the child is placed in detention in a shelter facility, all parties have a right to a prompt hearing to determine whether the child is to be detained further. Am. Samoa Code Ann. § 45.0202 (2010). The youth shall be released to the care of the youth's parents or other responsible adult unless his/her immediate welfare or the protection of the community requires that the youth be detained. Am. Samoa Code Ann. § 45.0203. A runaway youth may be declared a child in need of services and subject to court orders. Am. Samoa Code Ann. § 45.0103 (2010); Am. Samoa Code Ann. § 45.0352 (2010).

District of Columbia

A runaway youth may be taken into custody without a warrant by a police officer. D.C. Code Ann. § 16-2309 (2011). With all reasonable speed, custody of the youth shall be given to the youth's guardian or a shelter care facility or the youth shall be brought to Social Services for need assessment. D.C. Code § 16-2311 (2011).

Guam

The Guam Code does not directly address runaway youth. Guam has, however, adopted the Interstate Compact on Juveniles for the purpose of cooperating with other states to return juveniles when their return is sought and accept the return of juveniles whenever a juvenile residing in Guam is found or apprehended in another state. 9 Guam Code Ann. 90.82 (2011).

Northern Mariana Islands

After the child has been adjudged a delinquent child, the court may, and usually should, proceed very informally as at a conference to consider the causes of the delinquency and the recommendations of all concerned as to the best disposition of the child within the limits of the law, particularly with regard to the custody, supervision, and schooling or training of the child. Rules of Juvenile Delinquency Procedure, Rule 6 (1996). In all situations not governed by the provisions of these rules or otherwise by law or rules of procedure duly promulgated by the court, the court may adopt the procedure it deems best suited to enable it to dispose of the case promptly, justly, and in the best interests of the child. Rules of Juvenile Delinquency Procedure, Rule 7 (1996). *Available at* http://www.cnmilaw.org/pdf/court_rules/R08.pdf.

Puerto Rico

A peace officer may apprehend a minor without prior court order when there are reasonable grounds to believe that he/she has perpetrated an offense in his presence. 34 L.P.R.A. Ap. I-A § 2.4 (2008). The peace officer who apprehended the minor will have the duty of immediately contacting any of the parents, relatives, or guardians. 34 L.P.R.A. Ap. I-A § 2.6 (2008). The resolutory measure may be nominal, conditional or custody. The court shall take into consideration criteria which allow for individualization of the needs of the minor. 34 L.P.R.A. Ap. I-A § 8.4 (2008).

Virgin Islands

A child may be taken into custody by a law enforcement officer having reasonable grounds to believe that the child has run away. 5 V.I. Code Ann. § 2511 (2011). A law enforcement officer taking a child into custody shall notify the child's parents, guardian, custodian, or other person responsible for his/her care. The law enforcement officer then shall (a) release the child to his parents, guardian, custodian, or other person responsible for his/her care, (b) bring the child to the intake officer, (c) deliver the child to a place of detention or shelter care, or (d) deliver the child to a medical facility. 5 V.I. Code Ann. § 2513 (2011). The court may permit the child to remain with his/her parents, guardian, or other person responsible for his/her care, place the child on probation under the Youth Services Administration, or order such care and treatment as the court may deem best including detention care or shelter care as appropriate. 5 V.I. Code Ann. § 2521 (2011).

Status Offenses — Truancy Statutes

Alabama

Compulsory school age is 7 to 16 years old. A police officer or attendance officer may take custody of a truant youth and then shall deliver the youth to the custody of the person having charge or control of the youth during school hours. Attendance officers are responsible for monitoring truancy. Attendance officers, principals, superintendents, and probation officers may file petitions with the juvenile court alleging that a youth is habitually truant. A habitual truant may be declared a child in need of supervision and be subject to court orders. Code of Ala. § 16-28-3 (2011); Code of Ala. § 16-28-17 (2011); Code of Ala. § 16-28-18 (2011); Code of Ala. § 16-28-21 (2011); Code of Ala. § 16-28-22 (2011).

Alaska

Compulsory school age is 7 to 16 years old. The governing body of each school district shall establish policies and procedures to address truancy. Alaska Stat. § 14.30.010 (2011); Alaska Stat. § 14.30.030 (2011).

Arizona

Compulsory school age is 6 to 16 years old. Truancy is defined as an unexcused absence for at least one class period of the school day. A habitual truant is a student who is truant for at least five days within a school year. A police officer may take a truant youth into custody without a warrant. A habitual truant may be declared an incorrigible child and be subject to court orders. A.R.S. 15-803 (2011); A.R.S. 8-303 (2011).

Arkansas

Compulsory school age is 5 to 17 years old. The Board of Directors of each school district is responsible for developing policies and procedures regarding school attendance. School districts may create a truancy board which will recommend methods for improving school attendance. Police officers may take a truant youth into custody and then shall deliver the youth to home, school, or a truancy center, which shall not be a jail, juvenile detention center, or police department. The family of a truant youth may be declared a family in need of services and be subject to court orders. A.C.A. § 6-18-201 (2011); A.C.A. § 6-18-209 (2011); A.C.A. § 6-18-221 (2011); A.C.A. § 6-18-226 (2011); A.C.A. § 9-27-303 (2011).

California

Compulsory school age is 6 to 18 years old. Any student who is absent or tardy for more than a 30-minute period without valid excuse three or more times in a school year will be considered a truant and must be reported to an attendance supervisor or superintendent. A conference shall be held to address the student's truancy. If a student is reported as a truant three or more times in a school year, the student will be considered a habitual truant. During school hours, a truant youth may be taken into custody by a police officer, an attendance officer, or a school administrator and then shall be delivered to the youth's home, to school, or to a nonsecure youth service center or community center designated by the school district for counseling. Habitual truants may be referred to an attendance review board who may provide counseling and community services to the youth. A habitual truant may also be declared a ward of the court and be subject to court orders. Cal. Educ. Code §§ 48200, 48260, 48262, 48263, 48264, 48265 (2011); Cal. Welf. Inst. Code § 601 (2011).

Colorado

Compulsory school age is 6 to 16 years old. Colorado grants local Boards of Education of each school district power to create a written policy regarding attendance requirements and penalties for noncompliance. The Boards shall also designate attendance officers who are responsible for investigating unexcused absences. Students who are enrolled in public school and have four unexcused absences from in any one month or ten unexcused absences during any school year shall be considered habitually truant. The Boards shall adopt and implement policies and procedures concerning habitually truant youth focused on ensuring that the student remains enrolled in school. These policies and procedures shall also focus on guardian involvement when practicable. Judicial proceedings may occur in order to enforce the compulsory school attendance policies and provisions. C.R.S. § 22-33-104 (2010); C.R.S. § 22-33-107 (2010); C.R.S. § 22-33-108 (2010).

Connecticut

Compulsory school age is 5 to 18 years old.

Connecticut grants cities and towns the power to adopt ordinances concerning truancy. Connecticut also grants local school boards the power to adopt policies and provisions concerning truancy. The policies and provisions shall include guardian involvement, child and family services, and a system of monitoring unexcused absences in order to respond immediately to a student's nonattendance. A student who is enrolled in a public or private school and either has four unexcused absences in one month or ten unexcused absences in a school year is considered a truant. A student who has twenty unexcused absences in a school year is considered a habitual truant. A family with a truant youth may be declared a family with service needs and may be subject to court order. Conn. Gen. Stat. § 10-198a (2011); Conn. Gen. Stat. § 10-200 (2011); Conn. Gen. Stat. § 46b-120 (2011).

Delaware

Compulsory school age is 5 to16 years old. A student in grades kindergarten through 12 who has three or more unexcused absences in a school year is considered a truant. Police officers may take custody of youth who appear to be off school grounds without authorization and return the youth to his/her school or detain the youth at the police station in a non-criminal area for a period not to exceed 2 hours for the purpose of notifying the youth's parent or guardian. Truant students may be subject to truancy conferences and court proceedings. The court has the power to order a variety of remedies that may apply to the student, including counseling, treatment, community service, curfews, and alternative education. Del. Code tit. 14 § 2702 (2011); Del. Code tit. 14 § 2723 (2011); Del. Code tit. 14 § 2725 (2001); Del. Code tit. 14 § 2730 (2001).

Florida

Compulsory school age is 6 to 15 years old. Florida places the responsibility of monitoring nonattendance on local school boards. Florida also sets out procedures focused on addressing truancy, including contact with student's guardians, conferences focused on developing a plan to address a student's truancy, referrals to family services, court proceedings, and efforts by school officials to locate truant youth and return them to their homes or schools. Superintendents may file a truancy petition or a child in need of services petition in order to involve a habitual truant in court proceedings. Youth found to be habitual truants can be considered a child in need of services and may be ordered to make up missed school work, pay fines, perform community service, and participate in counseling. Habitually truant means that the child has 15 unexcused absences within 90 calendar days. Fla. Stat. §§ 1003.21, 1003.26, 1003.27 (2011).

Georgia

Compulsory school age is 6 to 15, until a youth's sixteenth birthday. A youth that appears to be absent from school during school hours without authorization may be taken into custody by a police officer and then delivered to the youth's guardian or school. School official must file proceedings in order to enforce compulsory school attendance requirements. A truant youth may be considered a status offender, may be declared an unruly child, and may be subject to court orders. O.C.G.A § 20-2-690.1 (2011); O.C.G.A § 20-2-698 (2011); O.C.G.A § 20-2-699 (2011); O.C.G.A § 15-11-2 (2011).

Hawaii

Compulsory school age is 6 to 17 years old. A youth may be excused from compulsory school attendance by a superintendent or family court judge if over the age of 15 and suitably employed. A family court judge may also excuse a youth for other appropriate reasons. A truant youth may be brought before a family court judge for proceedings if a petition is filed by a school official or police officer concerning the youth's nonattendance. Additionally a youth may be taken into custody by a police officer if it is believed the youth is not attending school. H.R.S. § 302A-1132 (2011); H.R.S. § 302A-1135 (2011); H.R.S. § 571-31 (2011).

Idaho

Compulsory school age is 7 to 15 years old. A student who repeatedly violates compulsory school attendance requirements is considered a habitual truant. A habitual truant may be denied enrollment in a school by a board of trustees or may be temporarily suspended by the school superintendent. Punishment for truancy is guardian-focused and a parent or guardian may be directly prosecuted for knowingly allowing a child to become a habitual truant. However, truancy is considered a status offense and a suspected truant may be taken into custody by a peace officer. If a youth commits two status offenses (such as running away, truancy, or

curfew violations) in one year, the court may declare the youth a habitual status offender. Habitual status offenders may be placed on probation or placed in a juvenile shelter care facility. Idaho Code § 20-516 (2011); Idaho Code § 20-520 (2011); Idaho Code § 20-521 (2011); Idaho Code § 33-202 (2011); Idaho Code § 33-205 (2011); Idaho Code § 33-206 (2011); Idaho Code § 33-207 (2011).

Illinois

Compulsory school age is 7 to 17 years old. School districts and counties may employ truancy officers to monitor truant students, including investigating unexcused absences and taking truant youth into custody. If a youth is beyond the control of the youth's guardian and has been absent from school without authorization after notice has been provided, a truancy petition may be filed. Truant minors must be provided with supportive services and counseling before punitive measures, such as suspension and expulsion, may be taken. A chronic truant is a youth, subject to compulsory school attendance, who is absent without valid cause for 10% or more of the previous 180 regular attendance days. A chronic truant student may be declared a truant minor in need of supervision. A truant minor in need of supervision may be subject to a mandatory educational plan, a service plan, counseling, fines, and public service. 105 ILCS 5/26-1 (2011); 105 ILCS 5/26-2a (2011); 105 ILCS 5/26-3d (2011); 105 ILCS 5/26-5 (2001); 105 ILCS 5/26-7 (2011); 105 ILCS 5/26-8 (2011); 105 ILCS 5/26-12 (2011); 105 ILCS 5/26-15 (2011); 105 ILCS 5/34-4.5 (2011); 705 ILCS 405/3-33.5 (2011).

Indiana

Compulsory school age is 7 to 17 years old. Attendance officers have the responsibility of monitoring truancy. Attendance officers and police officers may take truant youth into custody and then shall deliver the youth to the youth's school. Attendance officers or the superintendent shall report a child who is habitually absent from school to an intake officer of the juvenile court or the Department of Child Services. Habitually truant youth may be declared delinquent and may be subject to court orders. Ind. Code §§ 20-33-2-4 (2011), 20-33-2-6 (2011), 20-33-2-23 (2011), 20-33-2-24 (2011), 20-33-2-25 (2011), 20-33-2-43 (2011); Ind. Code 31-37-2-3 (2011).

Iowa

Compulsory school age is 6 to 15 years old on September 15th of a given school year. A truant is any student who fails to attend school without a reasonable excuse for the absence. A truancy officer may take a truant youth into custody and then shall deliver the youth to school and notify the youth's guardian. A school district shall attempt to discover the cause of a student's truancy and ensure that the student attends in the future. An attendance cooperation process may be developed to ensure the student's attendance. If these informal procedures are unsuccessful, a truant may be referred to the county attorney for mediation and prosecution. Mediation may result in referrals to social services, counseling, and an agreement concerning the student's future attendance. Iowa also grants school districts and nonpublic schools the power to prescribe reasonable rules for the punishment of truants. Iowa Code § 299.1a (2010); Iowa Code § 299.5a (2010); Iowa Code § 299.6 (2010); Iowa Code § 299.8 (2010); Iowa Code § 299.9 (2010); Iowa Code § 299.11 (2010).

Kansas

Compulsory school age is 7 to 17 years old. A police officer may take a truant youth into custody and then shall deliver the youth to school or to the child's parent or custodian. When a child who is required to attend school and is inexcusably absent on either (a) three consecutive days, (b) five days in any semester, or (c) seven school days in any school year, whichever occurs first, the child shall be considered as not attending school as required by law. When nonattendance occurs, the youth's guardian shall be notified and a report shall be delivered to the Secretary of Social and Rehabilitation Services or the district attorney who shall investigate the matter. A truant youth may be declared a child in need of care and be subject to a court order. K.S.A. § 38-2231 (2011); K.S.A. § 38-2232 (2011); K.S.A. § 72-1111 (2011); K.S.A. § 72-1113 (2011).

Kentucky

Compulsory school age is 6 to 17 years old. If a student is absent or tardy without a valid excuse for three or more days, the student will be considered a truant. Any student reported as a truant two or more times will be considered a habitual truant. Local Boards of Education have the power to adopt policies that require students to comply with compulsory school attendance requirements, require truants to

make up unexcused absences, and impose sanctions on truants and habitual truants. Pupil personnel are responsible for monitoring truancy within their district and have the power to fully investigate truant youth. KRS § 159.130 (2011); KRS § 159.140 (2011); KRS § 159.150 (2011).

Louisiana

Compulsory school age is 7 to 17 years old. A truant youth may be taken into custody without a warrant by a police officer. School officials shall report truant youth to Family or Juvenile Court for proceedings. A student shall be considered habitually absent if the youth has five unexcused absences in one semester and reasonable efforts taken by school officials have not resulted in regular school attendance by the youth. The family of a truant youth may be declared a family in need of services and be subject to court order. La. R.S. 17:221 (2011); La. R.S. 17:233 (2002); La. Ch.C. Art 730 (2011); La. Ch.C. Art. 736 (2011).

Maine

Compulsory school age is 7 to 16 years old. A student who has completed grade 6 is habitually truant if the student is absent without excuse for ten full days in one school year or for seven consecutive days. A student who is at least 7 years old but has not completed grade 6 is habitually truant if the student is absent without excuse for seven full days or for five consecutive days. Habitual truants shall first be reported to the school superintendent for informal proceedings, including involvement of the truant's guardian and other necessary measures. If this informal process does not correct the student's truancy, the superintendent shall notify the parent by hand or registered mail written notice of required school attendance. After scheduling at least one parent meeting, to which a local prosecutor may be invited, the superintendent may report habitual truants to law enforcement authorities and police officers may offer a habitual truant transportation to school. 20-A M.R.S. § 5001-A (2011); 20-A M.R.S. § 5051-A (2011).

Maryland

Compulsory school age is 5 to 15 years old. Principals and teachers must report the names of students who have been absent without lawful excuse to the superintendent or designated person. The superintendent shall investigate the circumstances of the truancy, may provide counseling to the student and student's guardian regarding the availability of social and educational services, and may report the student's truancy to the Department of Juvenile Justice for proceedings. A student who is habitually truant may be declared a child in need of supervision and be subject to court orders. Md. Code, Education § 7-301 (2011); Md. Code, Education § 7-302 (2011); Md. Code, Courts and Judicial Proceedings § 3-8A-01 (2011).

Massachusetts

Compulsory school age is 6 to 16 years old. If in the best interest of the student, a student may obtain an employment permit from the superintendent of schools that will excuse compulsory school attendance. Supervisors of Attendance are responsible for investigating unexcused student absences. Supervisors of Attendance may take truant youth into custody and then shall deliver them to school. A student who persistently fails to attend school may be declared a child in need of services and may be subject to court orders. Mass. Ann. Laws ch. 76, § 1 (2011); Mass. Ann. Laws ch. 76, § 20 (2011); Mass. Ann. Laws ch. 119, § 39G (2011).

Michigan

Compulsory school age is 6 to 15 years old. Attendance officers are responsible for monitoring attendance and may hold conferences with truants and their guardians to address attendance problems. A habitual truant may be declared a juvenile disorderly person and ordered to attend a special ungraded school. Youth who are repeatedly absent from school may also be subject to court orders aimed at addressing their attendance problems. Mich. Comp. Laws § 380.1561 (2011); Mich. Comp. Laws § 380.1596 (2011); Mich. Comp. Laws § 380.1586 (2011); Mich. Comp. Laws § 712A.2 (2011).

Minnesota

Compulsory school age is 7 to 16 years old. A continuing truant is a student who, if in elementary school, is absent without excuse for three or more days in one school year, and if in middle or high school, three or more class periods on three days in one school year. An attendance officer or school official may refer a continuing truant to the school attendance review board. The school attendance review board may direct the continuing truant to take advantage of available community-based truancy projects and service centers in order to address the

attendance problem. If these services are ineffective, then the school attendance review board may report the continuing truant to the county attorney for judicial proceedings or participation in the truancy mediation program which formally addresses a student's nonattendance. Police officers may take truant youth into custody and then shall transport the youth to the youth's home or school, or a truancy service center. Minn. Stat. § 120A.22 (2010); Minn. Stat. § 120A.05 (2010); Minn. Stat. § 260A.02 (2010); Minn. Stat. § 260A.06 (2010); Minn. Stat. § 260A.07 (2010); Minn. Stat. § 260C.143 (2010).

Mississippi

Compulsory school age is 6 to 16 years old on September 1st of a given school year. School attendance officers are responsible for monitoring truants, including locating youth who are absent without excuse, investigating causes of nonattendance, providing services and counseling that address nonattendance, and coordinating with social and welfare services. Truant youth may be subject to court proceedings. A Youth Court may declare a truant youth a child in need of supervision and prescribe court orders to address the youth's truancy. Miss. Code Ann. § 37-13-91 (2011); Miss. Code Ann. § 43-21-105 (2011).

Missouri

Compulsory school age is 7 to 16 years old and can be up to 17 years old in specific districts. Attendance officers are responsible for investigating and monitoring truant youth. School attendance officers may arrest any truant without a warrant. A habitual truant may be subject to court proceedings in Juvenile or Family Court. A habitual truant may be declared a child in need of care or treatment and be subject to court orders. A habitual truant may also be compelled to attend truancy school. Mo. Rev. Stat. § 167.031 (2010); Mo. Rev. Stat. § 167.071 (2010); Mo. Rev. Stat. § 211.031 (2010); The Compulsory Attendance Law, Missouri Department of Elementary and Secondary Education, http://dese.mo.gov/schoollaw/freqaskques/CompAttend.htm#compage (last visited July 18, 2011).

Montana

Compulsory school age is 7 to 16 years old or until the student completes the work for 8th grade, whichever is later. Attendance officers are responsible for monitoring truancy, including enforcing compulsory school attendance and taking truants into custody and delivering them to school. If a truancy officer discovers that a youth is not attending school because the youth must work to support himself/herself or his/her family, the truancy officer shall report the youth to the authorities charged with relief of the poor. Habitual truancy occurs when a student is absent without excuse for ten days or more in a semester. A habitual truant may be declared a youth in need of intervention and be subject to court order. Mont. Code Ann. §§ 20-5-102, Mont. Code Ann. § 41-5-103 (2010).

Nebraska

Compulsory school age is 6 to 17 years old. Attendance officers are responsible for monitoring and enforcing compulsory school attendance. Truant youth may be required to attend meetings concerning their nonattendance and may be subject to educational counseling and evaluation. A truant youth may be considered a status offender and may be declared a child in need of supervision and subject to court orders. Neb. Rev. Stat. § 79-201 (2010); Neb. Rev. Stat. § 79-208 (2010); Neb. Rev. Stat. § 79-209 (2010); Neb. Rev. Stat. § 28-709 (2010); Neb. Rev. Stat. § 43-245 (2010).

Nevada

Compulsory school age is 7 to 18 years old. A youth may be exempt from compulsory school attendance if the youth must work to support the youth's guardian. A police officer may take a youth into custody for truancy if the youth has been reported to law enforcement by a school official. Upon taking custody the officer shall deliver the youth to school or to the youth's parents. Truancy is considered to have occurred when a student is absent without excuse for at least one period of the school day. Any student who has been declared a truant three or more times within one school year must be declared a habitual truant. A habitual truant may be declared a child in need of supervision and be subject to court orders. Nev. Rev. Stat. Ann. § 201.090 (2010); Nev. Rev. Stat. Ann. § 392.040 (2010); Nev. Rev. Stat. Ann. § 392.100 (2010); Nev. Rev. Stat. Ann. § 392.130 (2010); Nev. Rev. Stat. Ann. § 392.140 (2010); Nev. Rev. Stat. Ann. § 392.160 (2010).

New Hampshire

Compulsory school age is 6 to 17 years old. Truant officers are responsible for monitoring attendance

and have the power to take a truant youth into custody and deliver the youth to school. A truant youth may be referred to the court and declared a child in need of services. N.H. Rev. Stat. § 169-D:2 (2011); N.H. Rev. Stat. § 193:1 (2011); N.H. Rev. Stat. § 189:36 (2011).

New Jersey

Compulsory school age is 6 to 16 years old. An attendance officer or a police officer may take a truant youth into custody and then shall deliver the truant youth to school or to the youth's home or guardian. The attendance officer may arrest a vagrant child or habitual truant without a warrant. If efforts to address a youth's truancy problem are not successful, then the youth may be referred to the courts. The youth may be declared a juvenile delinquent and be subject to court orders. N.J. Stat. § 18A:38-27 (2011); N.J. Stat. § 18A:38-28 (2011); N.J. Stat. § 18A:38-29 (2011).

New Mexico

Compulsory school age is 5 to 18 years old. A student may be granted hardship leave by the local superintendent with written, signed permission from the parent. After the first incident of truancy, a youth's school shall send written notice to the youth's home. If the truancy persists, the youth will be referred to the court. A truant youth may be declared a child in need of supervision or the youth's family may be declared a family in need of services. Such a declaration would subject the youth or the youth's family to court orders. N.M. Stat. Ann. § 22-12-2 (2011); N.M. Stat. Ann. § 22-12-7 (2011); N.M. Stat. Ann. § 32A-3A-2 (2011).

New York

Compulsory school age is 6 to 16 years old. Supervisors of attendance, attendance teachers, and attendance officers are responsible for monitoring truancy. They may take truant youth into custody. A truant youth may be considered a school delinquent and be subject to school mandated punishment. Truant youth may be referred to family court. When habitual truancy is alleged, the school district must outline steps taken to improve school attendance when filing a petition. A truant youth may be declared a person in need of supervision and may be subject to court orders. N.Y. Educ. Law § 3205 (2011); N.Y. Educ. Law § 3213 (2011); N.Y. Educ. Law § 3214 (2011); N.Y. Educ. Law § 3232 (2011); N.Y. Family Ct. Act § 712 (2011).

North Carolina

Compulsory school age is 7 to 16 years old. A truant youth may be taken into custody without a warrant by a police officer. The principal of a school shall notify a youth's guardian if the youth is truant and the guardian will be expected to ensure that future unexcused absences do not occur. If a youth is absent ten or more times in a year, the youth will be considered habitually absent. A habitually absent youth may be declared an undisciplined child and may be subject to court orders. N.C. Gen. Stat. § 115C-378 (2011); N.C. Gen. Stat. § 7B-1501 (2011); N.C. Gen. Stat. § 7B-1900 (2011).

North Dakota

Compulsory school age is 7 to 16 years old. Teachers and administrators are responsible for monitoring school attendance and for reporting truant youth to the school superintendent. The superintendent may report the truant youth to the county attorney who may file a petition with the court. A truant youth may be declared a child in need of services and may be subject to court orders. N.D. Cent. Code § 15.1-20-01 (2011); N.D. Cent. Code § 15.1-20-03 (2011); N.D. Cent. Code, § 27-20-02 (2011).

Ohio

Compulsory school age is 6 to 18 years old. Attendance officers are responsible for monitoring school attendance. Attendance officers may take a truant youth into custody and then shall deliver the youth to school. A habitual truant is a student who is absent without excuse for five or more consecutive days, seven or more days in a month, or twelve or more days in one school year. A superintendent may report a habitual truant to the juvenile court. A habitual truant may be declared a dependent, unruly, or delinquent child and may be subject to court orders. Ohio Rev. Code Ann. 2151.022 (West 2011); Ohio Rev. Code Ann. 3321.01 (West 2011); Ohio Rev. Code Ann. 3321.02 (West 2011); Ohio Rev. Code Ann. 3321.13 (West 2011); Ohio Rev. Code Ann. 3321.17 (West 2011); Ohio Rev. Code Ann. 3321.22 (West 2011).

Oklahoma

Compulsory school age is 6 to 17 years old. A truant youth may be taken into custody by a peace officer,

attendance officer, or a school administrator and then shall be delivered to school, the youth's home, a nonsecure youth service or community center, or a community intervention center. A truant youth may be declared a child in need of supervision and may be subject to court order. Okla. St. tit. 70, § 10-105 (2002); Okla. St., tit. 70, § 10-109 (2010); Okla. St. tit. 10A, § 2-1-102–103 (2010).

Oregon

Compulsory school age is 7 to 18 years old. Attendance supervisors are responsible for monitoring truancy. The guardian of a truant youth will be notified and required to ensure that the youth attend school in the future. Or. Rev. Stat. § 339.010 (2009); Or. Rev. Stat. § 339.055 (2009); Or. Rev. Stat. § 339.080 (2009).

Pennsylvania

Compulsory school age is 8 to 17 years old. A student who fails to comply with the laws of compulsory school attendance or a habitual truant may be referred to the school district for services or may be brought before the juvenile court for dependency proceedings and possible court orders. Habitual truants may also be fined for each incident of nonattendance. Truant youth may be taken into custody by a police officer, attendance officer, and other authority figures. Upon taking custody the authority figure must notify the youth's guardian and deliver the youth to school. A habitual truant's license is suspended for 90 days on first offense and 6 months for subsequent offenses. 24 Pa. Cons. Stat. § 13-1326 (2011); 24 Pa. Cons. Stat.. § 13-1333 (2011); 24 Pa. Cons. Stat. § 13-1338 (2011); 24 Pa. Cons. Stat. § 13-1343 (2011).

Rhode Island

Compulsory school age is 6 to 18 years old. A parent or guardian may withdraw a child from school at age 16 under limited circumstances. Truancy officers are responsible for monitoring student attendance and truancy. A student who appears to be absent from school without excuse may be taken into custody without a warrant by a police officer. A habitual truant is a student who habitually and willfully is absent from school. A habitual truant may be (a) declared a wayward child, (b) subject to court orders, probation, custody options, and/or community service, (c) may lose his/her driver's license, and (d) the child's parents may be subject to counseling. R.I. Gen. Laws § 16-19-1 (2010); R.I. Gen. Laws § 16-19-6 (2010); R.I. Gen. Laws § 14-1-3 (2010); R.I. Gen. Laws § 14-1-25 (2010); R.I. Gen. Law § 14-1-32 (2010); R.I. Gen. Laws § 16-67.1-3 (2010).

South Carolina

Compulsory school age is 5 to 17 years old. The Board of Trustees for a school district is responsible for reporting a student's nonattendance to the Juvenile Court. Truancy is considered a status offense and a truant youth may be subject to court proceedings and court orders. If a student violates a court order concerning school attendance, the student may be found in contempt and declared delinquent. S.C. Code Ann. § 59-65-10 (2010); S.C. Code Ann. § 59-65-50 (2010); S.C. Code Ann. § 63-19-20 (2010); S.C. Code Ann. § 63-19-1440 (2010).

South Dakota

Compulsory school age is 6 to 18 years old. Truancy officers have the responsibility of monitoring school attendance. Truancy officers and police officers may take a truant youth into custody without a warrant and then shall deliver the youth to school. A truant youth may be declared a child in need of supervision and be subject to court order. S.D. Codified Laws § 13-27-1 (2010); S.D. Codified Laws § 13-27-19 (2010); S.D. Codified Laws § 26-8B-2 (2010).

Tennessee

Compulsory school age is 6 to 17 years old. Truant youth may be taken into custody by a police officer and then shall be delivered to the youth's guardian, to school, or to a truancy center. If a student is absent without excuse for five or more days in one school year, the student's teacher or principal shall report the student to the superintendent. A truant youth may be declared an unruly child and subject to court orders. Truant youth may also be compelled to attend truancy school. Tenn. Code Ann. § 49-6-3001 (2010); Tenn. Code Ann. § 49-6-3007 (2010); Tenn. Code Ann. § 49-6-3012 (2010), Tenn. Code Ann. § 37-1-102 (2010).

Texas

Compulsory school age is 6 to 17 years old. A peace officer or attendance officer may take a truant youth into custody and shall deliver the youth to the youth's guardian or to the court. Attendance officers are responsible for monitoring school attendance. A

youth commits a status offense if he/she is absent from school without excuse ten or more times in a six-month period or three or more times in a four-week period. Absence from school may constitute a status offense. If a court finds that a youth has committed a status offense, the youth will be subject to court orders. Tex. Educ. Code § 25.085 (2010); Tex. Educ. Code § 25.091 (2010); Tex. Educ. Code § 25.094 (2010); Tex. Fam. Code § 51.02 (2010).

Utah

Compulsory school age is 6 to 18 years old. A truant minor is any school age minor who is absent from school without a valid excuse. Truant minors will receive a truancy citation requiring them to appear before the truancy control officer. A habitual truant is a school-age minor who is at least 12 years old and is either truant at least ten times in a year or fails to cooperate with efforts by school authorities to resolve his/her attendance problems. Truancy specialists may be appointed to help enforce compulsory school attendance. A truant youth may be taken into custody by a police officer, truant officer, or school administrator and then shall be delivered to school, the youth's home, or a truancy receiving center. A truant youth may also be referred to the Division of Child and Family Services. Utah Code Ann. § 53A-11-101 (2011); Utah Code Ann. § 53A-11-104 (2011); Utah Code Ann. § 53A-11-105 (2011).

Vermont

Compulsory school age is 6 to 16 years old. Truancy officers are responsible for monitoring nonattendance. Principals and teachers are responsible for reporting students who are absent without excuse to the superintendent. Truancy officers may take a truant youth into custody and deliver the youth to school. A truant youth may be declared a child in need of care or supervision and be subject to court orders. Vt. Stat. Ann. tit. 16, § 1121 (2010); Vt. Stat. Ann. tit. 16, § 1125 (2010); Vt. Stat. Ann. tit. 16, § 1126 (2010); Vt. Stat. Ann. tit. 16, § 1127 (2010).

Virginia

Compulsory school age is 5 to 17 years old on September 30th of a given school year. Attendance officers have the responsibility of monitoring school attendance. Attendance officers and police officers may take a truant youth into custody without a warrant and then shall deliver the youth to school or a truancy center. A truant youth may be declared a child in need of supervision and may be subject to court orders. Va. Code Ann. § 22.1-254 (2011); Va. Code Ann. § 22.1-258 (2011); Va. Code Ann. § 22.1-266 (2011); Va. Code Ann. § 22.1-267 (2011).

Washington

Compulsory school age is 8 to 17 years old. A police officer or school official may take a truant youth into custody and then shall deliver the youth to school, the youth's guardian, or a truancy program. A school district may refer a truant student to a community truancy board, enter into an agreement with the student and the student's guardian concerning school attendance, or, if other actions have been ineffective, file a petition with the Juvenile Court. If the court deems it necessary, it shall assume jurisdiction over the truant student and any future incidents of nonattendance shall be reported to the court. The truant student may also be subject to court orders concerning attendance. Wash. Rev. Code § 28A.225.010 (2002); Wash. Rev. Code § 28A.225.020 (2002) Wash. Rev. Code § 28A.225.030 (2002) Wash. Rev. Code § 28A.225.035 (2002) Wash. Rev. Code § 28A.225.060 (2002).

West Virginia

Compulsory school age is 6 to 16 years old. Attendance officers are responsible for monitoring school attendance. After five total unexcused absences in a year, the attendance director must give written notice to the child's parent, guardian, or custodian. A truant youth and his/her guardian must attend a conference in order to discuss and address the youth's attendance. A truant youth may also be declared a status offender and subject to court orders. A parent, guardian, or custodian who does not ensure the child complies with attendance laws may be directly prosecuted. W. Va. Code § 18-1-1a (2011); W. Va. Code § 18-8-1 (2011), W. Va. Code § 18-8-4 (2011); W. Va. Code § 49-1-4 (2011).

Wisconsin

Compulsory school age is 6 to 18 years old. A police officer or attendance officer may take a truant youth into custody without a warrant. A habitual truant is a student who is absent from school five or more days in one school year. Wisconsin grants its local governments the power to create ordinances concerning truancy. The ordinances may grant the court power to order a habitual truant to attend

school, pay a fine, attend counseling, take part in community service, attend an educational program, or be subject to supervision, house arrest, or a curfew. Wisc. Stat. § 118.15 (2011); Wisc. Stat. § 118.16 (2011); Wisc. Stat. § 118.163 (2011); Wisc. Stat. § 938.19 (2011).

Wyoming

Compulsory school age is 7 to 15 years old on September 15th of a given school year. A habitual truant is any student with five or more unexcused absences in one school year. Attendance officers are responsible for monitoring school attendance and counseling students with attendance problems. The district attorney shall be notified of any habitual truant and shall initiate court proceedings in juvenile court. A habitual truant may be declared a child in need of supervision and may be subject to court orders. Wyo. Stat. § 14-6-402 (2011); Wyo. Stat. § 21-4-101 (2011); Wyo. Stat. § 21-4-102 (2011); Wyo. Stat. § 21-4-104 (2011); Wyo. Stat. § 21-4-107 (2011).

American Samoa

Compulsory school age is 5 to 18 years old. A truant officer shall investigate cases of truancy. A truant youth may be declared a child in need of supervision and may be subject to court orders. American Samoa Code Annotated § 16.0302 (2010); Am. Samoa Code Ann. § 16.0308 (2010); Am. Samoa Code Ann. § 45.0103 (2010).

District of Columbia

Compulsory school age is 5 to 17 years old. A police officer may take a truant youth into custody and deliver the youth to the truancy center. A habitual truant may be declared a child in need of supervision and be subject to court proceedings. D.C. Code § 38-202 (2011); D.C. Code § 38-203 (2011); D.C. Code § 38-251 (2011); D.C. Code § 16-2301 (2011).

Guam

Compulsory school age is 5 to 15 years old. An attendance officer may take a truant youth into custody and deliver that youth to the school or to a guardian. Truant means a pupil found absent from school without a reasonable excuse from a parent. A habitual truant is a youth that has incurred twelve or more unexcused absences in a year. The Superintendent shall appoint employees as attendance officers. The attendance officers, as well as any peace officer, principal, or Dean may, without a warrant, take any truant found away from his/her home and who has been reported truant during school hours into custody. The attendance officer, upon taking a truant into custody, shall deliver the truant promptly either to the truant's parent or to the school which the pupil attends. If the child is a habitual truant, the attendance officer, with the concurrence of the principal of the pupil's school, shall bring the child before the Family Court. If the court finds that the allegations of habitual truancy are sustained by evidence, it may order that the child be detained and maintained in a school supervised by the court for the remainder of the current school term, or it may order that the child be turned over to the custody of the Division of Social Services where the child shall be provided casework treatment and services. The habitual truant's school principal must request the superintendent file a petition concerning the truancy in the Family Court or Superior Court of Guam. 17 Guam Code Ann. § 6102 (2011); 17 Guam Code Ann. § 6401 (2011); 17 Guam Code Ann. § 6402 (2011); 17 Guam Code Ann. § 6403 (2011); 17 Guam Code Ann. § 6404 (2011); 17 Guam Code Ann. § 6407 (2011).

Northern Mariana Islands

Compulsory school age is 6 to 16 years old. 3 CMC § 1441 (2010).

Puerto Rico

Compulsory school age is 5 to 18 years old. The Secretary of Education is responsible for developing policies and procedures concerning school attendance. 3 P.R. Laws Ann. § 143b (2010).

Virgin Islands

Compulsory school age is 5 to 18 years old. When a youth is absent from school without an acceptable excuse, a teacher, principle, attendance officer, school official, or police officer may take the youth into custody until a guardian is summoned and asks for the youth's release. A youth may also be referred to the Department of Social Welfare for Child Welfare Services if they are truant. A truant may be labeled an incorrigible truant and could be referred to the Juvenile and Domestic Relations Division of the Territorial Court. An incorrigible truant is a youth of compulsory school age who willfully, deliberately, and continuously absents him/herself from school and who fails to respond to services provided by the

Departments of Education and Social Welfare. 17 V.I. Code Ann. § 82 (2001); 17 V.I.C. § 89 (2011).

Status Offenses — Curfew Statutes

Alabama

There is no explicit statute regarding curfews.

Alaska

A municipality may, by ordinance, provide a curfew for persons under 18 years of age. The court may impose a fine of not more than $250 for a violation of this section. In place of a fine imposed for a municipal curfew ordinance violation, the court shall allow a defendant to perform community work. Alaska Stat. §§ 29.35.085(a)–(c) (2011).

Arizona

The Board of Supervisors of a county may enact ordinances under its police authority prescribing reasonable curfews for minors and fines not to exceed $300 for violation of such ordinances. A minor is not in violation of a curfew if the minor is (a) accompanied by a parent, guardian, or an adult having supervisorial custody, (b) is on an emergency errand, or (c) has been specifically directed to the location on reasonable, legitimate business or some other activity by the parent, guardian, or adult having supervisorial custody. A.R.S. §11-251(40) (2011).

Arkansas

For curfew violations, the prosecutor may file a family in need of services petition in circuit court or a citation in district court. A.C.A. § 9-27-306(c)(2) (2011).

California

A fee for the actual costs of administrative and transportation services for a minor in violation of a curfew ordinance to his/her residence, or to the custody of his/her parents or legal guardian, may be charged jointly or severally to the minor, his/her parents, or legal guardian. However, this fee may be waived upon a showing that the parents or legal guardian made reasonable efforts to exercise supervision and control over the minor or showing that the minor, his/her parents, or his/her legal guardian lack the ability to pay the fee. In this case, community service may be imposed in lieu of the fee. Cal. Welf. & Inst. Code § 625.5(e) (2009). A peace officer may not book (fingerprint and photograph) a minor for a violation of a curfew ordinance. 80 Ops. Cal. Atty. Gen. 149 (1997).

Colorado

The Board of County Commissioners has the power to discourage juvenile delinquency through the imposition of curfews applicable to juveniles or the restraint and punishment of loitering by juveniles. C.R.S. § 30-15-401(1)(a)(VI)(d.5) (2010).

Connecticut

Any municipality may prohibit the loitering in the nighttime by minors on the streets, alleys, or public places within its limits. Conn. Gen. Stat. § 7-148(c)(7)(F)(iii) (2011).

Delaware

The Family Court shall have concurrent criminal jurisdiction with the Justice of the Peace Courts in all proceedings concerning alleged curfew violations pursuant to any municipal ordinance. Del. Code tit. 10 §922(c) (2011).

Florida

A minor may not be or remain in a public place or establishment between the hours of 11:00 p.m. and 5:00 a.m. Sunday through Thursday or between the hours of 12:01 a.m. and 6:00 a.m. on Saturdays, Sundays, and legal holidays. A written warning will be issued for the first violation and a fine of $50 will be imposed for each subsequent violation. A county or municipal ordinance may provide restrictions more or less stringent than the curfew above. Fla. Stat. §§ 877.22(1)–(4);877.25 (2011).

Georgia

A child may be taken into custody by a law enforcement officer or a duly authorized officer of the court if the child is violating a curfew and a facility where the child may be informally detained until the parent or guardian assumes custody of the child is available. O.C.G.A. §§ 15-11-45(a)(7); 15-11-47(e)(2) (2011).

Hawaii

Any child under 16 years of age who goes or remains on any public street, highway, public place, or private place held open to the public after 10:00 p.m. or

before 4:00 a.m., unaccompanied by either a parent or guardian is subject to adjudication. There are exceptions to this restriction in cases of necessity or when permitted so to do in writing by a judge of the Family Court. Any child found in violation of the curfew and his/her parents or guardians may be required to participate in such counseling as the court deems appropriate. A county or municipality may enact a curfew that supersedes this curfew law. H.R.S. §§ 577-16; 577-16.5; 577-21 (2011).

Idaho

Violation by a juvenile of a curfew established by a municipal or county ordinance shall be punishable by a fine not to exceed $300, detention (county jail prohibited), or both. Idaho Code § 20-549 (2011).

Illinois

A minor commits an offense if he/she remains in any public place or on the premises of any establishment between 11:00 p.m. and 6:00 a.m. Sunday through Thursday or between 12:01 a.m. and 6:00 a.m. Saturday and Sunday, unless the minor is (a) accompanied by a parent or guardian, (b) on an errand at the direction of a parent or guardian, (c) in a motor vehicle involved in interstate travel, (d) engaged in an employment activity or going to or returning from an employment activity, (e) involved in an emergency, (f) attending an official school, religious, or other recreational activity supervised by adults, (g) exercising First Amendment rights, or (h) has been married or emancipated. A minor convicted of a violation shall be fined not less than $10 nor more than $500. 720 ILCS 555/1 (2011).

Indiana

It is a curfew violation for a child 15 to 17 years of age to be in a public place between 11:00 p.m. and 5:00 a.m. Sunday through Thursday or between 1:00 a.m. and 5:00 a.m. Saturday and Sunday. For a child less than 15 years of age, it is a curfew violation to be in a public place after 11:00 p.m. or before 5:00 a.m. on any day. If a city, town, or county determines that any curfew time established is later than is reasonable for public safety, the curfew time may be advanced by not more than two hours. Ind. Code § 31-37-3-2 to -4 (2011).

Iowa

A municipality may enact a curfew ordinance for minors, provided it does not violate constitutional safeguards. Op. Att'y Gen. No. 75-10-10 (1975).

Kansas

There is no explicit statute regarding curfews.

Kentucky

Under its police and home rule powers, a city can enact a juvenile curfew ordinance, provided it is not overbroad and it protects the First and Fourteenth Amendment rights of the individual. 84 Op. Att'y Gen. 264 (1984).

Louisiana

There is no explicit statute regarding curfews.

Maine

There is no explicit statute regarding curfews.

Maryland

After making independent factual findings demonstrating a local need for a juvenile curfew, the county commissioners in their respective jurisdictions may adopt a juvenile curfew ordinance. The ordinance shall state that a minor may not remain in a public place or on the premises of an establishment within the local jurisdiction between 12:00 a.m. and 5:00 a.m. unless the minor is (a) accompanied by a parent or guardian, (b) performing an errand at the direction of the parent or guardian until 12:30 a.m., (c) accompanied by a person at least 18 years of age and authorized by the parent or guardian, (d) engaged in legal employment activity or is going to or returning home from a legal employment activity, (e) involved in an emergency, (f) attending or returning directly home from a school, religious, or recreational activity supervised by adults, or (g) exercising First Amendment rights. A law enforcement officer may issue a civil citation for a violation of a juvenile curfew ordinance including a fine of not more than $500 for a first offense and not more than $1,000 for a second or subsequent offense. Md. Code Ann. art. 25B, § 13C-1(a), (c)–(e), (j) (2011).

Massachusetts

There is no explicit statute regarding curfews.

Michigan

No minor under the age of 12 years shall loiter, idle, or

congregate in or on any public street, highway, alley, or park between the hours of 10:00 p.m. and 6:00 a.m. any day unless the minor is accompanied by a parent or guardian. A minor under the age of 16 years shall not loiter, idle, or congregate in or on any public street, highway, alley, or park between the hours of 12:00 a.m. and 6:00 a.m. any day unless the minor is accompanied by a parent or guardian or is upon an errand or other legitimate business directed by a parent or guardian. Mich. Comp. Laws §§ 722.751–52 (2011).

Minnesota

A county board may adopt an ordinance establishing a countywide curfew for unmarried persons under 18 years of age. If the county board of a county located in the seven-county metropolitan area adopts a curfew ordinance under this subdivision, the ordinance shall contain an earlier curfew for children under the age of 12 than for older children. Minn. Stat. § 145A.05(7a) (2010).

Mississippi

Municipal governing authorities may, under existing law, enact police regulations, including the imposition of curfews for minors in certain situations, provided they are not overbroad. Op. Att'y Gen. No. 2000-0637 (2000).

Missouri

There is no explicit statute regarding curfews.

Montana

The governing body of a county may adopt an ordinance that establishes a curfew hour after which minors will not be allowed on public streets, roadways, or lands of the county. The ordinance which must contain a description of the area covered by the curfew and must provide exceptions for approved activities. A person convicted of violating a curfew ordinance shall be punished by a fine in an amount not exceeding $75, a sentence of up to 10 hours of community service, or both. Mont. Code Ann. § 7-32-2302 (2010).

Nebraska

There is no explicit statute regarding curfews.

Nevada

There is no explicit statute regarding curfews.

New Hampshire

Any city by vote of its city council, and any town at any meeting, may adopt a curfew making it unlawful for any minor under 16 years of age to be on any public street or in any public place after 9:00 p.m., unless accompanied by a parent, guardian, or other suitable person. Any minor in violation shall be taken home and the parent or guardian shall be notified that a subsequent violation will result in a misdemeanor offense for the custodian of the minor. N.H. Rev. Stat. Ann. § 31:43-a to -g (2011).

New Jersey

A municipality is authorized and empowered to enact an ordinance making it unlawful for a juvenile under 18 years of age within the discretion of the municipality to be on any public street or in a public place between the hours of 10:00 p.m. and 6:00 a.m., unless the juvenile is (a) accompanied by a parent or guardian, (b) engaged in, or traveling to or from, a business or occupation, (c) engaging in errands involving medical emergencies, (d) attending extracurricular school activities, or (e) participating in other cultural, educational, and social events sponsored by religious or community-based organizations. A municipality may also enact an ordinance making it unlawful for a juvenile under 18 years of age within the discretion of the municipality to be in any public place during the hours when the juvenile is required to be in attendance at either a public or non-public school, unless the juvenile is accompanied by a parent or guardian or has written permission from the educational authority. Violators shall be required to perform community service and may be subject to a fine of up to $1,000. N.J. Stat. Ann. § 40:48-2.52(a)–(d) (2011).

New Mexico

There is no explicit statute regarding curfews.

New York

A town may enact a juvenile curfew law pursuant to its home rule police powers if it proves that the provision bears a substantial relationship to an important governmental objective, but it may not charge parents with a violation, punishable by fine and/or imprisonment, if their minor children violate the curfew. Op. Att'y Gen. 2005-13 (2005).

North Carolina

A county or city may by an appropriate ordinance impose a curfew on persons under 18 years of age. N.C. Gen. Stat. § 153A-142 (2011); N.C. Gen. Stat. §160A-198 (2011).

North Dakota

There is no explicit statute regarding curfews.

Ohio

The Board of County Commissioners may adopt a curfew for persons under 18 years of age where it is deemed necessary for the immediate preservation of the public peace, health, or safety in any of the unincorporated areas of such county. Any person under the age of 18 years who violates the provisions of a curfew shall be apprehended and charged as being an unruly child and taken before the juvenile court. Ohio Rev. Code Ann. § 307.71 (Anderson 2011).

Oklahoma

A child under 18 years of age who is taken into custody for the alleged violation of a municipal ordinance relating to curfews may be held temporarily under the custodial care of a peace officer or other person employed by a police department only until the child's parent, legal guardian, legal custodian, attorney, or other responsible adult assumes custody if such a person cannot be located within a reasonable time of the taking of the child into custody. A child may also be held temporarily if such a person refuses to assume custody until temporary shelter is found for the child. In no event shall the child be placed in a jail, lockup, or adult detention facility. In no event shall the child be placed in a juvenile detention facility for more than 24 hours, excluding weekends and legal holidays, prior to an initial court appearance. Okla. St., tit. 10, § 2-2-103 (2010).

Oregon

No minor shall be in or upon any street, highway, park, alley, or other public place between the hours of 12:00 a.m. and 4:00 a.m. unless the minor is accompanied by a parent or guardian, engaged in a lawful pursuit or activity which requires the presence of the minor in such public places, or is emancipated. Any political subdivision may make regulations restricting curfew hours at least to the extent required above and may provide different periods of curfew for different age groups. Or. Rev. Stat. § 419C.680 (2009).

Pennsylvania

There is no explicit statute regarding curfews.

Rhode Island

No minor under 16 years of age shall be allowed to loiter on any curfew street (designated by Police Commissioners or Chiefs of Police) after 9:00 p.m. unless accompanied by some adult person. Any minor under 16 years of age, not accompanied by an adult person, who loiters on any curfew street after being directed by any police constable to cease loitering shall be fined an amount not to exceed $5. R.I. Gen. Laws § 11-9-11 to -12 (2010).

South Carolina

As long as ordinances mandating nocturnal curfews for juveniles are not impermissibly vague, such curfews are constitutional. 94-18 Op. Att'y Gen. 39 (1994).

South Dakota

There is no explicit statute regarding curfews.

Tennessee

It is unlawful for any minor between 17 and 18 years of age to remain in or upon any public street, highway, park, vacant lot, establishment or other public place within the county between the hours of 11:00 p.m. and 6:00 a.m. Monday through Thursday and between the hours of 12:00 a.m. and 6:00 a.m. Friday through Sunday, unless the minor is (a) accompanied by a parent or guardian, (b) on an errand as directed by a parent until 12:30 a.m., (c) traveling directly between the home and place of employment for the period from 45 minutes before to 45 minutes after work, (d) returning home by a direct route from (and within 30 minutes of the termination of) a school activity or an activity of a religious or other voluntary association until 1:00 a.m., (e) in the case of reasonable necessity, exercising First Amendment rights, or (f) in a motor vehicle in good faith interstate travel with parental consent. The curfew hours for any minor 16 years of age and under are 10:00 p.m. to 6:00 a.m. Monday through Thursday and 11:00 p.m. to 6:00 a.m. Friday through Sunday, subject to the exceptions above. A minor violating the provisions of this section shall commit an unruly

act and any parent, guardian, or other person having care, custody, and control of a minor violating the provisions of this section shall be fined an amount not to exceed $50 for each offense. Tenn. Code Ann. § 39-17-1702 (2010).

Texas

To provide for the public safety, the Commissioners Court of a county by order may adopt a curfew to regulate the movements or actions of persons under 17 years of age during the period beginning 30 minutes after sunset and extending until 30 minutes before sunrise, during school hours, or both. Curfew hours may be different for certain days of the week and certain age groups different age groups of juveniles. An offense under this section is a Class C misdemeanor. Tex. Loc. Gov't Code Ann. § 351.903 (2007).

Utah

There is no explicit statute regarding curfews.

Vermont

A municipality may make regulations respecting children under 16 years of age who are allowed to loiter in the streets or other public places. Such regulations shall be conducive to their welfare and to the public good. Such municipality may fix a penalty of not more than $5 for each violation of such regulations to be recovered against the person having the custody of such child in a civil action on this statute. Vt. Stat. Ann. tit. 24, § 2151 (2010).

Virginia

Any locality may, by ordinance, prohibit loitering in, upon, or around any public place, whether on public or private property. Any locality may, by ordinance, also prohibit minors who are not attended by their parents from frequenting or being in public places, whether on public or private property between 10:00 p.m. and 6:00 a.m. or as the governing body deems proper. Punishment for violations of such ordinances are not to exceed that proscribed for a Class 3 misdemeanor. Va. Code Ann. § 15.2-926 (2011).

Washington

Any code city has the authority to enact an ordinance establishing times and conditions under which juveniles may be present on public streets, in public parks, or in any other public place for the purpose of preserving the public safety or reducing acts of violence by or against juveniles that are occurring at rates beyond the capacity of the police to assure public safety. The ordinance shall not contain any criminal sanctions for a violation. Wash. Rev. Code § 35A.11.210 (2011).

West Virginia

County commissions are authorized to adopt an ordinance which establishes a curfew for persons under 18 years of age except when a county ordinance enacted hereunder conflicts with that of any municipality; in that case, the municipal ordinance shall prevail. W. Va. Code § 7-1-12 (2011).

Wisconsin

There is no explicit statute regarding curfews.

Wyoming

There is no explicit statute regarding curfews.

American Samoa

There is no explicit statute regarding curfews.

District of Columbia

A minor commits an offense if he/she remains in any public place or on the premises of any establishment within the District of Columbia between 11:00 p.m. and 6:00 a.m. Sunday through Thursday and between 12:01 a.m. and 6:00 a.m. Saturday and Sunday. During the months of July and August, curfew hours are extended to the hours from 12:01 a.m. to 6:00 a.m. every day. A minor is not in violation of curfew if he/she is (a) accompanied by a parent or guardian, (b) on an errand at the direction of a parent or guardian without detour or stop, (c) in a motor vehicle, train, or bus involved in interstate travel, (d) engaged in, going to, or returning home from an employment activity without detour or stop, (e) involved in an emergency, (f) attending, going to, or returning home from an official school, religious, or other recreational activity sponsored by D.C., a civic organization, or another similar entity, or (g) exercising First Amendment rights. Any parent or guardian of a minor commits an offense if he/she knowingly permits, or by insufficient control, allows, the minor to remain in any public place or on the premises of any establishment within D.C. during curfew hours. The offense is punishable by a fine not to exceed $500 or community service. D.C. Code Ann. §§ 2-1542; D.C. Code Ann. § 1543

(2011).

Guam

The Supreme Court of Guam has found the following curfew law unconstitutional on its face. *In the Interest of K.D.Q.*, JD0300-98, Sup. Ct. of Guam (Juv. Div. 1998). Nonetheless, the law has not been repealed or amended to conform with the decision. A minor younger than 17 years old commits an offense if the minor remains in any of the alleys, streets or places of business and amusement, including parks, playgrounds or other public places or grounds in Guam between 10:00 p.m. and 5:00 a.m., unless the minor is accompanied by a guardian, parent or other person charged with care and custody of the minor, the minor is traveling internationally or inter-island or between his or her home or place of residence and to a theater, his or her place of employment or where a church, municipal, school or university function is being held. Each separate offense, upon conviction, is punishable by a fine of $500. 9 Guam Code Ann. § 31.65 (2011).

Northern Mariana Islands

Local bill can establish curfew for juveniles. 1 N. Mar. I. Code § 1402 (2008).

Puerto Rico

There is no explicit statute regarding curfews.

Virgin Islands

Any child under 16 years of age commits an offense if he/she is found or remaining upon the streets or highways after 10:00 p.m. and is unaccompanied by a person legally responsible for the child's behavior shall be taken into custody by the police and held until released to the parent or guardian, who shall be notified forthwith, except where the child shows that he/she is in transit to or from his/her home to another place supervised by adults, either with the express consent or under the direction of his/her parent or guardian. In addition, the child may be subject to community service of up to 100 hours for the first offense; for subsequent and repeated offenses, the offending child may be subject to community service of up to 200 hours, a fine not to exceed $500, or both. A child who commits a second or subsequent violation of the curfew herein while operating a motor vehicle may have their driver's license suspended for a time not to exceed 6 months. 14 V.I. Code Ann. § 481 (2011).

	RUNAWAYS			TRUANCY			CURFEW		
STATES	**Is running away termed a status offense?**	**Can a runaway be taken into custody without a warrant by a police officer?**	**How does the state classify a runaway?**	**To what age range does compulsory school attendance apply?**	**Can a truant be taken into custody by a police officer or school official?**	**How does the state classify truant youths?**	**Is there an explicit curfew law and/or allowance for curfew ordinances?**	**What time frame does the state provide for the curfew to be in effect?**	**To what ages does the curfew apply**?**
Alabama	No	Yes	##	7-16 yr. old	Yes	Child in Need of Supervision (CHINS)	No	##	##
Alaska	No	Yes	Child in Need of Aid (CINA)	7-16 yr. old	##	##	Yes	Not Provided	Under 18 yr. old
Arizona	No	Yes	Incorrigible	6-16 yr. old	Yes	Incorrigible/ Habitual Truant	Yes	Not Provided	Minor
Arkansas	No	Yes	Family in Need of Services (FINS)	5-17 yr. old	Yes	Family in Need of Services (FINS)	Yes	Not Provided	Not Provided
California	No	Yes	Ward of the Court	6-18 yr. old	Yes	Habitual Truant/ Ward of the Court	Yes	Not Provided	Minor
Colorado	No	Yes	Dependent Child	6-16 yr. old	##	Habitual Truant	Yes	Not Provided	Not Provided
Connecticut	No	Yes, with written consent of youth	Family with Service Needs	5-18 yr. old	##	Habitual Truant, Family with Service Needs	Yes	Not Provided	Minor
Delaware	##	##	##	5-16 yr. old	Yes	Truant	Yes	Not Provided	Not Provided
Florida	No	Yes	Child in Need of Services (CHINS)	6-15 yr. old	Yes	Habitual Truant, Child in Need of Services (CHINS)	Yes	11 pm-5am Sun pm to Fri. am, Midnight to 6 am Sat-Sun	Minor
Georgia	Yes	Yes	Unruly, Status Offender	6-15 yr. old	Yes	Status Offender, Unruly Child	Yes	Not Provided	Not Provided
Hawaii	No	Yes	Youth at Risk/Youth in Need of Services	6-17 yr. old	Yes	##	Yes	10 pm-4 am	Under 16 yr. old
Idaho	Yes	Yes	Status Offender	7-15 yr. old	Yes	Habitual Truant, Status Offender	Yes	Not Provided	Not Provided

	RUNAWAYS			TRUANCY			CURFEW		
STATES	**Is running away termed a status offense?**	**Can a runaway be taken into custody without a warrant by a police officer?**	**How does the state classify a runaway?**	**To what age range does compulsory school attendance apply?**	**Can a truant be taken into custody by a police officer or school official?**	**How does the state classify truant youths?**	**Is there an explicit curfew law and/or allowance for curfew ordinances?**	**What time frame does the state provide for the curfew to be in effect?**	**To what ages does the curfew apply**?**
Illinois	No	Yes	Minor Requiring Authoritative Intervention	7-17 yr. old	Yes	Truant Minor in Need of Supervision, Chronic Truant	Yes	11pm-6am Sun. pm-Fri. am, Midnight-6 am, Sat.-Sun.	Minor
Indiana	No	Yes	Delinquent Child	7-17 yr. old	Yes	Delinquent Child	Yes	11 pm-5 am Sun. pm-Fri. am, 1 am-5 am Sat.-Sun.// 11 pm-5 am any day	15-17 yr. old// Under 15 yr. old
Iowa	No	Yes	Chronic Runaway	6-15 yr. old	Yes	Truant	Yes	Not Provided	Minor
Kansas	No	Yes	##	7-17 yr. old	Yes	Child in Need of Care	No	##	##
Kentucky	Yes	Yes	Status Offender, Habitual Runaway	6-17 yr. old	##	Truant, Habitual Truant	Yes	Not Provided	Not Provided
Louisiana	No	Yes	Family in Need of Services (FINS)	7-17 yr. old	Yes	Family in Need of Services (FINS), Habitually Absent	No	##	##
Maine	No	Yes	Interim Care	7-16 yr. old	##	Habitual Truant	No	##	##
Maryland	No	Yes	Child in Need of Supervision (CHINS)	5-15 yr. old	##	Child in Need of Supervision (CHINS)	Yes	Midnight- 5 am	Under 18 yr. old
Massachusetts	No	Yes	Child in Need of Services (CHINS)	6-16 yr. old	Yes	Child in Need of Services (CHINS)	No	##	##
Michigan	No	Yes	##	6-15 yr. old	##	Habitual Truant, Juvenile Disorderly Person	Yes	Midnight- 6 am //10 pm-6 am	Under 16 yr. old// Under 12 yr. old
Minnesota	No	Yes	Child in Need of Services (CHINS)	7-16 yr. old	Yes	Continuing Truant	Yes	Not Provided	Under 18 yr. old

	RUNAWAYS			TRUANCY			CURFEW		
STATES	Is running away termed a status offense?	Can a runaway be taken into custody without a warrant by a police officer?	How does the state classify a runaway?	To what age range does compulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youths?	Is there an explicit curfew law and/or allowance for curfew ordinances?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply**?
Mississippi	No	Yes	Child in Need of Supervision (CHINS)	6-16 yr. old	##	Child in Need of Supervision (CHINS)	Yes	Not Provided	Minor
Missouri	No	##	Child in Need of Care and Treatment	7-16 yr. old (can be up to 17 in specific districts)	Yes	Habitual Truant, Child in Need of Care and Treatment	Yes	##	##
Montana	No	Yes, when a petition has been filed alleging that child is a YINI	Youth In Need of Intervention (YINI)	7-16 yr. old (or until student completes 8th grade, whichever is later)	Yes	Youth in Need of Intervention (YINI), Habitual Truant	Yes	Not Provided	Minor
Nebraska	Yes	Yes	Status Offender, Delinquent Child in Need of Special Supervision	6-17 yr. old	##	Status Offender, Child in Need of Supervision (CHINS)	No	##	##
Nevada	No	Yes	Child in Need of Supervision (CHINS)	7-18 yr. old	Yes	Habitual Truant, Child in Need of Supervision (CHINS)	No	##	##
New Hampshire	No	Yes	Child in Need of Services (CHINS)	6-17 yr. old	Yes	Child in Need of Services (CHINS)	Yes	After 9 pm	Under 16 yr. old
New Jersey	No	Yes	##	6-16 yr. old	Yes	Vagrant Child, Habitual Truant, Juvenile Delinquent	Yes	10 pm-6 am	Under 18 yr. old
New Mexico	No	##	Family in Need of Services (FINS)	5-18 yr. old	##	Child in Need of Supervision (CHINS), Family in Need of Services (FINS)	No	##	##
New York	No	##	Destitute child	6-16 yr. old	Yes	Person in Need of Supervision (PINS), School Delinquent	Yes	Not Provided	Minor

	RUNAWAYS			TRUANCY			CURFEW		
STATES	Is running away termed a status offense?	Can a runaway be taken into custody without a warrant by a police officer?	How does the state classify a runaway?	To what age range does compulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youths?	Is there an explicit curfew law and/or allowance for curfew ordinances?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply**?
North Carolina	No	Yes	Undisciplined Juvenile	7-16 yr. old	Yes	Habitually Absent, Undisciplined Child	Yes	Not Provided	Under 18 yr. old
North Dakota	No	Yes	Unruly Child	7-16 yr. old	##	Child in Need of Services (CHINS)	No	N/A	N/A
Ohio	No	Yes	Unruly Child	6-18 yr. old	Yes	Habitual Truant, Dependent/ Unruly/ Delinquent Child	Yes	Not Provided	Under 18 yr. old
Oklahoma	No	Yes	Child in Need of Supervision (CHINS)	6-17 yr. old	Yes	Child in Need of Supervision (CHINS)	Yes	Not Provided	Under 18 yr. old
Oregon	No	Yes	##	7-18 yr. old	##	##	Yes	Midnight-4 am	Minor
Pennsylvania	No	Yes	Dependant Child	8-17 yr. old	Yes	Habitual Truant, Dependent	No	N/A	N/A
Rhode Island	No	Yes	Wayward Child	6-18 yr. old	Yes	Habitual Truant, Wayward Child	Yes	After 9 pm	Under 16 yr. old
South Carolina	Yes	##	Status Offender	5-17 yr. old	##	Status Offender, Deliquent	Yes	Not Provided	Not Provided
South Dakota	No	Yes	Child in Need of Supervision (CHINS)	6-18 yr. old	Yes	Child in Need of Supervision (CHINS)	No	N/A	N/A
Tennessee	No	Yes	Unruly Child	6-17 yr. old	Yes	Unruly Child	Yes	11 pm-6 pm M-Thur., Midnight to 6 am, F-Sun.// 10 pm-6 pm M-Thur., 11 pm-6 am, F-Sun.	17-18 yr. old// Under 16 yr. old
Texas	Yes	Yes	Status Offender	6-17 yr. old	Yes	Status Offender	Yes	Not Provided	Under 17 yr. old

	RUNAWAYS			TRUANCY			CURFEW		
STATES	Is running away termed a status offense?	Can a runaway be taken into custody without a warrant by a police officer?	How does the state classify a runaway?	To what age range does compulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youths?	Is there an explicit curfew law and/or allowance for curfew ordinances?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply**?
Utah	Yes	Yes	Status Offender	6-18 yr. old	Yes	Habitual Truant	No	N/A	N/A
Vermont	No	Yes	Child in Need of Care or Supervision	6-16 yr. old	Yes	Child in Need of Supervision (CHINS)	Yes	Not Provided	Under 16 yr. old
Virginia	No	Yes	Child in Need of Supervision (CHINS)	5-17 yr. old	Yes	Child in Need of Supervision (CHINS)	Yes	10 pm-6 am	Minor
Washington	No	Yes	At Risk Youth	8-17 yr. old	Yes	##	Yes	Not Provided	Not Provided
West Virginia	Yes	Yes	Status Offender	6-16 yr. old	Yes	Status Offender	Yes	Not Provided	Under 18 yr. old
Wisconsin	No	Yes	Juvenile in Need of Protection or Services	6-18 yr. old	Yes	Habitual Truant	No	N/A	N/A
Wyoming	Yes	Yes	Status Offender, Child in Need of Supervision (CHINS)	7-15 yr. old	Yes	Habitual Truant, Child in Need of Supervision (CHINS)	No	N/A	N/A
American Samoa	No	Yes	Child in Need of Services (CHINS)	5-18 yr. old	##	Child in Need of Supervision (CHINS)	No	N/A	N/A
District of Columbia	No	Yes	##	5-17 yr. old	Yes	Child in Need of Supervision (CHINS)	Yes	11 pm - 6 am Sun. pm to Fri. am, Midnight to 6 am Sat., Sun. and during July and August	Minor
Guam	##	##	##	5-15 yr. old	Yes	Habitual Truant	Yes	10 pm-5 am	Under 17 yr. old
Northern Mariana Islands	No	Yes	Delinquent Child	6-16 yr. old	##	##	Yes	Not Provided	Not Provided
Puerto Rico	No	Yes	##	5-21 yr. old	##	##	No	N/A	N/A

	RUNAWAYS			TRUANCY			CURFEW		
STATES	Is running away termed a status offense?	Can a runaway be taken into custody without a warrant by a police officer?	How does the state classify a runaway?	To what age range does compulsory school attendance apply?	Can a truant be taken into custody by a police officer or school official?	How does the state classify truant youths?	Is there an explicit curfew law and/or allowance for curfew ordinances?	What time frame does the state provide for the curfew to be in effect?	To what ages does the curfew apply**?
Virgin Islands	No	Yes	##	5-18 yr. old	Yes	Incorrigible Truant	Yes	After 10 pm	Under 16 yr. old

- Nothing explicit in statute
** - Definition of minor varies state-by-state
N/A – Not Applicable

Emancipation

Background

When unaccompanied youth cannot be reunited with parents or guardians, they often must care for themselves. Some young people are able to identify other adults in their lives who are willing to support them, such as relatives, teachers, mentors and adult friends. Other youth who are absent from their guardians live independently, either by choice or because there are no adults available to support them. As minors, young people may be unable legally to obtain housing, buy cars or other essential goods, or engage in other transactions necessary to live independently. They also may lack legal authority to make their own decisions about medical care, education, and other personal matters.

These barriers to independence may be overcome through emancipation, the process by which a young person can become a legal adult while he or she is still under the legal age of majority. The consequences of emancipation differ among states, but generally do not permit young people to vote, drive, consume alcohol or enter the armed forces prior to reaching the established minimum age for those particular privileges. Emancipation should be approached cautiously, as it can terminate parents' responsibility for a young person and leave the youth with no legal rights to demand support or care from parents or to receive benefits upon their death. Nonetheless, emancipation can be extremely important for unaccompanied youth, as it permits them to function as adults in many circumstances, including controlling their finances, entering into contracts, owning property, consenting to medical treatment, and marrying.

Furthermore, in cases of extreme family conflict, it can be advantageous for youth to become emancipated from their parents. Emancipation can ensure that financial benefits to which a youth is entitled go directly to a youth who is caring for himself or herself rather than to parents or guardians. It can also permit young people to make their own decisions about issues in their lives that would otherwise be under the control of parents or guardians.

Fast Facts

- **33** jurisdictions have established processes for emancipation;
- In **10** of the jurisdictions, parental consent is required for emancipation, but such consent can be waived in 5 of those 10;
- **23** jurisdictions establish 16 as the minimum age to petition for emancipation; 1 jurisdiction each establishes 14 years old, 17 years old, and 18 years old as the minimum age to petition for emancipation; 6 jurisdictions establish procedures with no minimum age; and
- **18** jurisdictions recognize emancipation in limited circumstances, but do not set forth a statutory process for becoming emancipated; 7 jurisdictions with statutory processes also recognize emancipation without judicial action.

Purpose and Findings

This chapter examines which jurisdictions provide statutory emancipation processes, minimum ages, other eligibility criteria for becoming emancipated, and the consequences of emancipation. 33 jurisdictions provide a process by which young people can become legally emancipated by a court. The most common minimum age to petition for emancipation is 16 years old, with 23 jurisdictions establishing that limit: Alaska, Arizona, Arkansas, Connecticut, Florida, Illinois, Iowa, Louisiana, Maine, Michigan, Montana, Nevada, New Mexico, North Carolina, Oregon, South Dakota, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and the Virgin Islands. California permits youth as young as 14 years old to petition for emancipation, Wyoming at 17 years old, and Puerto Rico at 18 years old. Five jurisdictions do not specify any minimum age: Georgia, Indiana, Kansas, Mississippi, Oklahoma, and Tennessee.

Ten jurisdictions specifically require parental consent for emancipation. Five of those jurisdictions require parental consent by prohibiting emancipation unless youth are living on their own with the consent of parents: California, Nevada, South Dakota, Virginia, and Wyoming. The remaining five jurisdictions require parental consent as part of the court process for granting emancipation: Alaska, Louisiana, Oregon, Puerto Rico, and the Virgin Islands. All five of the

latter jurisdictions allow courts to waive the consent requirement. For example, courts in Alaska do not need parental consent to grant emancipation if such consent is difficult to obtain. Courts in Puerto Rico and the Virgin Islands can waive consent if the parents have treated the young person roughly or had a negative influence on the youth.

Common requirements for emancipation include attaining a minimum age, living apart from parents, managing oneself, and being able to support oneself financially.

Some jurisdictions permit youth to become emancipated without a court proceeding if they and their parents agree. For example, in Puerto Rico, a parent and youth can agree to emancipation and complete the process by signing a notarized declaration.

Emancipation can ensure that financial benefits to which a youth is entitled go directly to a youth who is caring for himself or herself rather than to parents or guardians.

Eighteen additional jurisdictions recognize emancipation in limited circumstances, including minors who marry or join the armed forces, but do not set forth a statutory process for becoming emancipated. Seven of the jurisdictions that provide a statutory process for becoming emancipated also recognize emancipation upon marriage or military service.

Only two jurisdictions (American Samoa and Northern Mariana Islands) have no statutory references to emancipation whatsoever.

Analysis

The availability of an emancipation process is essential for youth who need or desire to live independently. It is encouraging that a majority of jurisdictions have recognized this need. The remaining jurisdictions should also establish emancipation procedures. Youth should be able to initiate the procedures independently and should not have to obtain parental consent. In some cases, neglectful or abusive parents may withhold consent to punish their children. The law should not permit such a harmful outcome.

Emancipation procedures should permit courts the maximum flexibility to grant emancipation according to the best interest of the youth. Young people develop independent living skills at different ages, and as such, emancipation statutes should not limit courts by establishing minimum age limits. Rather, courts should make an independent assessment of each youth's ability to live independently. Courts should also have the flexibility to determine the purposes for which a young person will be considered an adult. Such purposes should include controlling their income, consenting to medical care, living independently, entering into contracts and purchasing property. Young people should be aware that emancipation may permit courts to treat them as adults for criminal purposes as well, as it explicitly does in Wyoming.

Emancipation without court involvement could be very attractive to young people whose parents consent to emancipation, as it would likely be faster, easier and less costly than judicial emancipation. However, it may be possible for a parent to abuse the process by coercing a youth to agree to emancipation. Robust safeguards against parental abuse should therefore be included. Alternatively, simplified court procedures should be developed for emancipation, with the mandatory appointment of counsel for the youth

Noteworthy Statutes

Indiana's law contains some admirable provisions. It does not establish a minimum age for emancipation and does not require parental consent. Youth must state that they wish to be independent and show that they can support themselves. They must also show that they have acceptable living arrangements and understand the consequences of emancipation. This statute protects a young person's right to become legally independent, but also requires the court to ensure the youth understands what emancipation means and has a safe place to live. Emancipated youth in Indiana have the right to enter contracts, marry, own property, and consent to medical care. See Ind. Code Ann. §31-34-20-6 (2009).

The law in the Virgin Islands maintains certain legal protections for young people even after they are emancipated. Emancipated minors cannot enter into any contract that would obligate them to pay

a sum greater than their annual income, appear in a lawsuit without a guardian ad litem, or sell real property without the court's approval. Jurisdictions may consider whether the benefits of maintaining such protections for young people outweigh the limitations on the youth. See V.I. 16, Ch. 9, §§ 211, 231, 232, 233, 241, 251, 253, 254 (2010).

Recommendations

- Establish emancipation procedures in all jurisdictions, with no minimum age restriction, but rather an individualized assessment of each youth's ability to live independently;
- Permit young people to initiate the emancipation process;
- Repeal and reject parental consent as a condition for emancipation;
- Permit emancipation for all purposes, except for those as defined by constitution or statute, such as voting or use of alcoholic beverages; and
- Establish procedures for parents and youths to agree to emancipation without court involvement or create simplified court procedures with mandatory appointment of counsel for the youth. Such procedures should contain robust safeguards for youth to prevent abuse of the process by parents.

Research Methodology and Limitations

To compile statutes regarding emancipation, our search used the following terms: Emancipation, Age of Majority, Minority, Removal of Disabilities, and Nonage.

In our statute summaries, we omitted or changed some wording for focus and ease of reading. For example, in some cases we replaced the language "parent or guardian" with just "guardian." Also, we often used the term "emancipation" interchangeably with other phrases, including "removal of the disabilities of minority" and "removal of the disabilities of nonage."

Our summaries describe those statutes that specify the process for a minor to become emancipated. If a jurisdiction did not have an explicit emancipation statute, we retrieved any definitions of an emancipated minor that were available in the code, even if they were from very issue-specific statutes.

In several jurisdictions, a parent or guardian may petition for the minor's emancipation independent of the minor wanting to petition on his/her own. As this guide focuses on the rights of unaccompanied youth to help them and those assisting them, we did not include these provisions in our summary, nor did we record some provisions common to many emancipation statutes. For example, in most jurisdictions, emancipation will not alter a minor's status concerning certain constitutional or statutory laws. Most jurisdictions will not let an emancipated minor buy alcohol until the age of 21 or vote until age 18. For these types of restrictions on emancipation, please refer to the particular statutes.

Emancipation Statutes

Alabama

The parent(s) of any minor may file a petition with the court requesting that the minor be emancipated, or any minor 18 years of age or older may petition for emancipation. The petition must be filed in either (a) the county in which the parent or guardian of the minor resides, (b) the county in which the minor's guardianship is pending when the petition is filed by the parent or guardian, or (c) in the county where the minor resides when the petition is filed by a minor who has no parents or guardian or whose parents reside beyond the limits of the state and the minor resides in the state. Notice of the petition when filed by a minor will be published in a county newspaper or in a manner prescribed by the judge. The notice will be given once a week for three successive weeks before the petition hearing. While the court may restrict which disabilities of nonage are given to the minor, if granted completely, the minor will have the right to sue and be sued, to contract, to buy, sell and convey property, and to do and perform all acts of someone 19 years of age and older. See Ala. Code §§ 26-13-1 to 26-13-8 (2011).

Alaska

A minor who is a resident of the state and is at least 16 years of age, living separate and apart from the parents or guardian, capable of sustained self-support, and capable of managing his/her financial affairs may petition the superior court to have the disabilities of minority removed for limited or general purposes. The person who institutes a petition under this section must obtain the consent of each living parent or guardian having control of the person or property of the minor. If the person who is to consent to the petition is unavailable or the whereabouts of that person are unknown, or if a parent or guardian unreasonably withholds consent, the court may waive this requirement. The petition must show the reason why the removal of disabilities would be in the best interest of the minor and the purpose that such removal is sought. Except for specific constitutional and statutory age requirements for voting and use of alcoholic beverages, a minor whose disabilities are removed for general purposes will have the power and capacity of an adult. See Alaska Stat. § 09.55.590 (2011).

Arizona

A minor may file a petition for emancipation order with the clerk of the court in the county in which the minor resides if the minor (a) is at least 16 years of age, (b) is a resident of the state, (c) is financially self-sufficient, (d) acknowledges in writing that the minor has read and understands information provided by the court which explains the rights and obligations of an emancipated minor and the potential risks and consequences of emancipation, and (e) is not a ward of the court and is not in the care, custody, or control of a state agency. The court will hold a hearing on the petition within 90 days after the date of its filing. The court will consider a list of factors, including whether emancipation is in the best interests of the minor. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into a binding contract, to sue and be sued, and to buy and sell real property. See Ariz. Rev. Stat. Ann. §§ 12-2451-56 (2011).

Arkansas

A minor may petition for the removal of the disabilities of minority in the circuit court in the county in which he/she resides. The minor must be at least 16 years of age. Notice of the petition must be given to the parents of the minor. With the removal of disability, the minor shall be able to transact business with the same manner and effect as a person who is of the age of majority. Every act done will have the same force and effect in law and equity as if done by a person of full age. See Ark. Code. Ann. § 9-26-104 (2011).

California

Any person under 18 years of age is considered to be an emancipated minor if the person (a) has entered into a valid marriage, (b) is on active duty with the armed forces of the United States, or (c) has received a declaration of emancipation. A minor may petition the superior court of the county in which the minor resides or is temporarily domiciled for a declaration of emancipation if the minor can show that he/she (a) is at least 14 years of age, (b) willingly lives separate and apart from guardian with the consent or acquiescence of the guardian, (c) is managing his/her own financial affairs, and (d) earns income

not derived from any criminal activity. Notice of the petition of emancipation shall be given to the parents or guardian of the minor, unless it can be proven that their addresses are unknown or that there are other reasons notice cannot be given. The notice includes a consent form that the parent or guardian must sign and a warning that emancipation may also be voided or rescinded. The court will sustain the petition if it finds the youth meets the aforementioned criteria and emancipation would not be contrary to the youth's best interest. If the petition is denied, the minor may appeal. If the petition is sustained, the parents or guardian may appeal if they have appeared in the proceeding and opposed the granting of the petition. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into a binding contract or give a delegation of power, to sue and be sued, and to buy/lease, encumber, exchange, or transfer an interest in real or personal property. See Cal. Fam. Code §§ 7002, 7050, 7051, 7111, 7120, 7121, 7122, 7123, (2011).

Colorado

There is no specific statute that addresses the emancipation process, but the state does recognize emancipation in other statutes. Under the Children's Code, an emancipated juvenile is a juvenile over 15 years of age and under 18 years of age who has, with the real or apparent assent of a guardian, become independent from the guardian in matters of care, custody, and earnings. A minor who has been responsible for his/her own support, married or in the military can also be considered emancipated. Colo. Rev. Stat. § 19-1-103 (2011). Under a statute about the classification for student tuition purposes, the definition of an emancipated minor is a minor whose parents (a) have entirely surrendered the right to the care, custody, and earnings of such minor, (b) no longer are under any duty to support or maintain such a minor, and (c) have made no provision for the support of such minor. Colo. Rev. Stat. § 23-7-102 (2011). Under a statute relating to the civil damages for loss caused by theft, an emancipated minor means an individual (i) under the age of 18 years whose parents or guardian have surrendered parental responsibilities or custody, the right to the care, and earnings of such individual and (ii) are no longer under a duty to support or maintain such individual. Colo. Rev. Stat. § 13-21-107.5 (2011). The minimum wage statute states that an emancipated minor means anyone less than 18 years of age who (1) has the sole or primary responsibility for his or her support, (2) is married and living away from parents or guardian, and (3) is gainfully employed. See Colo. Rev. Stat. 8-6-108.5 (2011).

Connecticut

Any minor who has reached 16 years of age and is residing in the state, or any parent or guardian of such minor, may petition for emancipation the superior court for juvenile matters or the probate court for the district court in which either the minor or the parent(s)/guardian resides. Upon filing of the petition, the court will cause a summons to be issued to the minor and the minor's parents or guardian, and will assign a time, not later than 30 days after, and a place for hearing such petition. Notice shall be served upon the parent or guardian if they are not the petitioner. If the court finds that the minor (a) is married, (b) is on active duty with the armed forces, (c) willingly lives separate from his/her guardian and managing his own financial affairs, regardless of the source of any lawful income, or (d) should be emancipated for good cause and in the best interest of the minor, then the court may enter an order granting emancipation. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into a binding contract, to sue and be sued, and to buy and sell real and personal property. See Conn. Gen. Stat. Ann. §§ 46b-150, 46b-150b, 46b-150d (2011).

Delaware

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. An emancipated minor in the context of an abortion means "any minor female who is or has been married or has, by court order or otherwise, been freed from the care, custody and control of her parents or any other legal guardian." See Del. Code Ann. Tit. 24 § 1782 (2011).

Florida

Any minor is considered to be an emancipated minor if the person is married or has been married, and may manage his or her estate, contract, sue and be sued, and perform all acts that he or she could do if not a minor. A minor 16 years of age or older may have a natural or legal guardian petition any circuit court to remove the minor's disabilities of nonage. In the petition, information about the minor must be given,

including reasons why the court should remove the disabilities. If the petition is filed by the natural or legal guardian, the court must appoint an attorney ad litem for the minor. If the petition is filed by the guardian ad litem or next friend, service of process must be perfected on the natural parents. If the Court grants the petition, the minor shall have all of the rights of someone 18 years of age and older. See Fla. Stat. §§ 743.01, 743.015 (2011).

Georgia

Emancipation occurs by operation of law when a minor (a) is validly married, (b) reaches 18 years of age, or (c) is on active duty with the armed forces of the United States. A minor may file a petition in juvenile court in the county where the minor resides. The petition includes a declaration by the minor indicating that he/she has demonstrated the ability to manage his/her financial, personal, and social affairs, as well the names of adults who have personal knowledge of the minor's circumstances and believe that under those circumstances emancipation is in the best interest of the minor. Upon filing, a copy of the petition and a summons to appear at the hearing shall be served on the minor's parents or guardian, and any individual served with the petition may file an answer in the juvenile court within 30 days of being served. Parents and guardians may appeal the court's grant or denial of a petition. The Court can rescind the emancipation order, but that rescission does not alter any contractual obligations or rights or any property rights or interests that arose during the period of time that the emancipation order was in effect. An emancipated minor will have the rights and responsibilities of an adult, except for specific constitutional and statutory age requirements for voting, use of alcoholic beverages, and other health and safety regulations. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into enforceable contracts, to sue and be sued, and to act autonomously in all business relationships, including property transactions, except for those estate or property matters that the court determines may require a conservator or guardian ad litem. Ga. Code Ann. §§ 15-11-200 to -207 (2011).

Hawaii

There is no general statute speaking to the process of emancipation of all minors. However, the state does recognize that minors who marry shall become emancipated. It also appears that the state recognizes a definition for emancipation in another statute, as well. See Haw. Rev. Stat. § 577-25 (2011). The Uniform Health-Care Decisions Act states that an "emancipated minor means a person under 18 years of age who is totally self-supporting." See Haw. Rev. Stat. § 327E-2 (2011).

Idaho

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. The first definition from the probate code states that an emancipated minor shall mean any male or female who has been married. Idaho Code § 15-1-201 (2011). The second definition from a statute addressing the treatment and care of the developmentally disabled states that an emancipated minor means an individual between 14 and 18 years of age who has been married or whose circumstances indicate that the parent-child relationship has been renounced. See Idaho Code Ann. § 66-402 (2011).

Illinois

The Emancipation of Minors Act is intended (a) to provide a means by which a homeless minor who is seeking assistance may have the authority to consent, independent of his/her parents or guardian, to receive shelter, housing, and services provided by a licensed agency that has the ability and willingness to serve the homeless minor and (b) to do so without requiring the delay or difficulty of first holding a hearing. Any person 16 years of age or older may petition the circuit court in the county where the minor resides, is found, owns property, or in which a court action affecting the interests of the minor is pending for emancipation. The petition must state, among other things, the reason that the minor wishes to become emancipated and show that the minor has become at least partially independent from the guardian. If the minor seeks emancipation as a homeless minor, the petition shall also set forth the name of the youth transitional housing program that is willing and able to provide services and shelter or housing to the minor, the address of the program, and the name and phone number of the contact person at the program. All persons named in the petition are given written notice within 21 days after the filing and may be present if a hearing is sought or scheduled and to be represented by counsel. If after the hearing the court finds that the minor has

the capacity and maturity to manage his/her own affairs, including finances, and that it is in the best interests of the minor to become emancipated, then the court may enter an order granting emancipation. However, emancipation cannot be entered if there is an objection to it by the minor or the guardian. A homeless minor may be granted partial emancipation for the sole purpose of allowing the homeless minor to consent to the receipt of services and shelter or housing provided by the youth transitional housing program named in the petition and to other services that the youth transitional housing program may arrange by referral. Any judgment or order allowing or denying a complete or partial emancipation may be appealed. Once granted emancipation, the minor shall have the right to enter into valid legal contracts and shall have other rights and responsibilities as the court may order that are not inconsistent with the specific age requirements of the State or federal constitution. See. 750 Ill. Comp. Stat § 30/1 to 30/11 (2011).

Indiana

A minor may become emancipated if the juvenile court finds that the minor (a) wishes to be free from and no longer needs parental protection, (b) has sufficient money for the minor's own support, (c) understands the consequences of emancipation, and (d) has acceptable living arrangements. The minor may be partially or completely emancipated. The court shall specify the terms of the emancipation, which may include the right to contract, marry, own property, and receive medical treatment. An emancipated minor remains subject to compulsory school attendance. See. Ind. Code § 31-34-20-6 (2011).

Iowa

A minor may file a petition for emancipation with the juvenile court in the county in which the minor resides if (a) the minor is 16 years of age or older, (b) the minor is a resident of the state, and (c) the minor is not in the care, custody, or control of the state. The petition will include specific facts to show that the minor has demonstrated (a) financial self-sufficiency, including proof of employment or other means of support, which does not include assistance or subsidies, (b) an ability to manage personal affairs, and (c) ability and commitment to obtain and maintain education, vocational training, or employment. The court will hold a hearing on the petition within 90 days after the date of its filing. Notice of the hearing will be served by personal service on the minor's parent or legal guardian at least 30 days prior to the hearing date. The court will consider a list of factors, including whether emancipation is in the best interests of the minor. If a minor's parent or guardian objects to the petition, the juvenile court shall stay the proceedings and refer the parties to mediation unless the juvenile court finds that mediation would not be in the best interests of the minor. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to enter into a binding contract, to sue and be sued, and to establish a legal residence. An emancipated minor shall remain subject to voting restrictions, gambling restrictions, alcohol restrictions, compulsory attendance requirements, and cigarette tobacco restrictions. See Iowa Code §§ 232C.1 to 232C.4 (2011).

Kansas

Any minor, by his or her next friend, may petition the district court of the county in which the minor resides for emancipation. The petition will include the age of the minor, a statement that the minor has been a resident of the county for at least one year, and the cause for which the minor seeks to gain the rights of majority must be stated. Notice of the hearing on the petition shall be given by publishing such notice for three consecutive weeks in a newspaper. The court will hold a hearing on the petition within 30 days after the date of the first publication of the notice. The costs of proceedings under this act shall be taxed against the minor petitioner. Once granted emancipation, the minor shall be considered an adult for various purposes, including the right to contract, to sue and be sued, and to buy and sell real and personal property. See Kan. Stat. Ann. §§ 38-108 to-110 (2011).

Kentucky

No statute speaking generally about the emancipation process was found, but the state does recognize emancipation in other statutes. This definition, from a statute relating to medical emergencies, states that an "emancipated minor means any minor who is or has been married or has by court order or otherwise been freed from the care, custody, and control of her parents." See Ky. Rev. Stat. Ann. § 311.732 (2011).

Louisiana

The state recognizes three types of emancipation (a) judicial emancipation, where a court may order for good cause the full or limited emancipation of a minor 16 years of age or older, (b) emancipation by marriage, and (c) limited emancipation by authentic act, which confers upon a minor 16 years of age or older the capacity to make the kinds of juridical acts specified therein, unless otherwise provided by law. Judicial emancipation and limited emancipation by authentic act may be modified or terminated. Judicial emancipation is effective when the judgment is signed. Emancipation by marriage is effective upon marriage. Limited emancipation by authentic act is effective when the act is executed. A minor 16 years of age or older may file a petition for emancipation without the participation of his tutor or administrator. The petition for emancipation will be filed in his/her parish of residence and will name and be served personally on the parents of the minor, if parental authority exists, or his/her tutor if parental authority does not exist. An emancipation hearing shall be a summary proceeding. The court will consider a list of factors, including whether emancipation is in the best interests of the minor. The court's decision may be appealed, but a judgment granting, modifying, or terminating emancipation is not suspended during the pendency of an appeal. The validity of an act of the minor shall not be affected by the subsequent modification or termination of the judgment. See La. Civ. Code art. 365-69 (2011).; See also, La. Code Civ. Proc. Ann. art. 3991 to 3996 (2011).

Maine

A minor 16 years of age or older who refuses to live with his/her guardian may file a petition for emancipation with the district court in the division that his parents, guardian, or custodian resides. Upon the filing of a petition and prior to a hearing under this section, the court may refer the parties to mediation. Upon the filing of a petition, the court shall schedule a hearing and will notify the parent(s), guardian, or custodian of the date of the hearing, the legal consequences of an order of emancipation, the right to be represented by legal counsel, and the right to present evidence at the hearing. Notice shall be given in the manner provided in the Maine Rules of Civil Procedure, Rule 4, for service of process. The court will order emancipation if the minor has made reasonable provision for his room, board, health care, and education/vocational training or employment, and is sufficiently mature to assume responsibility for his own care and it is in his best interest to do so. Any person named in the petition may appeal to the superior court. See Me. Rev. Stat. Tit. 15, § 3506-A (2011).

Maryland

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A court retains jurisdiction as a child's guardian until "the juvenile court finds the child to be eligible for emancipation." A child custody proceeding "does not include a proceeding involving juvenile delinquency, contractual emancipation or enforcement." See Md. Code Ann., Fam. Law § 5-328; § 9.5-101 (2011).

Massachusetts

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. The court will not approve of any contract executed by a child unless the parent(s) or guardian of the child have assented to such contract in writing or the court shall find that the child is emancipated. See Mass. Gen. Laws ch. 231, § 85P, 1/2 (2011).

Michigan

Emancipation occurs by operation of law when a minor (a) is married, (b) reaches 18 years of age, or (c) is on active duty with the armed forces of the United States. A minor may file a petition for emancipation in the family division of the circuit court in the county where the minor resides. The petition must include a declaration by the minor that he/she has demonstrated the ability to manage his/her financial, personal, and social affairs, as well as an affidavit by any adult (e.g. nurse, doctor, school teacher) who has personal knowledge of the minor's circumstances and believe that under those circumstances, emancipation would be in the best interest of the minor. Notice of the petition shall be given to the minor's guardian. If the court finds that the minor is 16 years of age or older, a resident of the state, is capable of self-support, and has the permission of a guardian that had been providing the minor support, the court may emancipate the minor. If emancipated, the minor can, among other things, contract, marry, establish a residence, and obtain medical treatment. See Mich. Comp. Laws §§ 722.4-4e (2011).

Minnesota

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A guardianship of a minor terminates upon the minor's death, adoption, emancipation, attainment of majority, or as ordered by the court. A ward or an interested person may petition for any order that is in the best interest of the ward. The petitioner shall give notice of the hearing on the petition to interested persons and to any other person as ordered by the court. Notice is not required for the ward if the ward has not attained 14 years of age and is not the petitioner. See Minn. Stat. §§ 524.5-210, 524.5-113 (2011).

Mississippi

A minor may apply for the removal from the disabilities of minority in the chancery court of the county in which a minor resides, or the chancery court of a county in which a resident minor owns real estate in matters pertaining to such real estate. The minor may petition for emancipation by having his/her next friend apply in writing. The petition must state the age of the minor, join as defendants his/her parent(s) then living (and if neither are living, two of his/her adult kin within the third degree), and the reasons on which the removal of disability is sought. If the minor's parents or adult kin join the petition, it is unnecessary to make them defendants. The disabilities of minority may be removed partially or in general. If removed in general, the minor will be empowered to do all acts in reference to his property, make contracts, and sue or be sued. If removed partially, the court shall state what rights the minor is to have. See Miss. Code Ann. §§ 93-19-1 to -9 (2011).

Missouri

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A dependent child means "any person under 21 years of age who is not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States." See Mo. Rev. Stat. § 454.460 (2011).

Montana

Any person 16 years of age or older may petition for limited emancipation. The petition must state, among other things, that (a) limited emancipation is in the minor's best interests, (b) the minor is aware of the consequences of emancipation, (c) the minor has or will reasonably obtain money sufficient to pay for financial obligations, (d) and the minor wants to become emancipated. All persons named in the petition are given written notice at least 10 days prior to a hearing. An order of limited emancipation will specifically state what rights the minor has obtained. These rights could include the right to contract and incur debts, obtain medical treatment, and the right to live independently. The court may also revoke emancipation if (i) the minor has committed a material violation of the law, (ii) the minor has violated a condition of the limited emancipation order, or (iii) the best interests of the minor are no longer served by limited emancipation. See Mont. Code Ann. § 41-1-501 to -503 (2011).

Nebraska

There is no general emancipation statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. For example, any person who is under the age of 19 and married has ended his/her minority. See Neb. Rev. Stat. § 43-2101 (2011).

Nevada

Any minor who is at least 16 years of age, married or living apart from his/her parent or legal guardian, and is a resident of the county may petition the juvenile court of that county for a decree of emancipation. The petition must be in writing and include (a) facts about the minor's education, employment, and time apart from the minor's guardian, (b) that the minor willingly lives apart from the guardian with the consent or acquiescence of the guardian, (c) that the minor is managing his/her own financial affairs, and (d) that the source of the minor's income is not derived from any criminal activity. Notice of the petition will be given to the parents or guardian of the minor, unless evidence is presented that their addresses are unknown. The notice includes the time at which the court will hear the petition. The grant or denial of the petition is a matter within the discretion of the court. If the court determines that the petition should be granted, it shall enter a decree of emancipation. Once granted emancipation, the minor is emancipated for all purposes and may, among other things, enter into a contract or incur debts, sue and be sued, acquire, encumber, and convey property or any interest therein, and establish a residence. The decree of emancipation may be voided by petition

but will not alter any contractual obligations or rights, or any property rights or interests that arose during the period that the decree was in effect. A decree of emancipation does not affect the status of a minor with respect to laws that prohibit the sale, purchase, or consumption of liquor, prohibit gaming or employment in gaming, or restricts the ability to marry. See Nev. Rev. Stat.. §§ 129.080 to 129.140 (2011).

New Hampshire

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A person who is under 18 years old, but who has documentation which supports a claim that he has been emancipated in accordance with the laws of the state in which he previously had been residing, shall be considered to be emancipated in the state of New Hampshire. See N.H. Rev. Stat. Ann. § 21-B2 (2011).

New Jersey

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. An emancipated minor means "a person who is under 18 years of age, but who has been married, has entered military service, has a child or is pregnant or has been declared by a court of an administrative agency to be emancipated." See N.J. Stat. Ann. § 2C:25-19 (2011).

New Mexico

An emancipated minor is any person 16 years of age or older who (a) has validly married, (b) is on active duty with the armed forces of the United States, or (c) has received a declaration of emancipation pursuant to the Emancipation of Minors Act. A minor 16 or older may be declared an emancipated minor for one or more of the purposes enumerated in the Emancipation of Minors Act if he/she is willingly living separate and apart from his/her parents, guardian, or custodian, is managing his/her own financial affairs, and the court finds that emancipation is in the minor's best interest. The minor may petition the children's court of the district in which he/she resides. Notice will also be given to the parents, guardian, or custodian of the minor. If the petition is sustained, the court shall immediately issue a declaration of emancipation. The parents, guardian, or custodian of the minor has a right to file a petition for a writ of mandamus if he/she appeared in the proceeding and opposed the granting of the petition. If the petition is denied, the minor has a right to file a petition for a writ of mandamus. Once granted emancipation, the minor will be considered as being over the age of majority for various purposes, including the capacity to enter into a binding contract, the capacity to sue and be sued, the right to establish a residence, and the right to buy or sell property. See N.M. Stat. §§ 32A-21-1 to -7 (2011).

New York

There is no general statute that addresses the process of emancipation. Other statutes reference contractual emancipation. An emancipated minor in the context of larceny means "a person who was over [16 years of age] at the time of the alleged larceny and who was no longer a dependent of or in the custody of a parent or legal guardian." An emancipated minor in the context of public health means "a minor patient who is the parent of a child, or who is [16] years of age or older and living independently from his or her parents or guardian." See N.Y. Gen. Oblig. Law § 11-105 (McKinney 2011);N.Y. Pub. Health Law § 2994-a (McKinney 2011).

North Carolina

Any juvenile who is 16 years of age or older and who has resided in the same county in North Carolina or on federal territory within the boundaries of North Carolina for the six months preceding the filing of the petition may petition a court in that county for a judicial decree of emancipation. The petition must state, among other things, the minor's reasons for requesting emancipation and plan for meeting needs and living expenses. A copy of the filed petition will be served upon the petitioner's parent, guardian, or custodian who shall be named as respondents and will notify the respondents to file written answer within 30 days after service. In determining the best interests of the minor, the court considers (a) the parental need for the petitioner's earnings, (b) the petitioner's ability to function as an adult, (c) the petitioner's need to contract as an adult or to marry, (d) the employment status of the petitioner and the stability of the juvenile's living arrangements, (e) the extent of family discord which may threaten reconciliation of the petitioner with the petitioner's family, (f) the petitioner's rejection of parental supervision or support, and (g) the quality of parental supervision or support. A court may enter a decree of emancipation if the court determines, among other

things, that emancipation is in the best interests of the petitioner. Any petitioner, parent, guardian, or custodian who is a party to a proceeding may appeal provided that notice of appeal is given in open court at the time of the hearing or in writing within 10 days after entry of the order. Once granted emancipation, the petitioner has the same right to make contracts and conveyances, to sue and to be sued, and to transact business as if the petitioner were an adult. The decree of emancipation is irrevocable. See N.C. Gen. Stat. §§ 7B-3500 to -3509 (2011).

North Dakota

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. Minors emancipated by marriage are considered adults. See N.D. Cent. Code § 50-25.2-01 (2011).

Ohio

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. An emancipated minor in the context of abortion means a minor who "has married, entered the armed services of the United States, become employed and self-subsisting, or has otherwise become independent from the care and control of her parent, guardian, or custodian." Furthermore, an individual is not eligible for disability financial assistance if "the individual is a child and does not live with the child's parents, guardians, or other persons standing in place of parents, unless the child is emancipated by being married, by serving in the armed forces, or by court order." See Ohio Rev. Code Ann. § 2919.121 (2011). See also Ohio Rev. Code Ann. § 5115.02 (2011)

Oklahoma

The right to contract and conduct business can be granted to a minor by the district courts when the courts confer the right of majority upon the minor. A minor wanting to obtain the rights of majority may, by his next friend, file a verified petition in the district court of the county in which such minor shall reside that states the petitioner is then and has been a bona fide resident of such county for at least one year next before the filing of the petition. The court will fix a day for the hearing, which will be not less than 15 days and not more than 30 days from the date of the filing of the petition. Notice shall be sent by certified mail to the guardian of the minor and sent to be published. Notice shall be given by publication in any newspaper printed in the county where such petition is filed, and if there be none, then in some legal newspaper having a general circulation in the county one time, at least 10 days prior to the day set for the hearing. See Okla. Stat. tit. 10 §§ 91-93. (2011).

Oregon

Any minor may petition for emancipation in the juvenile court where the minor is domiciled. Notice of the petition will be given to the parent. The juvenile court shall conduct a preliminary hearing on the minor's application for emancipation within 10 days of the date on which it is filed or as soon as possible thereafter. The court may enter a judgment of emancipation where the court finds that the minor is 16 years of age or older and the court finds that the best interests of the minor will be served by emancipation. The court will consider (a) whether the parent of the minor consents to the proposed emancipation, (b) whether the minor has been living away from the family home and is substantially able to be self-maintained and self-supported without parental guidance and supervision, and (c) whether the minor can demonstrate to the satisfaction of the court that the minor is sufficiently mature and knowledgeable to manage the minor's affairs without parental assistance. Once granted emancipation, the minor shall be considered an adult for various purposes, including such things as contracting and conveying, establishing a residence, suing and being sued, and adjudication. A judgment of emancipation shall not affect any age qualification for purchasing alcoholic liquor or the requirements for obtaining a marriage license. See Or. Rev. Stat. §§ 419B-550 to -558 (2011).

Pennsylvania

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. An emancipated minor includes the following: "has married, entered the armed services of the United States, become employed and self-subsisting, or has otherwise become independent from the care and control of her parent, guardian, or custodian." Furthermore, an individual is not eligible for disability financial assistance if "the individual is a child and does not live with the child's parents, guardians, or other persons standing in place of parents, unless the child is emancipated by being married, by serving in the

armed forces, or by court order." See 55 Pa. Cons. Stat. § 145.62 (2011).

Rhode Island

There is no general statute that addresses the process of emancipation, but the state does recognize emancipation in other statutes. A "child" or "minor" means any person under 18 years of age who is not married, is not a parent, or is not emancipated. See R.I. Gen. Laws § 14-5-2 (2011).

South Carolina

There is no general statute addressing the requirements for emancipation, but the state does recognize emancipation in other statutes. An emancipated minor in the context of acts of wrongful conduct is "a person over [16 years of age] . . . and who was no longer a dependent of or in the custody of a parent or legal guardian." An emancipated minor in the context of abortion means "a minor who is or has been married or has by court order been freed from the care, custody, and control of her parents." An emancipated minor in the context of tuition and fees means "a minor whose parent have entirely surrendered the right to the care, custody and earnings of such minor and are no longer under any legal obligation to support or maintain such minor." See S.C. Code Ann. § 15-75-40; S.C. Code Ann. § 44-41-10; S.C. Code Ann. § 59-112-10 (2011).

South Dakota

An emancipated minor is any person under 18 years of age who (a) has entered into a valid marriage, (b) is on active duty with any of the armed forces of the United States or, (c) has received a court-ordered declaration of emancipation. Any minor may petition for emancipation in the circuit court of the county in which he resides. The petition must set forth, among other things, that (i) the minor is at least 16 years of age, (ii) willingly lives separately from his parents or guardian with the consent or acquiescence of his parents or guardian, (iii) is managing financial affairs, and (iv) the source of his income is not derived from any criminal activity. The court will give notice of the petition to the parents as it deems necessary. If the petition is denied, the minor may appeal to the Supreme Court. If the petition is sustained, the parents or guardian may appeal to the Supreme Court if they have appeared in the proceeding and opposed the granting of the petition. Once granted emancipation, the minor will be considered to be over the age of majority for various purposes, including the capacity to enter into a binding contract, the capacity to sue and be sued, buying or selling property, and establishing a residence. See S.D. Codified Laws §§ 25-5-24 to -27 (2011).

Tennessee

The minor may have a next friend petition for the removal of the disabilities of minority in the chancery court in the county the minor resides. The petition must state, among other things, the reason on which the removal of the disability is sought. If a decree is rendered removing the disability of a minor, the decree will be rendered for a specific purpose and the purpose will be stated in the decree. The decree may be for the partial removal of the disability to enable the minor to do some particular act or for the general removal of the disability. If general emancipation is granted, the minor will have all of the rights of an 18 year old, including the right to contract, sue and be sued, and buy and sell property. See Tenn. Code Ann. §§ 29-31-101 to -105 (2011).

Texas

Any minor may petition the court in the county in which the minor resides to have the disabilities of minority removed for limited or general purposes if the minor is (a) a resident of the state, (b) 17 years of age or at least 16 years of age living separately from a guardian, and (c) self-supporting and managing his/her financial affairs. The petition must state, among other things, the reasons why removal would be in the best interests of the minor and why emancipation is requested. The court will appoint an amicus attorney or attorney ad litem to represent the interest of the petitioner at the hearing. The court by order may remove the disabilities of minority of a minor if the court finds it to be in the best interest of the petitioner. The order or rule must state the limited or general purposes for which disabilities are removed. Once granted emancipation, a minor whose disabilities are removed for general purposes shall have the rights of an adult, including the right to contract. See Tex. Fam. Code § 31.001 to 007 (2011).

Utah

A minor may petition the juvenile court on his/her own behalf in the district in which he/she resides for a declaration of emancipation. The petition shall state that the minor is (a) 16 years of age or older, (b) capable of living independently of his or her parents

or guardian, and (c) capable of managing his/her own financial affairs. Notice of the petition shall be served on the minor's parents, guardian, any other person or agency with custody of the minor, and the Child and Family Support Division of the Office of the Attorney General, unless the court determines that service is impractical. The court shall schedule a pretrial hearing on the matter within 30 days. The court shall consider the best interests of the minor, including whether the minor is capable of assuming adult responsibilities and whether the minor is capable of living independently of his/her parents, guardian, or custodian. Once granted emancipation, the minor may enter into contracts, sue and be sued, and buy or sell property. An emancipated minor may not be considered an adult for specific constitutional and statutory age requirements regarding voting, use of alcoholic beverages, possession of tobacco or firearms, and other health and safety regulations relevant to the minor because of the minor's age. See Utah Code Ann. §§ 78A-6-801 to -805 (2011).

Vermont

Any minor may be emancipated if the minor (a) has entered into a valid civil marriage, (b) is on active duty with any of the armed services of the United States or (c) petitions to become emancipated. In order to become an emancipated minor by court, a minor must be a person who (i) is 16 years of age or older, (ii) has lived separate and apart from his/her parents, custodian, or legal guardian for 3 months or longer, (iii) is managing his/her own financial affairs, (iv) has demonstrated the ability to be self-sufficient in his/her financial and personal affairs, including proof of employment, (v) holds a high school diploma, its equivalent, or is earning passing grades in an educational program approved by the court, (vi) is not under a legal guardianship or in the custody or guardianship of the Commissioner of Social and Rehabilitation Services and, (vii) is not under the supervision or in the custody of the Commissioner of Corrections. The minor may petition a probate court in the district in which the minor resides. The petition must state, among other things, the reasons why the minor wishes to become emancipated. A minor may not file a petition under subsection (a) of this section unless the minor has lived in Vermont for three months or longer. At least 30 days prior to the hearing, notice shall be given to the parents, guardian or other person charged with the custody of the minor, unless the court finds that their addresses are unknown, or that there are other reasons notice cannot be given. The court shall consider the best interest of the minor, including the likelihood the minor will be able to assume adult responsibilities and the minor's adjustment to living separate and apart from his/her parents, guardian, or custodian. Once granted emancipation, the minor shall be recognized as an adult for all purposes, including the right to enter into a binding contract, sue and be sued, buy or sell property, and establish a residence. See Vt. Stat. Ann. tit. 12 §§ 7151-59 (2011).

Virginia

Any minor 16 years of age or older may petition for emancipation in the Juvenile or Domestic Relations district court for the county or city in which the minor or his/her guardian resides. The court shall appoint counsel for the minor to serve as guardian ad litem. The court may enter an order declaring the minor emancipated if, after a hearing, it is found that the minor (a) has entered into a valid marriage, (b) is on active duty with any of the armed forces of the United States, or (c) willingly lives separate from his/her parents or guardian with the consent or acquiescence of the parents or guardian, and is capable of supporting him/herself, including competently managing his/her own financial affairs. Once granted emancipation, the minor shall be emancipated for various purposes, including the right to enter into a binding contract, sue and be sued, buy or sell real property, and establish his/her own residence. Emancipated minor may file petitions for protective orders under applicable statutes. See Va. Code Ann. §§ 16.1-331 to -335 (2011).

Washington

Any minor 16 years of age or older who is the resident of the state may petition a superior court for emancipation. The petition must include, among other things, a declaration by the minor indicating that he/she has the ability to manage his/her financial affairs and has the ability to manage his/her personal, social, educational, and non-financial affairs. The petitioner shall serve a copy of the filed petition and notice of hearing on the parent or parents, guardian, or custodian of the petitioner at least 15 days before the emancipation hearing. The court will grant the petition for emancipation if the petitioner proves that he/she (a) is 16 years of age or older, (b) is a resident of the state, (c) has the ability to manage his or her financial affairs, and (d) has the ability to

manage his or her personal, social, educational, and non-financial affairs. A parent, guardian, custodian, or in the case of a dependent minor, the Department, may oppose the petition for emancipation. Once granted emancipation, the minor shall be considered to have the power and capacity of an adult for various purposes, including the right to enter into nonvoidable contracts, sue or be sued, and establish a residence. See Wash. Rev. Code §§ 13.64.010 to 13.64.080 (2011).

West Virginia

Any minor 16 years of age or older may petition a court to be declared emancipated. The parents or custodians will be made respondents and given notice of the petition. In addition to personal service on the parents or custodians, notice will be published as a Class II legal advertisement. The minor must show that he/she can provide for his/her physical and financial well-being and has the ability to make decisions for him/herself. A child 16 years of age or older who marries will be emancipated by operation of law. Once granted emancipation, the emancipated child shall have all of the privileges, rights, and duties of an adult, including the right to contract. See. W. Va. Code § 49-7-27 (2011).

Wisconsin

There is no general statute that addresses the process of emancipation, but the district does appear to recognize emancipation in other statutes. An emancipated minor means "a minor who is or has been married; a minor who has previously given birth; or a minor who has been freed from the care, custody and control of her parents, with little likelihood of returning to the care, custody and control prior to marriage or prior to reaching the age of majority." Furthermore, upon marriage, a minor is no longer a proper subject for guardianship, unless he/she is found to be incompetent. See Wis. Stat. § 48.375(2)(e); Wis. Stat. § 54.46(6) (2011).

Wyoming

Any minor may become emancipated if the minor (a) is or was married, (b) in the military service of the United States, or (c) has received a declaration of emancipation. Any minor subject to personal jurisdiction of a district court may petition for a declaration of emancipation. The petition for emancipation must state, among other things, that the minor (a) is at least 17 years of age, (b) willingly lives separate and apart from his/her parents and his/her parents consent to or acquiesce in the separate living arrangement, (c) is managing his/her own financial affairs, and (d) is not deriving his/her income from means declared unlawful under state or federal law. The district court shall conduct a hearing on the minor's application for emancipation within 60 days after the date of filing. The minor and his/her parents will be given notice of the hearing at least 10 days before the date set for hearing. Once granted emancipation, the decree will recognize the minor as an adult for various purposes, including the right to enter into a binding contract, sue and be sued, buy and sell real property, and establish a residence. The minor will also be recognized as an adult for criminal purposes. See Wyo. Stat. Ann. §§ 14-1-201 to -1-206 (2011).

America Samoa

No information on emancipation was found.

District of Columbia

There is no general statute that addresses the process of emancipation, but the district does appear to recognize a definition in other statutes. An emancipated minor under the mental health consumers' rights protection means "any minor who is living separate and apart from his or her parent(s) or legal guardian, with or without the consent of the parent(s) or legal guardian and regardless of the duration of such separate residence, and who is managing his or her own personal and financial affairs, regardless of the source or extend of the minor's income." D.C. Code § 7-1231.02 (2011).

Guam

There is no general statute that addresses the process of emancipation, but the territory does appear to recognize a definition in other statutes. Emancipation is mentioned in regard to child-custody proceedings and an emancipated minor may consent in regard to medical treatment. See Guam Code Ann. tit. 7, § 39102 (2011); Guam Code Ann. tit. 10, §11107 (2011).

Northern Mariana Islands

No information on emancipation was found.

Puerto Rico

Any minor may be emancipated through (a) emancipation with the minor's parents' consent,

(b) emancipation through marriage, (c) judicial emancipation, and (d) emancipation by reason of having attained the age of 21. A minor who is 18 years of age may be emancipated by a decision of the Court of First Instance for the purpose of administering his/her property. A minor may be emancipated against the will of his/her parent(s) when they ill-treat him/her, refuse to maintain and educate him/her, or when they give him/her corrupt examples. When the Court of First Instance decrees the emancipation of the minor, the minor will be considered as of age for all legal effects, without exception . See P.R. Laws Ann. tit. 31, §§ 901 to 971 (2011).

Virgin Islands

Any minor may be emancipated through (a) emancipation conferring the power to administer property, (b) emancipation by marriage, (c) judicial emancipation, and (d) emancipation by reason of having attained the age of majority. A minor who is 16 years of age may, with the consent of his parent or parents, be emancipated for the purposes of administering property. A minor may be emancipated against the will of his/her parent(s) when they ill-treat him/her, refuse to maintain and educate him/her, or when they give him/her corrupt examples. The minor shall be given the rights of majority over his/her property and person, but the minor will not be allowed to contract for more than he/she makes in one year until reaching the age of majority. An emancipated minor also cannot encumber or sell property without the permission of the court or appear in a suit without the appearance of a guardian as litem. See V.I. Code Ann. tit. 16, Ch. 9, §§ 221-254 (2011).

Rights Of Youth To Enter Into Contracts

Background

Generally, when a minor (defined as a person under the age of majority as established by a state or territory) enters into a contract, the contract is not legally binding. In other words, the law protects the young person by permitting him or her to break the contract without consequences. While this protection is sometimes beneficial to young people, it may also make merchants, companies, and other parties unwilling to enter into a contract with a youth. Therefore, the law may prevent young people from being able to obtain certain goods, property, and services they need or desire.

Some unaccompanied youth are financially able to rent apartments, buy cars, or enter into other contracts. Many such contracts will be for shelter, transportation, or other items that are necessary for the youth to live independently. While they remain legally minors, unaccompanied youth who live independently may be unable to enter into these contracts.

Some jurisdictions have enacted laws that permit minors to enter into legally binding contracts in certain circumstances.

Fast Facts

- **8** jurisdictions do not give minors any contract rights in their statutes;
- **34** jurisdictions give minors only limited rights to obtain insurance;
- **17** jurisdictions permit minors to enter into binding contracts for certain purposes;
    - **16** of these jurisdictions have statutes that permit minors to enter into binding contracts for "necessities" or "necessaries,"
    - **1** of these jurisdictions has a statute that expressly provides a wide variety of binding contracts allowable for minors,
    - **5** of these jurisdictions have statutes that permit minors to enter into binding contracts for educational loans,
    - **4** of these jurisdictions have statutes that specifically permit minors to enter into binding contracts for real property, and
    - **2** of these jurisdictions have a statute that permits minors to enter into binding contracts for business purposes.

Purpose and Findings

Two contracts issues were researched for this analysis: whether the statutes permit minors to enter into contracts; and if so, for what purposes.

Eight jurisdictions do not give minors any statutory contract rights: Minnesota, New Hampshire, Pennsylvania, Rhode Island, South Carolina, Wisconsin, American Samoa, and the Northern Mariana Islands.

Thirty-four jurisdictions have statutes giving a minor only the limited right to contract for insurance over life, property, health, body, the lives of others, and/or other insurable interests.

Only seventeen jurisdictions have passed statutes that permit minors to enter into binding contracts for other purposes. Sixteen of those seventeen jurisdictions permit minors to enter into binding contracts for "necessities" or "necessaries:" Arkansas, California, Georgia, Idaho, Iowa, Kansas, Louisiana, Maine, Maryland, Montana, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Guam. In addition, Missouri law specifies a number of binding contracts allowable for minors, which would include most categories considered to be necessities.

Arkansas, Connecticut, Georgia, Missouri, and Montana have statutes allowing minors to form binding contracts for educational loans. The statutes of Arkansas, Maine, Missouri, and Oregon also bind minors to contracts for real property. Louisiana law permits minors to enter into binding contracts for business purposes and Tennessee law permits minors to enter into performance contracts. Additionally, North Carolina permits minors to contract for artistic, athletic, or creative services.

In addition, twenty-three jurisdictions list the capacity to contract as one of the specific rights granted to emancipated minors: California, Connecticut, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Mississippi, Montana, Nevada, North Carolina,

Oklahoma, Oregon, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wyoming. Six jurisdictions indicate an emancipated minor may have capacity to contract through language that states an emancipated minor shall be given the rights of an adult or someone who has reached the age of majority: Alaska, Arkansas, Florida, Louisiana, Puerto Rico, and the Virgin Islands. Twenty-seven jurisdictions do not explicitly address the subject of an emancipated minor's right to contract: Alabama, Arizona, Colorado, Delaware, Georgia, Hawaii, Idaho, Iowa, Maine, Massachusetts, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Rhode Island, Pennsylvania, South Carolina, Utah, Wisconsin, American Samoa, District of Columbia, Guam, and Northern Mariana Islands.

Analysis

It is troubling that only seventeen jurisdictions have passed laws that permit unaccompanied young people to enter into binding contracts for necessities. In the remaining thirty-nine jurisdictions, minors who are on their own may be unable to rent apartments, buy cars to transport themselves to school or work, or enter into other contracts essential for independent living. Although they may be otherwise capable of caring for themselves, this inability to engage financially with society may prevent them from surviving on their own.

Four of the seventeen jurisdictions that permit minors to enter certain binding contracts specifically permit contracts for real property. It is unclear if the remaining thirteen jurisdictions would consider real property to be a "necessity" covered by their statutes in some or all circumstances. Many youth who are on their own need to rent apartments or purchase property because they either have no other housing alternative or they desire to live independently. All jurisdictions should provide unaccompanied minor youth with the right to enter into binding contracts for real property.

Finally, only five jurisdictions allow minors to enter into binding student loan contracts. For many young people, higher education is impossible without the assistance of student loans. Minors who are academically prepared to enter college or trade schools may be forced to wait until they become legal adults before they can obtain the funding for school. This delay can affect students' income, school, and work opportunities, as well as their motivation. Educational loans should be available to young people who need them.

Noteworthy Statutes

Missouri and Oregon both have impressive contract statutes. Missouri law specifies a wide variety of important contracts that minors can enter, including for housing, employment, automobile purchases, student loans, admission to schools, medical care, bank accounts, and admission to domestic violence and homeless shelters. These categories recognize the goods and services unaccompanied youth may need and give youth a means to obtain them.

Both Missouri and Oregon establish certain eligibility criteria for entering into binding contracts. For example, Missouri law permits binding contracts only for minors who satisfy the following criteria: 16 or 17 years old; homeless or a victim of domestic violence; self-supporting, such that the minor is without the physical or financial support of a parent or legal guardian; and living independently of parents with the parents' consent. By limiting the circumstances under which minors can enter binding contracts, this statute continues to protect other young people from burdensome contract liability, while young people who are truly on their own are able to engage financially with society as adults. However, because many unaccompanied youth have been forced by neglect, abuse or family dysfunction to leave home without parental consent, it is unfortunate that the statute requires parental consent. See Mo. Rev. Stat. § 431.056 (2011).

Oregon's law also establishes certain eligibility criteria for entering binding contracts, specifically permitting contracts for residential living units. It expressly does not require parental consent. Oregon's statute could be improved by permitting minors to enter binding contracts for other necessities, including employment, cars, educational loans, and medical care. The statute, including the state legislature's statement of purpose, is reprinted below:

> Right to contract for dwelling unit and utilities without parental consent.
>
> (1) The Legislative Assembly finds that there are in the State of Oregon unemancipated minors who are living apart from their parents and are homeless. Many of these minors are able financially to provide housing and utility services for themselves and their children, but

cannot contract for these necessities due to perceived legal limitations affecting contracts with minors. The purpose of this legislation is to address those limitations.

(2) For purposes of this section, "minor" means an unemancipated and unmarried person who is living apart from the person's parent, parents or legal guardian, and who is either:

(a) Sixteen or 17 years of age;

(b) Under 16 years of age and the parent of a child or children who are living in the physical custody of the person; or

(c) Under 16 years of age, pregnant and expecting the birth of a child who will be living in the physical custody of the person.

(3) Notwithstanding any other provision of law, a minor may contract for the necessities of a residential dwelling unit and for utility services to that unit. Such a contract is binding upon the minor and cannot be voided or disaffirmed by the minor based upon the minor's age or status as a minor.

(4) The consent of the parent or legal guardian of such minor shall not be necessary to contract for a residential dwelling unit or utility services to that unit. The parent or legal guardian of such minor shall not be liable under a contract by that minor for a residential dwelling unit or for utility services to that unit unless the parent or guardian is a party to the minor's contract, or enters another contract, for the purpose of acting as guarantor of the minor's debt." Or. Rev. Stat. § 109.697 (2011)

Recommendations

- Enact laws permitting minors to contract for necessities, including real property, employment, educational loans, admission to school, medical and mental health care/ treatment, bank accounts, cell phones or other mobile communication devices, insurance, and admission to shelter, housing, and supportive service programs; and
- Establish eligibility criteria for entering into binding contracts that will permit such contracts for homeless youth or youth who are victims of domestic violence (whether that violence was directed against the youth or against others in the youth's household), while protecting other young people from contract liability.

Research Methodology and Limitations

To compile state and territorial statutes regarding the right of minors to enter into binding contracts, our search used the following terms: Contract, Right to Contract, Capacity, Removal of Disabilities, Necessaries, Necessities, Nonage, Emancipation, Age of Majority, and Minority.

We researched the statutory ability of minors to enter into contracts for personal and real property, as well as minors' rights to obtain insurance. Minors in some jurisdictions may also be permitted to enter into binding contracts by court cases, policies, or practices not reflected in the statutes. We included basic information about insurance in the research summaries. However, this aspect of contract law was not our main focus, as we were more interested in determining whether minors could contract for goods and property they need to live independently, such as cars, apartments, and homes.

Rights Of Youth To Enter Into Contracts Statutes

Alabama

Any minor 15 years of age or older may contract for annuities and for life, body, health, property. and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Ala. Code § 27-14-5 (West 2011).

Alaska

No specific statute regarding a minor's capacity to contract was found in Alaska. However, any person of competent legal capacity may contract for insurance. Alaska Stat. § 21.42.080 (2011).

Arizona

Any minor not less than 15 years of age may contract for his/her own life or disability insurance. The minor may not disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not be required to pay any premium on the insurance contract. Ariz. Rev. Stat. Ann. § 20-1106 (2011).

Arkansas

Any person over 18 years of age may contract to sell property. However, the contract may not be rescinded by the other person unless full restitution is made. Any person over 18 years of age may also hold title to real and personal property. In Arkansas, these laws give 18 years olds the same rights as someone over 21 years of age. Furthermore, if a minor borrows money from a bank for educational loans or for necessities, the minor may not disaffirm the contract. A bank may lease a safe-deposit box to a minor and in connection therewith, deal with him as if leasing to and dealing with a person of full legal capacity. As relating to property, mortgages, and liens, a minor over 15 years of age may not disaffirm the contract. However, a contract with the minor shall not be for a longer period than one year. Ark. Code Ann. §§ 9-26-101, 9-26-103, 23-47-509, 23-47-903, 18-42-102 (2011).

California

Any minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property not in the minor's immediate possession or control. A contract may be disaffirmed by a minor, either before majority or within a reasonable time afterward; however, a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. Cal. Fam. Code §§ 6700 to 6712 (2011).

Colorado

Any minor 16 years of age or older may contract for insurance upon the minor's own property or liability. The minor will not, by reason of his minority, be allowed to disaffirm the contract for insurance. Colo. Rev. Stat. 10-4-104 (2011)

Connecticut

Any minor 15 years of age or older may contract for life, health and accident insurance. Any person who is otherwise qualified may contract for a student loan. Conn. Gen. Stat. Ann. §§ 38a-284; 10a-207 (2011).

Delaware

Any minor 15 years of age or older, with a guardian's consent or with emancipation, may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. See Del. Code Ann. Tit. 18 § 2707 (2011).

Florida

Any minor 15 years of age or older may contract for annuities and for life, health, property, body and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of

an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Fla. Stat. § 627.406 (2011).

Georgia

A minor may disaffirm a contract. If a minor has contracted for property or some other valuable consideration, and the minor continues to enjoy the property and receive benefit for the consideration after reaching 18 years of age, the minor will not be allowed to disaffirm the contract. Contractual transactions are binding upon any minor who becomes emancipated. A minor also will not be able to disaffirm a contract for necessities, but the party furnishing the necessities must prove that the parent or guardian of such minor has failed or refused to supply sufficient necessaries for the minor or that the minor was emancipated. All persons qualifying to receive an educational loan are deemed to have full legal capacity to contract for one. Any minor 15 years of age or older may contract for annuities, endowments, and for life, accident, and sickness insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or policy. The minor may also contract for insurance on other subjects of insurance in which the minor has an insurable interest. Ga. Code Ann. §§ 1-2-8, 13-3-20, 20-3-287, 33-24-5 (2011).

Hawaii

Any minor 15 years of age or older may contract for life, accident, health, and sickness insurance. An unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract. Unless the minor has paid all of the premiums on the policy, then until the minor has reached 18 years of age, either or both parents of the minor may use the insurance policy for their own use. Haw. Rev. Stat. § 431:10-203 (2011).

Idaho

Any contract made by a minor may be disaffirmed, either before majority or within a reasonable time afterward, but a minor may not disaffirm a contract for necessities or one entered into by express statutory authority. Any minor 15 years of age or older may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Any person may have an interest in real or personal property, so it can be inferred that a minor may do so as well. Idaho Code Ann.§§ 29-101, 32-101, 32-103, 32-104, 32-105, 41-1807, 55-103 (2011).

Illinois

Any minor 15 years of age or older may contract for life, health and accident insurance. The minor may not, by reason of his minority, disaffirm the contract for insurance. 215 Ill. Comp. Stat. 5/242 (2011).

Indiana

Any minor 16 years of age or older may contract for annuities and for life, accident, and sickness insurance. Ind. Code. § 27-1-12-15 (2011).

Iowa

A minor is bound not only by contracts for necessities, but also by other contracts, unless the minor disaffirms them within a reasonable time after majority and restores any remaining consideration of the contract to the other party. However, a minor may not disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. Iowa Code §§ 599.2, 599.3 (2011).

Kansas

A minor is bound not only by contracts for necessities, but also by other contracts, unless the minor disaffirms the contract within a reasonable time after reaching the age of majority and restores any remaining consideration to the other party. However, a minor may not disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. Any minor may enter into a contract for insurance, but the written consent of a parent, guardian, or conservator is required. Kan. Stat. Ann. §§ 38-102, 38-103, 40-237 (2011).

Kentucky

Any minor 15 years of age or older may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for

insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Ky. Rev. Stat. Ann. § 304.14-070 (West 2011).

Louisiana

Any minor may disaffirm a contract, except a contract for necessities for his support or education, or for business purposes. Any minor 15 years of age older may contract for life, health, or accident insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract. La. Civ. Code Ann. art. 1923 (2011); La. Rev. Stat. Ann. § 22:852 (2011).

Maine

Any minor 15 years of age or older may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor will not be required, because of an unperformed agreement, to pay any premium on an insurance contract or annuity. Any minor may disaffirm any contract unless the minor or another lawfully-authorizes person ratifies the contract after the minor turns 18. However, the minor may not disaffirm a contract for necessities or for real estate in which the minor has title and benefit. The minor may also not disaffirm a contract for the purpose of furthering his/her higher education. Me. Rev. Stat. Ann. tit. 24-A § 2407; Me. Rev. Stat. Ann. tit. 33 § 52 (2011).

Maryland

Any minor 15 years of age or older may contract for annuities and for life or health insurance on his/her own life or body, or on the person of another in whom the minor has an insurable interest. The minor is not entitled to rescind, avoid, or repudiate the contract, or any exercise of a right or privilege because of his/her minority. The minor is not bound by any unperformed agreement to pay, by promissory note or otherwise, any premium on any insurance contract. See Md. Code Ann., Est. & Trusts § 13-503 (2011).

Massachusetts

Any minor 15 years of age or older may contract for life or endowment insurance upon his/her life. Mass Gen. Laws ch. 175, § 128 (2011).

Michigan

Any minor 16 years of age or older may contract for life or disability insurance. Mich. Comp. Laws § 500.2205 (2011).

Minnesota

No specific statute regarding a minor's capacity to contract was found in Minnesota.

Mississippi

Any minor 15 years of age or older may contract for life, health and accident insurance. The minor may also, with the permission of a chancery court, contract for life insurance on any person owning an estate of any kind in which the minor is to participate or to receive benefits upon the death of such person, either by inheritance or by will. Miss. Code Ann. § 83-7-19 (2011).

Missouri

Any minor may contract for housing, employment, automobiles, student loans, admission to schools, medical care, bank accounts, and admission to domestic and homeless shelters if the minor is (a) 16 or 17 years old, (b) homeless or a victim of domestic violence, (c) self-supporting, and (d) living independently of the minor's parent(s) or guardian(s) control with consent. All deeds, mortgages, deeds of trust and other instruments affecting title to real estate hereafter executed by any person under 18 years of age will be binding upon such person unless he files a deed or other instrument in the office of the recorder of deeds where the land is situated, disaffirming the same, within two years after the disability of the minority is removed. See Mo. Rev. Stat. § 431.056; Mo. Rev. Stat. § 442.080 (2011).

Montana

Any minor 15 years of age or older may contract for annuities and for life, body, health, property, and liability insurance. The minor may also contract

for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Any minor may disaffirm a contract if the minor restores consideration to the other party either before the minor reaches majority or within a reasonable time afterward. However, the minor is not required to restore consideration to credit card companies or loan advance services that did not obtain the consent of the minor's parent or guardian before issuing the card or the loan advance. Any minor may not disaffirm a contract for necessities, and any minor may not disaffirm a contract expressly allowed by statute. Mont. Code Ann. § 33-15-103, Mont. Code Ann. §§41-1-301 to 41-1-306 (2011).

Nebraska

Any minor 10 years of age or older may contract for annuities and for life, accident, and disability insurance. The minor will not be deemed incompetent if he/she surrenders such insurance or gives a valid discharge on account of any benefit accruing or for money payable under the insurance contract, but the surrender or discharge must have the consent in writing of a parent or guardian. Neb. Rev. Stat. § 44-705 (2011).

Nevada

Any minor 16 years of age or older may affirm preexisting contracts, as well as contract for annuities and for body, life, health, property, or liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Minors under the age of 16 shall be required to receive written consent of a parent or guardian in order to contract for insurance. Nev. Rev. Stat. § 687B.070 (2011). The court may approve certain contracts for the artistic, creative or athletic services, as well as intellectual property of minors. Nev. Rev. Stat. §§ 609.400 to 609.570 (2011).

New Hampshire

No specific statute regarding a minor's capacity to contract was found in New Hampshire.

New Jersey

Any minor 15 years of age or older may contract for annuities and for life, body, or health insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an annuity or insurance contract. N.J. Stat. Ann. § 17B:24-2 (2011).

New Mexico

Any minor 15 years of age or older may contract for annuities and for life or health insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on any annuity or insurance contract. N.M. Stat. § 59A-18-7 (2011).

New York

Any minor above the age of 14 years and 6 months may contract for life insurance and may also contract for insurance on any person in whom the minor has an insurable interest for the benefit of the minor's family. Married persons may enter contracts relating to ownership of real property. N.Y. Ins. Law § 3207; N.Y. Gen. Oblig. Law § 3-101 (2011)

North Carolina

Any minor may enter into a contract for (a) artistic or creative services, (b) the disposition of literary, musical, or dramatic properties, or use of a person's likeness, voice recording, performance, or story of or incidents in his/her life, (c) athletic services, or (d) rendering services as an extra, background performer, or in a similar capacity, through an agency or service that collects a fee. However, any such contract may not be disaffirmed by reason of his/her minority if approved by the superior court in which the minor resides. Any minor 15 years of age or older may contract for life insurance or for an annuity. N.C. Gen. Stat. § 48A-11, § 48A-12, § 58-58-100 (2011).

North Dakota

Any minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property that is not in the minor's

immediate possession or control. A contract may be disaffirmed by a minor, either before the minor's majority or within one year afterward, but a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. N.D. Cent. Code § 14-10-09 to 14-10-13 (2011).

Ohio

Any minor 15 years of age or older may contract for life insurance. Ohio Rev. Code Ann. § 3911.08 (2011).

Oklahoma

Any minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property not in the minor's immediate possession or control. A contract may be disaffirmed by a minor, either before majority or within one year afterward, but a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. A minor between 16 and 18 who has paid for any repairing, supplying, or equipping on a motor vehicle may disaffirm that contract by restoring the consideration received. Any minor 15 years of age or older may contract for life, accident, or health insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay for any premium on any insurance contract. Any minor 16 years of age or older may contract for insurance on other subjects of insurance in which the minor has insurable interest. Okla. Stat. tit. 15, §§, 17, 18, 19, 20, 21; Okla. Stat. tit. 36, § 3606 (2011).

Oregon

Any unemancipated minors and unmarried persons living apart from their guardian who are (a) 16 or 17 years of age, (b) under 16 years of age and the parent of a child who are living in the physical custody of the person, or (c) under 16 years of age and pregnant with a child who will live with the minor are able to contract for the necessities of residential living, including contract for living units and utilities. Such a contract is binding upon the minor and cannot be voided or disaffirmed by the minor based upon the minor's age or status as a minor. Or. Rev. Stat. § 109.697 (2011).

Pennsylvania

No specific statute regarding a minor's capacity to contract was found in Pennsylvania.

Rhode Island

No specific statute regarding a minor's capacity to contract was found in Rhode Island.

South Carolina

No specific statute regarding a minor's capacity to contract was found in South Carolina.

South Dakota

Any minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property not in the minor's immediate possession or control. A contract, if made while the minor is under 16 years of age, may be disaffirmed by the minor, either before the minor's majority or within a year afterward. A contract, if made after the minor has reached 16 years of age, may be disaffirmed in like manner by the minor if he restores consideration to the other party or pays its equivalent with interest. A minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. S.D. Codified Laws §§ 26-2-1 to 26-2-6 (2011).

Tennessee

The Protection of Minor Performers Act states, "If a contract is approved by the appropriate court pursuant to this part, then the minor may not, either during minority or after reaching majority, disaffirm the contract on the ground of minority, nor may the minor assert that the minor's parent or guardian lacked the authority to make the contract personally as an adult." Tenn. Code Ann. § 50-5-207 (2011).

Texas

Any minor 14 years of age or older may contract for annuities and for life, term, or endowment insurance if they do not have a guardian of estate. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of minority, disaffirm the insurance contract. Tex. Ins. Code Ann. §§ 1104.003 to 1104.005 (2011).

Utah

Any minor is bound not only by contracts for

necessities, but also by other contracts, unless the minor disaffirms them within a reasonable time after majority and restores any remaining consideration of the contract to the other party. However, a minor may not disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. Any minor 16 years of age or older may contract for insurance unless there is a conservatorship for property. In the case of a conservatorship over the person or property of a person under 16 years of age, the conservator may invest funds of the estate in life, accident, and health insurance, as well as annuity contracts, but only with the approval of the court having jurisdiction over the conservatorship. Utah Code Ann. §§ 15-2-2, 15-2-3; § 31A-21-103 (2011).

Vermont

Any minor 15 years of age or older may affirm preexisting contracts, as well as contract for annuities and for body, life, health, property, or liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his or her minority, disaffirm an insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay for the premium on any annuity or insurance contract. Vt. Stat. Ann. tit. 8 § 3710 (2011).

Virginia

Any minor 15 years of age or older may contract for life insurance. If the minor is living with at least one of his/her parents, written approval must be given by the parent for the policy application. The minor will not be allowed, because of his/her status as a minor, to recover premiums paid. Va. Code Ann. § 38.2-3105 (2011).

Washington

Any minor is bound not only by contracts for necessities, but also by other contracts, unless the minor disaffirms them within a reasonable time after majority and restores any remaining consideration of the contract to the other party. However, a minor may not disaffirm a contract in which the minor misrepresented his/her age to be that of an adult. Any minor 15 years of age or older may contract for life or disability insurance. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay the premium on any insurance contract. Wash. Rev. Code § 26.28.030, § 26.28.040, § 48.18.020 (2011).

West Virginia

Any minor 15 years of age or older may contract for life, accident, and/or sickness insurance. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract. W. Va. Code § 33-6-4 (2011).

Wisconsin

No specific statute regarding a minor's capacity to contract was found in Wisconsin.

Wyoming

Any minor 15 years of age or older may contract for annuities and for life, body, health, property or liability insurance. The minor may also contract for insurance on any person in whom the minor has an insurable interest. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract or annuity. Wyo. Stat. Ann. § 26-15-105 (2011).

American Samoa

No specific statute regarding a minor's capacity to contract was found in American Samoa.

District of Columbia

Any minor 15 years of age or older may contract for life, health, and accident insurance. D.C. Code § 31-4330 (2011).

Guam

A minor may contract except as to (a) delegation of power, (b) real property or any interest therein, and (c) personal property not in the minor's immediate possession or control. A contract may be disaffirmed by a minor, either before majority or within a reasonable time afterward, but a minor may not disaffirm a contract for necessities or a contract entered into by express statutory authority. Guam Code Ann. tit. 19, §§ 1106 to 1110 (2011).

Northern Mariana Islands

No specific statute regarding a minor's capacity to contract was found in the Northern Mariana Islands.

Puerto Rico

Any minor 15 years of age or older may contract for life, body, or disability insurance. An unemancipated minor, because of an unperformed agreement, will not have to pay any premium on an insurance contract. Minors who are not emancipated cannot give consent to a contract. Minors between 18 and 21 years of age who are engaged in commerce or industry may carry out all civil acts for its administration, including contracting. P.R. Laws Ann. tit. 26, § 1103; P.R. Laws Ann. tit. 31, § 3402 (2011).

Virgin Islands

Any minor 15 years of age or older may contract for life or disability insurance. The minor may not, by reason of his/her minority, disaffirm the insurance contract, but an unemancipated minor, because of an unperformed agreement, will not have to pay any premium on the insurance contract. V.I. Code Ann. tit. 22, § 33-802 (2011).

Health Care Access For Unaccompanied Youth

The population of unaccompanied youth includes young people with pressing health care needs who may encounter serious obstacles in seeking health care. This chapter is divided into two subsections: the first subsection generally summarizes the financial resources that are available to unaccompanied youths seeking access to health care; the second subsection surveys state laws governing the rights unaccompanied youths have to consent to their own medical treatment and services, and their right to maintain the confidentiality of their medical records.

One overriding barrier that unaccompanied youths may encounter is financial: often they have no means of paying for care. Adolescents traditionally have been uninsured at higher rates than other age groups and young adults have lacked insurance at the highest rates of any age group. For example, nearly half of young adults ages 18-24 or younger, who are living under the poverty level, are uninsured. Although some youths may qualify for a publicly funded insurance program or may be able to obtain health care at a publicly funded site, many seek care in an emergency room only after their health problems have become severe. Another significant barrier these youths may encounter is the difficulty associated with providing legally-authorized consent for their own health care when they are unwilling or unable to secure that consent from their parents or legal guardians. Because available data suggest that unaccompanied youth experience higher rates of mental illness, substance abuse, pregnancy, and sexually transmitted disease than other youth, we include information on consent for those discrete areas in addition to general information on treatment for medical services without parental consent.

Unaccompanied youth who are age 18 or older are generally able to give consent for their own care on the same basis as other adults; those who are under age 18 are minors and may or may not be able to give their own consent for care, depending on the specifics of state and federal law, as well as the services they are seeking. Generally, the consent of a parent is required for health care that is provided to a minor child. However, every state has numerous laws that allow minors to give their own consent for care in specific circumstances. These laws are based either on the status of the minor (emancipated minors, minors living apart from their parents, married minors, minors in the armed services, pregnant minors, minor parents, high school graduates, or minors over a certain age) or on the services sought by the minor (general medical care, emergency care, family planning or contraceptive services, pregnancy related care, sexually transmitted infection care, HIV/AIDS care, care for reportable infectious diseases, care for sexual assault, drug or alcohol care, and outpatient mental health services). Often, however, young people themselves, their health care providers, and the sites where they seek care are not aware of the different ways in which laws may allow these youth to give their own consent for care.

A significant barrier these youths may encounter is the difficulty associated with providing legally-authorized consent for their own health care...

Unaccompanied youth may also face the prospect of mandatory or discretionary notification of care to their parents or legal guardians. Again, unaccompanied youth who are age 18 or older are generally entitled to the same confidentiality protections as other adults, but the confidentiality of care for those who are under age 18 may be governed by different rules. Numerous state and federal laws affect the confidentiality of health care information. In particular, the new federal medical privacy regulations issued pursuant to the Health Insurance Portability and Accountability Act (HIPAA) contain important provisions that affect medical privacy for both adults and minors. These HIPAA rules and other federal and state laws determine the confidentiality of health care that is provided to a minor based, in part, on whether the minor can give consent for his or her own care. Thus, there is an important link between the minor consent laws and confidentiality protections. Even when the law authorizes a minor to give consent for care, it may also grant discretion to a physician to notify the minor's parents. The specifics in this regard vary significantly from state to state.

A chart is attached at the end of this subsection that lists the age at which unaccompanied minors can consent to particular medical services, including

general medical care, mental health treatment, substance abuse treatment, treatment for sexually-transmitted diseases, abortion, and examination and treatment related to sexual assault. The statutes surveyed focus on voluntary treatment and do not address involuntary commitment. The chart also summarizes the confidentiality accorded to the various services.

Overcoming Financial Barriers

Background

In 2009, the Children's Health Insurance Program (CHIP) was reauthorized under the Children's Health Insurance Program Reauthorization Act of 2009, which expanded coverage through fiscal year 2013. The reauthorization provided for new federal funds in order to maintain the program and increase the number of additional insured children by 4 million, including (for the first time) legal immigrants, without a waiting period. Most states have managed to safeguard and, in some cases, expand health care coverage for children and parents in their Medicaid and CHIP programs. Twenty-six states reported they increased coverage for low-income children, parents, and pregnant women, either by expanding eligibility, simplifying enrollment procedures, or reducing financial barriers, while fifteen states reported they had to scale back their CHIP programs during 2009.

The specific rules for Medicaid and CHIP eligibility, as well as application procedures, are determined by each state within the federal guidelines. Most states have expanded Medicaid and CHIP eligibility for older adolescents in recent years, but few have specifically addressed the needs of homeless or unaccompanied youth. A small number of states have explored innovative approaches, such as allowing homeless youth to apply for Medicaid or CHIP independently of their families or implementing a new Medicaid eligibility option for young people who were in foster care on their 18th birthday, but most states have not. Far more is required to help unaccompanied youth secure health insurance coverage.

States are allowed to use part of their federal funding in order to expand outreach programs and ensure that all children eligible for Medicaid and CHIP programs are enrolled. Because Medicaid allows states flexibility in determining eligibility, states currently cover children whose family incomes range generally from below the federal poverty level (FPL) to as high as 350% above the FPL. In the CHIP program, states may either cover children in families whose incomes are above the Medicaid eligibility threshold, but less than 200% of the FPL, or up to 50 percentage points over the state's current Medicaid income limit for children. Most states provide CHIP coverage for children in families at or above 200% of the FPL. In order to receive the CHIP funding, states cannot place Medicaid eligibility levels below what was in force on June 1, 1997. In addition, states must screen all applicants for Medicaid, and if found eligible, applicants must be enrolled in the Medicaid program instead of CHIP. For states that expand their existing Medicaid programs, children who would have been eligible under Medicaid eligibility rules in effect on March 31, 1997, cannot be counted in the scope of the CHIP-related expansion. States may choose to expand their Medicaid programs, design new child health insurance programs, or a combination of both; however, the states choosing the Medicaid option must offer the full Medicaid benefit package.

There are states that have, in addition to Medicaid and CHIP, separate child health programs which follow the regulations described in Section 42 of the Code of Federal Regulations, Section 457. In addition to the publicly funded health insurance programs, numerous other publicly funded programs at the federal and state levels fund health care for low-income and vulnerable populations. These include, for example, the Performance Partnership Grant for Community Mental Health Services, the Performance Partnership Grant for Prevention and Treatment of Substance Abuse, the Maternal and Child Health Services Block Grant, the Ryan White CARE Act, the Title X Family Planning Services Program, and the Consolidated Health Centers Program. Many of these services and sites would be able to provide health care for unaccompanied youth. These programs, since not under the auspice of federal regulations, have much more flexibility than the Medicaid programs, such as imposing cost sharing, tailoring benefit packages, and employing less rigidity in eligibility and enrollment matters. However, young people often do not know where to go and what is available to them. Moreover, these safety net programs have come under increasing financial pressure in recent years and often have insufficient funds to care for all of the uninsured individuals who need the services. This underscores the importance, whenever possible, of finding ways to enable unaccompanied youth to secure health insurance coverage.

Fast Facts

- **34** jurisdictions cover unaccompanied youth under 18 without the need for parental consent in at least some situations:
    - **29** jurisdictions have explicit policies permitting unaccompanied youth to apply for health insurance coverage;
    - **5** jurisdictions have informal policies permitting unaccompanied youth to apply for health insurance coverage; and
    - **1** jurisdiction will not allow unaccompanied youth apply for CHIP but does permit them to apply for general Medicaid;
- **15** jurisdictions require a parent or adult guardian to apply for health insurance through formal or informal policies, at least until a child turns 18;
- **2** jurisdictions have no policies on whether unaccompanied youth may apply for health insurance coverage without a parent and consider applicants on an ad hoc basis;
- **35** states with separate CHIP programs use an integrated application system where a youth's eligibility is considered for both CHIP and Medicaid;
- **32** jurisdictions provide for 12-month continuous eligibility regardless of fluctuations in income;
- **16** states have presumptive eligibility for children seeking enrollment in Medicaid, 11 states for children seeking enrollment in CHIP; and
- CHIP enrollment is open for children in **50** jurisdictions; other jursidictions are not currently accepting applications.

Purpose and Findings

We sought to determine what financial resources would be available to unaccompanied youth in each state to help cover their health care costs.

CHIP, formerly the State Children's Health Insurance Program (SCHIP), created under Title XXI of the Social Security Act as part of the Balanced Budget Act of 1997, expands health coverage to uninsured children whose families are caught between having an income greater than is allowed under Medicaid requirements, but not sufficient to purchase private coverage. CHIP, on its face, includes unaccompanied minors. However, due to administrative restrictions that require recipients to provide information regarding permanent residence, parental consent, and social security numbers (unless a state explicitly expresses that unaccompanied minors may act independently) many of these at-risk youth remain uninsured. Many youth are also unable to participate because they are considered minors if under age 18 and thus they lack legal standing to act on their own behalf in many respects.

Thirty-four jurisdictions currently permit children under age 18 to apply for their own healthcare under certain circumstances. These are: Alaska, Arizona, California, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Texas, Vermont, Washington, Wisconsin, and the District of Columbia. Fifteen require a parent or guardian for any application for state health coverage. These are: Alabama, Arkansas, Colorado, Kentucky, Maryland, Mississippi, Montana, Nevada, North Carolina, Oklahoma, Rhode Island, South Carolina, Tennesee, Virginia, Wyoming. Many of these policies are either unwritten or informal. Two states, Oregon and Utah, explicitly decline to give a policy position one way or the other on unaccompanied minors' access to benefits. In five territories we were unable to determine application requirements.

Thirteen states employ "presumptive eligibility" for both Medicaid and CHIP, allowing certain qualified entities, such as shelters, to enroll the youth into either program. They are California, Colorado, Connecticut, Illinois, Iowa, Kansas, Massachusetts, Michigan, Montana, New Mexico, New Jersey, New York, and Ohio. Five states (Georgia, Iowa, New Jersey, Oregon, and Pennsylvania) now have "Express Lane Eligibility" for CHIP and seven states (Alabama, Georgia, Iowa, Louisiana, Maryland, New Jersey, and Oregon) have such eligibility for Medicaid from applicants who had previously been enrolled in other benefit programs. This permits states to use data and eligibility from other public benefit programs when determining eligibility for children in Medicaid and CHIP. Finally, Illinois, Texas, and Vermont permit lawfully-residing immigrant children to receive benefits without the usual five year wait through the CHIP program.

Analysis

Due to the challenges of living on the streets or in inadequate housing, unaccompanied youth are particularly vulnerable to health care problems. Unaccompanied youth should have a basic right to health care and be empowered to proactively seek care, rather than fearing the financial consequences and putting off seeking care until medical issues progress. It is essential that state programs cover unaccompanied youth and reduce barriers to their enrollment in, and use of, that health care coverage.

Noteworthy Statutes

Hawaii's QUEST and QxEA programs place no restrictions on when an unaccompanied minor may apply. Each program covers children from birth until the age of 19 and does not require any copay for a broad array of covered services, including unlimited physician's office visits, prescriptions, annual eye doctor appointments, contraceptives, preventative and diagnostic dentist appointments, and outpatient mental health. Hawaii, like other states, imposes a requirement that applicants be citizens of the state and of the United States. Otherwise, however, Hawaii's program is both accessible and favorable to youth of any age who are applying for healthcare without a parent or guardian.

Maine's MaineCare covers a broad range of care and has an uncomplicated system for applying in which unaccompanied children under the age of 18 are treated as the single household member for purposes of determining income eligibility. The monthly income maximum for coverage is currently $1,634, but the MaineCare website encourages applicants who earn more to apply regardless because some income may not be counted for purposes of determining eligibility. Most enrollees will not have to pay a premium. However, the website notes that some families may have to pay a premium between $8-64 for their children's coverage. Finally, Maine, like many other states, requires the applicant to attach proof of income through any recent pay stubs, a copy of a tax return if it exists, and a social security card for those applying for care on their own behalf, which may present barriers to some unaccompanied youths. MaineCare's application does not require any parental income information from children living alone, nor does it require any information about assets held by the applicant if it is a minor applying on his or her own behalf. The relatively light burden of applying coupled with the broad array of coverage Maine offers provides a good model to other states considering adopting more formal policies on covering youth who lack parents or adult guardians to apply for them.

Recommendations

- Establish clear eligibility for unaccompanied minors to apply for Medicare and CHIP;
- Remove burdensome enrollment requirements such as proof of parental income, permanent residence, and other documentation that unaccompanied youth may lack;
- Reduce copays and other barriers to homeless youth using their benefits;
- Provide outreach to homeless youth to enroll them in appropriate programs; and
- Expand CHIP to include youth through 21 years of age.

Research Methodology

To research a state's policy on homeless youth access to healthcare coverage, we first looked at the state's website to determine which department administers the Medicaid and CHIP programs. Sometimes it was unclear from the website how many and which medical programs cover children. In some cases, we used the Kaiser Commission on Medicaid and the Uninsured's January 2012 report, "Performing Under Pressure: Annual Findings of a 50-State Survey of Eligibility, Enrollment, Renewal, and Cost-sharing Policies in Medicaid and CHIP, 2011-2012" to assist us in determining this information.

Our research generally lead us to the specific department's website, which was usually an agency related to either "Health" or "Social Services." Some states also have separate insurance programs aimed solely at kids beyond the CHIP or general Medicaid programs. Some states, such as Florida or Illinois, automatically consider applicants for eligibility in these programs through submitting only one application.

In some states, the application policies for all the government insurance programs available to children were listed clearly on the website, usually under a "Frequently Asked Questions" section or under a heading such as "Eligibility." However, not all state

policies on applying for coverage are clear from the language on the website. Some websites provide a general guide on who may apply for coverage but do not specifically mention how to treat homeless children who apply without a parent or an adult guardian. Some provide a clear policy as to the eligibility or application process for CHIP, while saying nothing about general Medicaid eligibility. Finally, some states do not have any guidance at all for who may apply for the various programs available to cover children's healthcare.

In such cases, more detailed information was necessary, so we reviewed electronic copies or PDFs of these states' applications (where available) to determine if there was any clear policy from the face of the application itself. If nothing in the application clarified the guidelines for unaccompanied minor applicants, we then called the hotline listed on the department's website or on the application. This usually directed us to a recording, where we would choose from a long variety of options eventually leading to a representative of the organization whose job it was to assist applicants on filling out their applications correctly. Usually, these representatives were helpful and knew the policies on how unaccompanied youth could apply for coverage. However, some states lack a formal policy and they were unable to answer our questions when we called.

If the representatives could not communicate a state policy on who may apply, we then contacted homeless advocates in these states to see what experiences they had in enrolling homeless children in CHIP or Medicaid. Sometimes these advocates would simply confirm what we already knew – that the state had no formal policy for enrolling unaccompanied youth in health insurance coverage programs. If this was the case, our final step was to phone a cross section of local offices of the administering agency to see how these branch offices considered minors applying for benefits on their own behalf.

In our policy summaries, we largely used language directly from the respective state's websites, but omitted or changed some wording for focus and ease of reading, including replacing "child" or "children" with "youth."

Consent & Confidentiality

Background

In addition to the potential financial barriers that may exist, unaccompanied youth may encounter further obstacles associated with consent and confidentiality of services, both of which may impede their access to comprehensive services. Depending on their age, unaccompanied youth may or may not be legally authorized to give consent for their own care. Limitations on the confidentiality of that care may also exist.

Consent to Care

Unaccompanied youth who are age 18 or older are generally able to give consent for their own care on the same basis as other adults. However, minors under age 18 may or may not be able to give their own consent for care depending on the specifics of state and federal law, as well as the types of services they are seeking. Generally the consent of a parent is required for health care that is provided to a minor child. However, every state has numerous laws that allow minors to give their own consent for care in specific circumstances. These laws are based either on the status of the minor or the services sought.

Every state has laws that allow one or more of the following groups of minors to consent for their own health care: emancipated minors, minors living apart from their parents, married minors, minors in the armed services, pregnant minors, minor parents, high school graduates, or minors over a certain age. Our analysis focuses on unaccompanied youth – minors who are living apart from their parents but have not been emancipated and who do not fall within one of the groups traditionally afforded greater consent rights under state law.

Additionally, every state has laws that allow minors of varying ages to consent to one or more of the following types of health care services: general medical care, emergency care, family planning or contraceptive services, pregnancy related care, sexually transmitted infection care[6], HIV/AIDS care, care for reportable infectious diseases, care for sexual assault, drug or alcohol care, and outpatient mental health services. Our analysis focuses on statutes that allow minors to consent to their care in three specific areas that impact unaccompanied youths: mental health care, substance abuse, and care for sexually-transmitted infections. We also surveyed general medical consent statutes, abortion statutes, and

statutes relating to treating victims of sexual assaults. We have not attempted to perform a comprehensive survey of statutes governing involuntary treatment, but rather surveyed statutes that empowered minors to consent to voluntary treatment.

Mental health and substance abuse are critical components to examine because, as children approach adulthood, they often are confronted with problems that may cause symptoms of mental illness or lead them to abuse alcohol or drugs. These health problems are pronounced in unaccompanied youth, who are especially at risk for developing mental illness and to abusing alcohol or drugs. It can be difficult for youth to access mental health and substance abuse treatment in general, but even if they are able to, many states require that minors have the consent of their parent or guardian to receive these services. Some states have allowed for minors to consent to outpatient treatments while requiring parental or guardian consent to inpatient treatment. In supportive and caring environments, parents and guardians are integral in the lives of youth and can help them deal with mental illness or substance abuse. As such, it is commendable that certain states allow treatment providers to encourage youth to allow the provider to inform the child's parent or guardian that the child is seeking and/or receiving treatment, but do not mandate such disclosure. However in the absence of (and often in tandem with) such parental support, youth need to have access to counseling, therapies, and treatment, without which they could experience lifelong problems with mental illness and drug or alcohol dependency.

It is essential that youth be able to access care and services for these health conditions without the significant deterrent to help-seeking behaviors parental consent and notification requirements present.

Similarly, as children approach adulthood and become sexually active, they are at greater risk of contracting sexually-transmitted infections and/or becoming pregnant. Additionally, they are at high risk of sexual assault. Most states allow minors to consent to the treatment of sexually-transmitted infections; and many states also allow, but do not mandate, providers to notify parents or guardians of the youth's treatment. Regarding sexual assault, several states allow minors to consent to examination and necessary treatment, with some jurisdictions mandating notification of care to the minor's parent or guardian. Most states severely restrict an unemancipated minor's ability to consent to obtaining an abortion, and most require parental notification, parental consent, or a court order.

Given that unaccompanied youth are extremely vulnerable to mental health, substance abuse, and sexual health problems, all of which can be life altering if not life-threatening if left untreated, it is essential that youth be able to access care and services for these health conditions without the significant deterrent to help-seeking behaviors parental consent and notification requirements present.

Confidentiality of Health Care Records

In addition to consent, it is equally important that unaccompanied youths be able to maintain the confidentiality of their medical records. With respect to confidentiality of health care records, unaccompanied youth who are age 18 or older are generally entitled to the same confidentiality protections as other adults. The confidentiality of care for those who are under age 18, however, may be governed by different rules. In almost every state where an unaccompanied youth is allowed to consent to certain health care services, the health care records derived from those services are afforded the confidentiality and privacy protections granted to all such records, regardless of whether the patient is a minor or an adult. In other states, however, the relevant statutes that authorize the youth to consent to medical services also give the provider of those services the discretion to notify the youth's parent or legal guardian.

Numerous state and federal laws affect the confidentiality of health care information. At the federal level, Medicaid and Title X of the Public Health Service Act guarantee confidentiality to minors seeking family planning services. Also, the Health Insurance Portability and Accountability Act of 1996 (HIPAA) provides certain protections for protected health information. Courts have interpreted the federal Medicaid statute to require family planning services to be provided to sexually active minors who desire them on a confidential basis. Title X, the only federal program dedicated to providing

family planning services to low-income women and teenagers, provides for confidential services to people regardless of age. In particular, the federal medical privacy regulations issued pursuant to the HIPAA rules contain important provisions that affect medical privacy for both adults and minors. For our purposes, we will focus on HIPAA and state medical privacy laws as they relate to the confidentiality of health care information of minors.

Federal Law

HIPAA rules are meant to assure patients (adults and minors) that their protected health information will be kept confidential and that only limited information will be disclosed for purposes other than patient care. HIPAA rules (along with other federal and state privacy and health laws) determine the confidentiality of health care that is provided to an adolescent who is a minor based in part on whether the minor can give consent for his or her own care. Thus, even in this federal law, there is an important link between the minor consent laws and confidentiality protections. However, even when the law authorizes a minor to give consent for care, it may also grant discretion to a physician to notify the minor's parents. The specifics in this regard vary significantly from state to state. Many of the health services needed by unaccompanied youth fall within the scope of states' minor consent laws. Also, many unaccompanied youth fall within the groups of minors who are authorized to give consent for their own care. Often, however, young people themselves, their health care providers, and the sites where they seek care are not aware of the different ways in which laws may allow these youth to give their own consent for care and receive it on a confidential basis.

A person's ability to access and control disclosures of their own medical records may be the single most important right a person has under HIPAA. Before HIPAA, a person's right to access or copy their medical records often depended on the laws in the applicable state. Now, HIPAA sets the national standard, or "floor," meaning that states can give a person greater rights to access and control their protected health information, but state laws cannot take away the fundamental access and confidentiality rights a person has under HIPAA. HIPAA generally gives a parent the right to his or her child's medical records. However, as we have noted, there are some exceptions. HIPAA does not allow a parent or guardian to have access to a minor's protected health information a) when the minor is the one who consents to care and the consent of the parent is not required under state or other applicable law, b) when the minor obtains care at the direction of a court or a person appointed by the court, or c) when, and to the extent that, the parent agrees that the minor and the health care provider may have a confidential relationship.

In general, although the HIPAA rules recognize the necessity for confidentiality and control of a minor's health care records, it allows health care providers to maintain their professional and ethical obligations to protect the confidentiality of their patients consistent with applicable state laws.

State Law

Under numerous state laws, minors are entitled to consent on their own to a range of sensitive health services. In turn, this provides certain confidentiality and control rights related to the health care records generated pursuant to such services. While most states have statutes governing the release of medical information, many appear to be less stringent than the requirements of the HIPAA rules. Moreover, the fact that a minor's right to medical privacy is often tied to their ability to consent to services is based upon the recognition that state laws allowing minors to consent to services would be meaningless if they did not contain a guarantee that those services would also remain confidential.

A minor's ability to control her health care records is based on whether or not the applicable state laws explicitly authorize a minor to do so. When state law either requires or permits disclosure to parents or guardians, HIPAA allows the health care provider to comply with that law. Unfortunately, there appears to be a growing trend that when a state is silent on the subject, it is up to the health care provider to decide whether to maintain the confidentiality of those health care records or disclose them to a parent requesting access to such records. In such cases, the health care provider's professional and ethical obligations and the provider's opinion about what is in the best interest of the minor, dictate the outcome.

Confidentiality and control of health care records continues to be debated at the state and federal level. Parents, youth, and health care providers must look to all relevant sources to determine who has the right to control and/or access a minor's health care records. These sources include, but are not limited to, federal

privacy and confidentiality laws (*e.g.* Title X, HIPAA, Medicaid, and 42 C.F.R. §2.1, et. seq.), state minor consent laws, state medical record privacy laws, and court cases interpreting and applying these laws.

It is imperative that minors are provided access to health services. Access means not only removal of monetary barriers, but also removal of the mental and emotional barriers that being unable to control others' access to their health care records can present. Lawmakers appear to be cognizant of the fact that while parental involvement is usually desirable, many minors will not seek services they need if they have to tell their parents or if health care providers are required or allowed to tell their parents. This area of the law is continuously evolving and we must support and protect the rights of minors to access confidential healthcare services while encouraging supportive parental guidance and involvement.

Fast Facts

- **28** jurisdictions allow minors to consent to treatment of mental illness separate and apart from treatment for substance abuse (as noted below, some impose additional restrictions based on age, admission vs. outpatient treatment, or type of treatment).
    - **3** jurisdictions require parental consent or notification for electroconvulsive therapy and/or psychotropic medications, even where minors may consent to other types of mental health treatment.
    - **5** jurisdictions allow minors 16 years or older to consent to in-patient mental health services.
    - **4** jurisdictions allow minors to receive outpatient treatment without parental notification (with exceptions where the provider determines there is a compelling need to notify).
    - **2** jurisdictions do not require parental notification to receive treatment but require the provider to involve parents before the end of the treatment, absent counter-indications.
    - **4** jurisdictions mandate parental notification when a minor is admitted to a healthcare facility for in-patient mental health treatment.
- **45** jurisdictions allow minors to consent to non-residential treatment for substance abuse (as noted below, some impose additional restrictions based on age, admission vs. outpatient treatment, or type of treatment).
    - 7 jurisdictions allow minors as young as 12 to consent to treatment for substance abuse.
    - 13 jurisdictions allow treatment providers to inform parents that a minor is receiving treatment.
    - Absent the minor's consent, **5** jurisdictions prohibit treatment providers from notifying a minor's parent or guardian that the minor has sought or is receiving treatment for substance abuse.
    - **3** jurisdictions prohibit minors from consenting to methadone replacement therapy even where minors may consent to other types of treatment for substance abuse.
- **49** jurisdictions allow minors to consent to the diagnosis and treatment of sexually transmitted infections.
    - **6** jurisdictions limit or prevent treatment providers from notifying a minor's parent or guardian that the minor has sought or is receiving treatment for sexually transmitted infection without the parent's consent.
    - **13** jurisdictions give treatment providers the discretion to notify a minor's parent or guardian that the minor has sought or is receiving treatment for a sexually transmitted infection.
- **44** jurisdictions limit a minor's ability to consent to an abortion, requiring one or more of the following: parental notification, parental consent, or a court order allowing the procedure without involvement of the minor's parent or guardian.
- **13** jurisdictions allow minors, regardless of their legal status, to consent to examination and treatment relating to a sexual assault.

Purposes and Findings

The six categories of services researched were (a) general medical care, (b) exposure to and treatment of sexually transmitted infections, (c) treatment of substance abuse problems (drug and alcohol), (d) diagnosis and treatment of mental illness, (e) abortion, and (f) examination and treatment following a sexual assault. We focused on voluntary treatment and did not perform a comprehensive survey of statutes governing involuntary commitment or treatment, especially with respect to mental health and treatment for substance abuse.

The chart at the end of this section summarizes our findings.

While a number of jurisdictions allow unaccompanied minors to consent to general (non-surgical, except in emergencies) care, other jurisdictions impose specific age minimums (ranging from 14 to 18) that minors must reach to consent to general medical care, even if the minors are separated from their parents and manage their own financial affairs.

The vast majority of jurisdictions allow minors to consent to the diagnosis and treatment of communicable diseases, reportable diseases, and/or specifically sexually transmitted infections. While a few jurisdictions require the minor be of a minimum age, the remainder of the jurisdictions simply provide that a minor may give consent for these narrow purposes without specifying any age minimum. A few jurisdictions specifically prohibit the provider from notifying the minor's parents without the consent of the minor. Other jurisdictions mandate parental notification in particular circumstances (ex. positive HIV test if the minor requires immediate hospitalization). However, most jurisdictions allow the provider the discretion to decide whether or not to do so.

Similarly, many jurisdictions allow minors to consent to treatment for substance abuse, but a few specifically exclude methadone replacement therapy from the scope of this consent. While a few jurisdictions require the minor be of a minimum age, the vast majority of jurisdictions simply provide that a minor may give consent for this narrow purpose without specifying any age minimum. A number of jurisdictions specifically prohibit the provider from notifying the minor's parents absent consent from the minor, but the vast majority allow the provider the discretion to do so or not.

With respect to the diagnosis and care of mental illness (separate from substance abuse treatment), many jurisdictions allow minors to consent to mental health treatment (with or without imposing a minimum age), and many establish different requirements for inpatient and outpatient care. The age of consent for outpatient treatment tends to be lower than the age of consent for inpatient treatment. While many jurisdictions allow the providers the discretion to notify parents for outpatient treatments, notification for inpatient treatment is frequently mandated even if parental consent was not required as a condition of admission. Finally, a number of jurisdictions require parental consent for psychotropic medication or electroconvulsive therapy even if a minor may be admitted for general treatment without such parental consent.

Absent a court order, the vast majority of jurisdictions prevent un-emancipated minors from obtaining abortions without either parental notification and/or written parental consent. Few jurisdictions make exceptions if the mother is at risk of serious bodily harm or death. A number of the statutes in this sub-section have been held unconstitutional.

In the case of sexual assault, a number of jurisdictions allow minors to consent to diagnosis and treatment, including in circumstances where the parent cannot be reached. Most of these jurisdictions allow the provider to notify the minor's parents, but some require notice to be given to parents (unless the parent is suspected of committing the abuse).

State confidentiality laws appear to focus on the provider's obligation to notify a minor's parent or legal guardian, and generally mandate notification under certain circumstances (admission, psychotropic drugs, emergency), allow notification at the provider's discretion, or prohibit notification absent the minor's consent under certain circumstances. State laws governing parental notification also tend to be specific to the treatment at issue, and may differ whether the minor is seeking mental health treatment, treatment for substance abuse, or treatment for sexually transmitted infections. Most abortion statutes address notification issues separately.

Analysis

It is important that unaccompanied youth be allowed to access and consent to all health care services they require, including mental health services for the treatment of mental health disorders and drug and alcohol abuse or addiction, and services related to sexually transmitted infections and sexual assault. These are essential, potentially life-altering health care needs that no youth should go without simply because they do not have a parent available or do not want their parent notified of their condition or care. Additionally, children should not be deterred from accessing service providers who may be able to help them resolve the issues that caused their separation from their family in the first place. Similarly, unaccompanied youth should have the independent right to consent to care when a parent or guardian

cannot or will not, as these services are essential to the health care of all people, not just adults. As with many other matters concerning youths, a parent or guardian who is abusive or negligent, or who is in denial regarding the youth's problems and withholds consent to treatment for that reason, may cause irrevocable harm to the youth. Many jurisdictions accordingly have empowered youths to consent to their own treatment at least for mental health and substance abuse issues, and sexually transmitted infections, in some cases prohibiting the provider from notifying the youth's parents, or at least not making such notification mandatory.

Noteworthy Statutes

Vermont allows minors 12 years of age or older who are "suspected" of being dependent upon a regulated drug, to have a venereal disease, or to be alcoholics, to give their consent to medical treatment and hospitalization once their dependency has been validated by a licensed physician. Vt. Stat. Ann. tit. 18, § 4226(a) (2011). The statute requires treatment providers to notify a parent or guardian if the minor requires immediate hospitalization but does not otherwise mandate parental notification.

Under Virginia law, a minor of any age is deemed to be an adult for the purposes of consenting to outpatient care or rehabilitation for substance abuse and mental illness or emotional disturbance, and treatment of venereal diseases and family planning. Va. Code Ann. § 54.1-2969 (Michie 2011).

In Idaho, "[a]ny person of ordinary intelligence and awareness sufficient for him or her generally to comprehend the need for, the nature of and the significant risks ordinarily inherent in, any contemplated hospital, medical, dental or surgical care, treatment or procedure is competent to consent thereto on his or her own behalf." Idaho Code Ann. § 39-4503 (2011). In addition to this broad statement, Idaho also specifically allows minors 14 and older to consent to treatment for sexually-transmitted diseases, and minors to request treatment for substance abuse. Idaho Code Ann. § 39-3801 (2011). Idaho prohibits un-emancipated minors from obtaining an abortion without written parental consent or court order. Idaho Code Ann. § 18-609A (2011).

Recommendations

- Establish statutory guidelines so licensed health care pratictioners can provide medical care and services to an unaccompanied youth who consents if the medical practitioner reasonably believes that the youth understands the benefits and risks of the care and is giving informed consent, and the care would be to the minor's benefit.
- Establish statutory immunity from civil or criminal prosecution for licensed health care practioners who in good faith render medical care or service to unaccompanied youth.
- Repeal and reject policies requiring mandatory disclosure of medical care provided to unaccompanied youth to parents or other third parties and institute procedures to enable youth to refuse disclosure of confidential medical information to any third parties except in cases of mandated reporting for child abuse or other care-mandated reasons.
- Establish procedures for voluntary and involuntary commitment specific to minors in all jurisdictions.
- Repeal and reject parental consent as a condition for outpatient or voluntary commitment of a minor 14 years of age or older for the treatment of mental health problems or substance abuse.
- Establish procedures for review of a minor's voluntary or involuntary commitment; automatically apply the procedures if a minor objects to commitment.

Research Methodology and Limitations

To compile state and territorial statutes regarding the consent rights of minors for mental health or substance abuse treatment, our search used the following terms: Mental Health, Voluntary, Commitment, Minor, Child, Substance Abuse, Drug, Alcohol, Hospitalization. We also included statutes regarding the parental notification requirements and consent rights of minors for sexual health and pregnancy care. Search terms for these statutes included: Pregnant, Abortion, Consent, Notification, Minor, Sexual Abuse, Sexually-Transmitted Disease, and Venereal Disease. In our statute summaries, we omitted or changed some wording for focus and ease of reading. For example, in some cases we replaced the language "parent or guardian" with "guardian" and "child" or "juvenile" with "minor." A minor is considered to be any person younger than 18 years

of age who has not been legally adjudicated to be emancipated or emancipated as a matter of law for purposes of giving consent to health care treatment. Our summaries describe those statutes that indicate whether or not a minor may consent to treatment for mental health problems or substance abuse with or without their guardian's consent. If a jurisdiction did not have an explicit statute relating to the right of minors to consent to outpatient treatment or voluntary commitment of minors for mental health or substance treatment, we retrieved any general statutes relating to the ability of a person to consent to medical or health care treatment.

In nearly all jurisdictions there are provisions for the voluntary and involuntary commitment of people, and in most, provisions relating to substance abuse treatment. We did not however include such provisions unless the provision dealt specifically with a minor's voluntary or involuntary commitment or treatment for mental health disorders or alcohol or drug dependency. When applicable, we noted when a court found unconstitutional a state or territory's parental consent or notification statute for abortion.

6. We use the term "sexually-transmitted infection" except where referring to language specifically found in statutes, which may include "sexually-transmitted disease" or "venereal disease."

Overcoming Financial Barriers State Provisions

Alabama

Alabama's SCHIP program is referred to as the ALL Kids plan. In order to be eligible, the youth must (a) be under 19 years of age, (b) be a U.S. citizen or eligible immigrant, (c) be a resident of Alabama, (d) not be covered under any health insurance or Medicaid, (e) not be institutionalized or be eligible for dependent coverage under state or public school employees' insurance, and (f) meet certain income eligibility requirements. In addition, the state also sponsors the Alabama Child Caring Program. The Alabama Child Caring Program provides coverage for doctor visits and immunizations for youth who are above the income limits for ALL Kids up to a family income of 300% of the Federal Poverty Level (FPL). The applicant completes a single application for all programs and is enrolled in the program for which he or she is eligible. Alabama's Medicaid coverage is available to youth age 18 and under with a family income up to 100% of the FPL. ALL Kids participants are required to pay co-payments for services based on a schedule that depends on whether family income is above or below 150% of the Federal Poverty Level. There are no co-pays for preventive services like regular check-ups, immunizations, dental cleanings, and vision exams. A youth's ALL Kids enrollment lasts for 12 months.

Although there is nothing on the Alabama Department of Public Health (ADPH) website to the contrary, the informal policy of ADPH is that a parent or guardian must apply for a youth to receive coverage.

The application for all three programs may be completed online or is available at any County Health Department or other health and community agencies, including doctors' offices, hospitals, pharmacies, and schools. ALL Kids uses Blue Cross Blue Shield of Alabama (BCBSAL) to provide medical, mental health, and substance abuse services through their preferred provider network (PPO). One online application can be used to apply for ALL Kids, SOBRA Medicaid, Medicaid for Low Income Families (MLIF) and the Alabama Child Caring Program. The online application is located at https://insurealabama.adph.state.al.us/ or a paper application is available by calling 1-888-373-5437. The website for ALL Kids is located at http://www.adph.org/allkids/.

Alaska

Alaska's SCHIP program is referred to as Denali KidCare, which is issued 12 months at a time. It is operated as an extension of Alaska's Medicaid plan. Youth up to 18 years of age with a family income of less 175% of the Federal Poverty Guidelines (FPG) for Alaska are eligible for the plan. Those that are covered by Indian Health Service may also be eligible. While there is no cost, some youth that are 18 years of age may be required to share a limited amount of the cost for some services. In addition to Denali KidCare, Alaska maintains a program called Under 21 Medicaid which allows individuals who are 19 or 20 years of age and who meet an asset test to qualify for Medicaid even though their family income is over the adult Medicaid threshold. The Denali KidCare program is administered by the Division of Medical Assistance.

The program guidelines specifically state that a teen who is living independently of his or her parents may apply for coverage.

Applications are available online at http://www.hss.state.ak.us/Dhcs/denalikidcare/applicationsdenalikidcare/dkc_application_0808.pdf or by calling 907-269-6529 for the Anchorage area and 1-888-318-8890 for other areas of the state. The Denali KidCare website is located at http://hss.state.ak.us/dhcs/denalikidcare/default.htm.

Arizona

Arizona's SCHIP program is referred to as KidsCare. Currently, the KidsCare Office is unable to approve any new applications due to lack of funding for the program, but is still accepting applications. In addition to KidsCare, Arizona's Medicaid program, called the Arizona Health Care Cost Containment System (AHCCCS), covers youth 19 years of age with family incomes up to 100% of the FPL. KidsCare covers youth 18 years of age and under with a social security number (or applying for one) with a family income under 200% of the FPL and is not eligible to receive Medicaid coverage. The Department of Economic Security (DES) will first review the application to determine if a family may be eligible for AHCCCS Health Insurance. If a family's youth are not eligible for AHCCCS Health Insurance, but it appears they may be eligible for KidsCare, and the

family is willing to pay a premium, DES will send a family's information to the KidsCare Office to add them to the KidsCare waiting list. There is a monthly premium for KidsCare coverage which ranges from $10 to $25, depending on family income.

Unaccompanied youth may apply for KidsCare or AHCCCS coverage without a parent's signature.

Applications for KidsCare are available online at http://www.azahcccs.gov/applicants/categories/KidsCare.aspx or by calling 602 -417-5437 in Maricopa County and 1-877-764-5437 statewide. Telecommunications for the deaf call 602-417-4191. Applications for AHCCCS Health Insurance are available on the DES Application page. The site for the application in English is https://www.azdes.gov/CMS400Min/InternetFiles/InternetProgrammaticForms/doc/FA-001-FF.doc and in Spanish at https://www.azdes.gov/CMS400Min/InternetFiles/InternetProgrammaticForms/doc/FA-001-FFS.doc.

Arkansas

Arkansas' SCHIP program is referred to as ARKids First. There are two programs, ARKids First-A and ARKids First-B. ARKids-A is an extension of Arkansas' Medicaid program and is generally available to youth with family income up to 100% of the FPL who would otherwise be eligible for Medicaid. ARKids First-B covers youth under 19 years of age whose family income is up to 200% of the FPL. ARKids First-B, there is a small co-payment for prescription drugs and some medical care, but not for preventive care like well-child check-ups. Application for both the ARKids First-A and ARKids First-B can be made simultaneously. The only paperwork needed for submission along with the application is proof of the ages and proof of alien status for youth who are not U.S. citizens. There are no deductibles, premiums, or copayments for ARKids First-A for youth under 18; youth who are 18 will have nominal cost sharing at pharmacies, hospitals on the first Medicaid covered day of a hospitalization, and for prescription services for eyeglasses. For ARKids First-B coverage, there are no deductibles or premiums, but there may be a small copayment of usually $10.

According to the informal policy of the Division of Medical Services who administers the program, unaccompanied youth need a legal guardian or need to be an emancipated adult to apply for ARKids First.

To enroll in the ARKids First program, you must choose a primary care doctor, called a ConnectCare doctor. For a list of participating ConnectCare doctors, call 1-800-275-1131. Applications are available at https://access.arkansas.gov/Welcome.aspx and throughout the community at local health units, hospitals, churches, daycare centers, pharmacies, and public schools. The ARKids First website is located at http://www.arkidsfirst.com/apply.htm or you can call the hotline at 1-888-474-8275.

California

California's SCHIP program is called Healthy Families and is managed by the Managed Risk Medical Insurance Board. The program covers youth 18 years of age who (a) are residents of California, (b) meet the income requirements, and (c) are either U.S. citizens, U.S. non-citizen nationals, or eligible qualified immigrants. The Healthy Families program generally covers youth with family incomes ranging from the Medicaid threshold to up to 250% of the FPL. Youth under 18 years of age are also eligible for Medi-Cal, California's Medicaid program, and may apply jointly for both programs. Members pay a monthly premium of approximately $4- $24 per youth or no more than $72 per family. Members also pay a co-payment of approximately $5-$15 when visiting a doctor or getting other services; some services are free. There is no premium for Medi-Cal coverage.

Unaccompanied youth may apply for Healthy Families and Medi-Cal coverage individually if they otherwise meet the requirements.

A youth may apply for Healthy Families and Medi-Cal coverage online, by completing a paper application, or over the phone. A youth may also obtain help completing the application from an application specialist, a volunteer trained to assist in the application process. Call 1-888-747-1222 toll free to find a specialist in a particular area. Applications, in various languages, can be found at http://www.healthyfamilies.ca.gov./Downloads/Applications.aspx. Fill out the application and mail it in the envelope provided. A complete application includes copies of papers showing income along with other required papers. The Healthy Families website is available at http://www.healthyfamilies.ca.gov or by calling 1-800-880-5305, Monday to Friday, 8 a.m. to 8 p.m. or on Saturday, 8 a.m. to 5 p.m. Once enrolled, a member should call 1-866-848-9166 for additional questions.

Colorado

Colorado's SCHIP program is called Child Health Plan Plus (CHP+) and is administered by the Department of Health Care Policy and Financing. The program covers youth ages 18 and younger and pregnant women ages 19 and older who (a) are residents of Colorado, (b) are either U.S. citizens or permanent legal residents who have had an Alien Registration number for at least 5 years, such as refugee or asylum residents, and (c) meet the income guidelines. The CHP+ program generally covers youth with family incomes ranging from the Medicaid threshold to 250% of the FPL. The program is mostly free; however, depending on a family's size and income, a family may need to pay an annual enrollment fee. The fees are $0 for an adult pregnant woman to enroll in the CHP+ Prenatal Care Program, $25 to enroll one youth, and $35 to enroll 2 or more youth. Native Americans and Alaskan Natives do not have to pay a fee. A co-payment may also be required depending on income level. Co-payments may include $2 to $5 per visit for medical care and prescriptions, $3 to $15 per visit for emergency services, and $5 per visit for most dental services. There is an out of pocket maximum amount of spending per household of 5% of a household's annual income. There are no co-payments for preventative care, such as prenatal care and check-ups. Native Americans and Alaskan Natives do not have to pay copayments.

A youth may apply jointly for Medicaid and CHP+, but the application must be filled out by an adult parent or guardian.

The applicant must apply by completing a paper application, available at http://www.cchp.org/materials/CHPEnglishApplication.pdf, and return it to the local health department. Assistance in filling out the application is available at 1-800-359-1991 Monday through Friday, 8:00 AM to 6:00 PM. The CHP+ website is http://www.cchp.org/chpweb/mainPage.cfm.

Connecticut

Connecticut's SCHIP program is called Healthcare for Uninsured Kids and Youth (HUSKY) and is administered by the Connecticut Department of Social Services. The program covers youth 19 years of age and under from families of all income levels who are residents of Connecticut and are U.S. citizens or eligible immigrants. The HUSKY program consists of several programs. HUSKY A is the traditional Medicaid program and provides free care for youth and eligible parents, relative caregivers, and pregnant women beginning as soon as an application is approved. HUSKY B covers youth under 19 years of age only and begins when enrolled in one of the health care options. Free or subsidized Husky B is available to families within certain income limits. At higher income levels there is a monthly premium for HUSKY B coverage. A youth may apply jointly for HUSKY A and HUSKY B. The state also offers HUSKY Plus which provides additional services for youth with special physical health care needs. Mental health and substance abuse treatment services are available through the Connecticut Behavioral Health Partnership.

The application may be filled out by an unaccompanied youth if no parent or adult is able to fill out the application for the youth.

A person must apply by completing a paper application, located at http://www.huskyhealth.com/hh/lib/hh/pdf/huskyappenglish.pdf, and submitting it to a central processing address. To learn more, visit the HUSKY website at http://www.huskyhealth.com/hh/site/default.asp or call 1-877-CT-HUSKY (1-877-284-8759), Monday-Friday from 8:30 AM to 6:00 PM. The line for hearing challenged persons is 1-800-842-4524. Assistance for Spanish-speaking individuals is available by telephone.

Delaware

Delaware's SCHIP program is called the Delaware Healthy Children Program (DHCP) and is administered by the Delaware Department of Health and Social Services, Division of Social Sciences. DHCP covers youth residing in Delaware ages 19 and under who are U.S. citizens or legally residing non-citizens and who meet the income eligibility requirements. DHCP requires premium payments of $10, $15, or $25 per family, depending on income level. Delaware's Medicaid program is available to anyone over the age of 18; therefore DHCP is the only available coverage for a youth 18 and under.

The person filling out the application must be an adult over the age of 18 or an emancipated minor under the age of 18.

One form is available to apply to both DHCP and Medicaid, available at http://www.dhss.delaware.gov/dhss/dmma/files/chipapplenglish.pdf, or by calling 1-800-996-9969. A person may apply to DHCP or

Medicaid online or by filling out a paper application and mailing it to a central processing center. A youth may also apply for DHCP medical coverage using ASSIST, the State of Delaware's Application for Social Service Programs. Information is available at https://assist.dhss.delaware.gov/PGM/ASP/SC001.asp.

Florida

Florida's SCHIP program is called the Florida KidCare Program and is administered by both the Agency for Health Care Administration and the Florida Healthy Kids Corporation, a legislatively created non-profit corporation. The program consists of (1) KidCare Medicaid, a Medicaid expansion program which covers youth from birth to 18 years of age with family incomes up to 200% of the FPL, (2) Healthy Kids, a health insurance program covering youth from 5 to 18 years of age with family incomes up to 200% of the FPL, (3) Medikids, a program covering youth ages 1 to 4 with family incomes up to 200% of the FPL, and (4) the Children's Medical Services Network which covers youth from birth to 18 years of age with special health care needs. For each program, the youth must (a) be under 19 years of age, (b) not eligible for Medicaid, (c) be uninsured, (d)be a U.S. citizen or qualified non-citizen, (e) meet the income eligibility requirements, and (f) not be the dependent of a state employee who is eligible for health insurance. There is no charge for KidCare Medicaid; however for other KidCare programs, a monthly premium may be assessed depending on the size and income of the household. Typically the monthly cost is $15-$20 per family. Some services will require a co-payment or additional fees. A youth who is a member of a federally recognized American Indian or Alaskan Native tribe may qualify for no-cost Florida KidCare coverage.

According to local homelessness advocates, there is currently no statewide policy on whether an unaccompanied youth may apply for KidCare. However, in speaking with representative of Florida KidCare, the policy of the program is that emancipated minors or minors over the age of 18 may apply on their own behalf. Otherwise, a parent or guardian must apply on their behalf.

Application may be made online, at a local Department of Children and Families service center, or by completing and mailing a paper application. Applications are available at https://www.healthykids.org/apply/index.php?lang=ENG or by calling 1-888-540-5437. The Florida KidCare website is located at http://www.floridakidcare.org/. A youth over age 18 may apply for Florida's Medicare program by phone at 1-866-76ACCESS, online at http://www.myflorida.com/accessflorida/ or by completing a paper application.

Georgia

Georgia's SCHIP program is called PeachCare for Kids and is administered by the Georgia Department of Community Health (DCH). PeachCare for Kids covers youth through 18 years of age who are uninsured, do not qualify for Medicaid, and live in households with incomes at or below 235% of the FPL. In addition, Georgia recently opted in to the ACA's provisions giving qualified state employees access to affordable insurance for their youth through CHIP. To qualify a youth must be a U.S. citizen, a qualified legal resident, or a refugee of asylum who resides in Georgia. There is no cost for youth under 6 years of age. The monthly cost for coverage is $10-$35 for one youth with a maximum of $70 for two or more youth living in the same household. Premiums will be determined upon completion of the application. There are no co-payments or deductibles.

According to informal policy explained over the phone by a PeachCare for Kids representative, a youth must have an adult present to apply on their behalf for PeachCare for Kids. However, according to the DCH website, a teenager living on their own may apply for Medicaid without a parent or guardian present.

Application is made jointly for PeachCare for Kids and Medicaid. A person may apply online at http://www.peachcare.org/Guidelines.aspx, or by completing a paper application. A paper application may be obtained by calling 1-877-GA-PEACH (1-877-427-3224). There is a 6-month uninsured provision whereby the youth must be uninsured for 6 months prior to filing the application, with the exception of involuntarily loss of coverage (i.e., job loss, or employer dropping insurance for dependent youth). Under PeachCare there is also a "lock out" provision where youth are locked out of coverage for 30 days due to late or non-premium payments. The PeachCare for Kids website is located at http://www.peachcare.org/.

Hawaii

Hawaii's SCHIP program is an expansion of the QUEST

and QExA programs, which is administered by the Department of Human Services. The QUEST and QExA programs cover youth through 19 years of age who (a) live in Hawaii, (b) meet the income eligibility requirements, and (c) are U.S. citizens, U.S. nationals, lawful permanent residents, refugees, or citizens of the Marshall Islands, Federated States of Micronesia, or Palau. A youth is eligible for QExA only if he/she is certified by the state as blind or disabled; otherwise the youth participate in QUEST. The QUEST program is free to those whose family income is up to 300% of the FPL. Coverage for families with incomes up to 250% is provided free and there is a monthly premium for families with an income from 251% to 300% of the FPL.

Unaccompanied youth may apply on their own behalf for QUEST.

A person may apply for QUEST and QExA by completing one paper application which may be downloaded from the website located at http://www.coveringkids.com/library/. The QUEST website is located at http://www.coveringkids.com/.

Idaho

Idaho's SCHIP plan is called the Idaho Children's Health Insurance Plan and it is administered by the State Medicaid Agency. It covers youth under 19 years of age with family incomes of up to 185% of the FPL who are U.S. citizens or legal residents. Depending on the household income, a monthly premium for coverage may be assessed. In addition, Idaho offers the Access Card program, which assists members with paying their premiums, administered in partnership with insurance carriers. An eligible youth qualifies for up to $100 a month in premium assistance. The program also covers youth with family incomes up to 185% of the FPL.

Unaccompanied youth may apply for coverage independently.

A youth may apply for the program by completing a standard Medicaid paper application. Applications are available for download at http://healthandwelfare.idaho.gov/LinkClick.aspx?fileticket=lqIeO_7F11A%3d&tabid=123&mid=4137. The website for the Plan is located at http://healthandwelfare.idaho.gov/Medical/MedicaidCHIP/tabid/123/Default.aspx or one can contact the office at 1-800-926-2588 or at 205-332-7205 for the hearing impaired.

Illinois

Illinois' SCHIP program is called KidCare and is administered by the Illinois Department of Public Aid. KidCare covers any youth 18 years of age or younger who is a resident of Illinois and meets the income eligibility requirements. The monthly premium for coverage, as well as the amount of co-payments, increases in proportion to family income. Families with the lowest incomes participate for free or at significantly reduced monthly premiums. KidCare is administered in coordination with Illinois' Medicaid program; therefore youth who have KidCare or Medicaid are automatically enrolled in All Kids.

Youth living on their own may apply for All Kids on their own behalf and are considered a family size of one.

A youth may apply for KidCare online at https://secure.myhfs.illinois.gov/allkidsapplicant/index.jsp?lang=en or by paper application. A paper application may be obtained by calling 1-866-ALL-KIDS (1-866-255-5437). The KidCare website is located at http://www.allkidscovered.com/.

Indiana

Indiana's SCHIP program is part of a health insurance program for youth, pregnant women, and low income families entitled Hoosier Healthwise, which is administered by the Office of Medicaid Planning and Policy, Indiana Family and Social Services Administration. Hoosier Healthwise has five different plan package options with different levels of coverage, premiums, and copays.

An unaccompanied youth can apply for CHIP and sign the application without parental consent.

Application may be made at a local enrollment center. Enrollment centers include local hospitals, community health centers, and other locations. A list of enrollment centers is available by calling the Hoosier Healthwise Helpline at 1-800-889-9949. The Hoosier Healthwise website is located at http://member.indianamedicaid.com/programs--benefits/medicaid-programs/hoosier-healthwise.aspx.

Iowa

Iowa's SCHIP program is called Healthy and Well Kids in Iowa (Hawk-I) and is administered by the Department of Human Services. Hawk-I generally covers youth under 19 years of age who (a) are U.S. citizens, (b) do not qualify for Medicaid, (c) have no

health insurance, and (d) meet the family income eligibility requirements. While the cost is either free or low cost, the monthly premium is relative to the family's income. No family pays more than $40 regardless of the number of youth and there is no cost for Native American youth. As a family's income increases, there is a per-family premium of up to $20 per month.

An unaccompanied youth may apply independently for coverage.

Applications may be obtained online at http://www.hawk-i.org/en_US/docs/Comm156%20for%20web%20view.pdf or by requesting a paper application by calling 1-800-257-8563, Monday-Friday from 8:00 AM-7:00 PM. Applications for Hawk-I and Medicaid are processed jointly. The Hawk-I website is located at http://www.hawk-i.org/index.html.

Kansas

Kansas' SCHIP program is called HealthWave and is administered by the Kansas Health Policy Authority. The program covers youth under 19 years of age who are residents of Kansas and U.S. citizens or qualifying aliens. The income standards vary depending on the age of the youth. There are two levels of coverage: HealthWave 19 and HealthWave 21. If a youth doesn't qualify for HealthWave 19, which has lower income levels, they are then screened for HealthWave 21. The HealthWave 21 program is based on 241% of the Federal Poverty Level. For the HealthWave 21 program, youth must not already be covered by comprehensive and reasonably accessible health insurance. In addition, youth whose parents have access to the State group health insurance plan are also not eligible. A premium between $20 and $75 is required for families with income above 150% of the federal poverty level. Application to HealthWave and Medicaid is made jointly and applicants will be placed in the program for which they are eligible.

An unaccompanied minor may apply independently for coverage.

A paper application must be completed. An application may be obtained online or visiting a Social and Rehabilitative Services (SRS) access point. SRS locations are available at http://srskansas.org/locations.htm. The HealthWave website is located at http://www.kansashealthwave.org/.

Kentucky

Kentucky's SCHIP program is called the Kentucky Children's Health Insurance Program (KCHIP) and is administered by the Kentucky Department of Medicaid Services. KCHIP is a free or low-cost health insurance plan for youth under 19 years of age who do not have health insurance and whose family income is below 200% percent of the FPL. Some services require a co-payment. Application for Medicaid and KCHIP is made jointly and the youth is placed in the appropriate program.

According to a representative of KCHIP, youth must have a parent or guardian applying for them and may not apply on their own.

Applicants must submit a paper application. Application may be obtained at a local Department for Community Based Services Office or downloaded at http://kidshealth.ky.gov/NR/rdonlyres/4DCB7825-6877-46B5-9CA3-5BF40196D680/0/KCHIPApplication2009NewestVersionRev102309.pdf. The location of local offices may be obtained online or by calling 1-877-KCHIP-18 (1-877-524-4718). The KCHIP website is located at http://www.chfs.ky.gov/dms/KCHIP.htm.

Louisiana

Louisiana's SCHIP program is called LaCHIP and is administered by the State Department of Health and Hospitals. The program covers youth under 19 years of age who do not currently have health insurance and have a family income of less than 200% of FPL. There are no enrollment fees, premiums, co-payments, or deductibles for LaCHIP coverage.

Unaccompanied youth may apply for themselves for LaCHIP.

LaCHIP applications can be obtained by calling the LaCHIP Hotline at 1-877-2LaCHIP (1-877-252-2447), Monday-Friday from 7:00 AM-5:30 PM or at any Medicaid application center throughout the state. Applications are also available at WIC offices, school-based health clinics, community health centers, community action agencies, other locations throughout the state, or online at http://bhsfweb.dhh.louisiana.gov/LaChip/no-cost/apply.asp. Uninsured youth in a household with an income below 250% of the FPL are entitled to apply for the LaCHIP Affordable Plan. Eligible youth are 19 years of age and under. There is a $50 monthly premium per family and co-payments for medical visits, however

there is no deductible except for a $200 mental health deductible. Applications can be obtained online at www.lachip.org or by calling the LaCHIP hotline at 1-877-2LaCHIP (1-877-252-2447) or at any of the DHH Medicaid/LaCHIP Eligibility offices or Certified Medicaid/LaCHIP application centers throughout the state. LaCHIP Affordable Plan uses the same application as the regular LaCHIP. The LaCHIP website is located at www.lachip.org.

Maine

Maine's SCHIP program is called MaineCare and is administered by the Department of Health and Human Services. The program covers youth 18 years of age and under with family incomes of less than 200% of FPL. Families with income of between 150% and 200% of FPL pay monthly premiums between $8-$64 on an income-based sliding scale and may be required to pay a copayment for services. Youth ages 19 and 20 with income up to 150% of the FPL are also covered under a separate plan that has no cost to the youth.

Youth under 19 years of age and living on their own are permitted to apply for MaineCare.

An application may be requested by calling or visiting a Department of Health and Human Services local office or online at http://www.maine.gov/dhhs/OIAS/public-assistance/pdf/On-Line-CubCare-Application.pdf. If additional assistance is required call 1-877-KIDS NOW (1-877-543-7669) or 1-800-965-7476 for the hearing impaired. A list of local offices is available at http://www.maine.gov/dhhs/DHSaddresses.htm and additional information is available on the MainCare website, located at http://www.state.me.us/dhhs/OIAS/services/cubcare/CubCare.htm.

Maryland

Maryland's SCHIP program is referred to as the Maryland Children's Health Program (MCHP) and is administered by the Department of Health and Mental Hygiene. The program covers both (a) uninsured youth up to 19 years of age who are not eligible for Medicaid and whose family income is less than 200% of FPL and (b) uninsured pregnant women with family incomes of less than 250% of FPL. Maryland uses the same system to determine eligibility for MCHP and Medicaid.

The MCHP application must be signed by an authorized representative aged 21 or over for a youth not living with a parent. Although different regional offices have different eligibility requirements under Maryland's system, a representative of the Rockville, Maryland regional office explained that the application for both MCHP and Medicaid must be filled out by a parent. If the youth does not live with a parent, a legal representative over 21 years of age must fill out and sign the application instead.

An MCHP application may be obtained online at http://www.dhmh.state.md.us/mma/mchp/pdf/MCHP_Application_Form_08.pdf or at any local health department. A list of local health department offices is available at http://www.dhmh.state.md.us/mma/mchp/pdf/EnglishLHDDirectory2007.pdf. A completed application must be returned in person or mailed to the local health department. For additional information, call the hotline at 800-456-8900 or 800-735-2258 for the hearing impaired. The MCHP website is located at http://www.dhmh.state.md.us/mma/mchp/.

Massachusetts

Massachusetts' SCHIP program is called the MassHealth and is administered by the Division of Medical Assistance. MassHealth operates the Children's Medical Security Plan (CMSP). CMSP is for youth under 19 years of age who are Massachusetts residents at any income level who do not qualify for standard MassHealth and are uninsured. Under CMSP, families with income over 150% of the FPL are required to pay premiums on a sliding scale based on income. The application process is unified for all MassHealth programs.

Unaccompanied minors may apply for MassHealth coverage independently.

Applications may be obtained online or by calling 1-800-909-2677. The MassHealth website is located at http://www.mass.gov/?pageID=eohhs2agencylanding&L=4&sid=Eeohhs2&L0=Home&L1=Government&L2=Departments+and+Divisions&L3=MassHealth.

Michigan

Michigan's SCHIP program is called MIChild and is administered by the State Department of Community Health. Generally the program covers uninsured youth under 19 years of age with family incomes of up to 200% of the FPL and who are U.S. citizens or qualified residents. There is a premium of $10 per family per month for coverage.

Youth ages 18 and under who are living independently may apply for coverage alone.

Application may be made online or through a paper application by calling 1-888-988-6300. The MIChild website is located at http://www.michigan.gov/mdch/0,1607,7-132-2943_4845_4931---,00.html.

Minnesota

Minnesota's SCHIP program is operated as an extension of the state's Medicaid program. Minnesota uses a tiered eligibility structure for various programs depending on income level. MinnesotaCare provides the lowest level of services and is available to families with youth under 21 years of age within certain income eligibility limits. Depending on a family's income, a family may have to pay a monthly premium and copays on some services. However, copays are limited to 5% of a family's income for families at or below 100% of the FPL. Medical Assistance provides a more comprehensive level of care to youth up to 18 years of age for families within certain eligibility limits. Application for all programs is made on a single application.

Youth under age 18 may apply for their own coverage using the same application as an adult would use if they were applying on their behalf.

An application may be obtained from each county human services office, online, or by calling 1-800-657-3739 or 1-800-627-3529 for the hearing impaired. The Minnesota SCHIP website is located at http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelectionMethod=LatestReleased&dDocName=id_006247#.

Mississippi

Mississippi's SCHIP program is called the Children's Health Insurance Program (CHIP) and is administered by the Mississippi Division of Medicaid. The program covers youth from birth to 19 years of age with family incomes of up to 200% of the FPL. There are no premiums or deductibles, although there may be a copayment for some services for higher-income families on CHIP. The state's CHIP and Medicaid programs are administered jointly; therefore application is unified for both programs. Medicaid eligibility is continuous for 1 year for youth under 19 years of age. There are no premiums or deductibles, although there may be a small co-payment for some services for higher-income families on CHIP.

According to a representative of Mississippi's Division of Medicaid, applicants under the age of 18 must have a parent or adult applying on their behalf. Covered youth over 18 living on their own may apply for their own Medicaid coverage.

Application must be presented during an in-person interview at a Medicaid regional office, but may be downloaded ahead of time at http://www.msdh.state.ms.us/msdhsite/_static/resources/93.pdf. A list of regional offices may be found online or by calling 1-877-KIDS-NOW (1-877-543-7669). The CHIP website is located at http://www.msdh.state.ms.us/msdhsite/_static/41,0,96.html.

Missouri

Missouri's SCHIP program is called MO HealthNet for Kids and is administered by the Missouri State Medicaid Agency. The program covers youth from birth to 18 years of age who (a) live in Missouri and intend to remain there, (b) have a family gross income between 150% and 300% of FPL, (c) have been uninsured for 6 months, and (d) are U.S. citizens or qualified non-citizens. Premium amounts change every July based on family size and income, but no family pays more than 5% of their income for coverage.

According a representative from the Missouri State Medicaid Agency, youth living with their parents must have their parents apply for them; however, youth living on their own may apply for coverage on their own behalf.

Application for coverage may be completed online at http://www.dss.mo.gov/mhk/appl.htm or in paper form. The MO HealthNet for Kids website is located at http://www.dss.mo.gov/mhk/index.htm.

Montana

Montana's SCHIP program is called Healthy Montana Kids (HMK) and is administered by BlueCross BlueShield of Montana. The program covers youth up to 19 years of age with family income up to 250% of the FPL. Families with higher incomes must make copayments for some services. The maximum aggregate copayment is $215 per family per year.

Parents or guardians are expected to file for benefits on behalf of minors.

Application may be made online at https://mtchip.assistguide.net/ or completing a paper application and submitting it to a central processing center or by

calling 1-877-543-7669. The Montana CHIP website is located at http://chip.mt.gov/.

Nebraska

The Nebraska SCHIP program is called Kids Connection and is administered by the Nebraska Health and Human Services System. It covers youth 18 years of age and under who have family incomes of less than 185% of the FPL. Since Kids Connection is an expansion of the Nebraska Medicaid Program, the same services are offered. If a youth is already participating in the Medicaid Program and is 18 years of age or under, they are automatically in Kids Connection. There are no premiums or copayments for Kids Connection.

Minors can apply as their own household, though some information or documentation may be difficult to obtain.

Applications can be made by completing and submitting a paper application to a central processing center or local Department of Health and Human Services (DHHS) office. Applications are available online, by calling 1-402-471-8845, at DHHS local offices, or at certain medical providers or other health services organizations. The Kids Connection website is located at http://www.hhs.state.ne.us/med/kidsconx.htm.

Nevada

Nevada's SCHIP program is called Nevada Check Up and is administered by the Nevada Department of Human Resources. The program covers youth birth to 18 years of age who have family incomes of less than 200% of the FPL and are not covered by Medicaid. A quarterly premium is required on a sliding scale according to income level.

A minor can only apply if they are under the legal control of a legal guardian or parent. The legal guardian will need to apply on behalf of the youth and he/she needs to be living in the home.

To apply, a paper application must be completed and returned to a central processing center. An application may be obtained online or by calling 1-877-543-7669 or 1-775-684-3777. The Nevada Check Up website is located at http://www.nevadacheckup.state.nv.us/.

New Hampshire

New Hampshire's SCHIP program is called Healthy Kids and is administered by the New Hampshire Department of Health and Human Services. The program covers youth under 19 years of age who are (a) New Hampshire residents and (b) U.S. citizens, refugees, asylees, or a permanent resident who has been in the U.S. for at least five years. The program consists of two components: Healthy Kids Gold and Healthy Kids Silver. Eligibility for either program depends on family income. Youth with family incomes of up to 185% of the FPL are eligible for Healthy Kids Gold and youth with family income of up to 300% of the FPL are eligible for Healthy Kids Silver. Healthy Kids Gold has no premium requirement, Healthy Kids Silver requires a premium payment per youth per month, depending on income level. In addition, youth with family income from 300% to 400% of the FPL may buy into the program by paying a premium of $205 per month per youth. Teenagers over the age of 19 who are still enrolled full-time in high school may be also eligible for the Healthy Kids Buy-In program. Youth must be uninsured for three months in a row before they can join the program.

Minors can apply for themselves, but may have to provide information about their parents.

Applications may be obtained online at https://www.nhhealthykids.com/fmi1.php or by calling 1-877-464-2447. Assistance with the application is available by phone or at an application assistance site. The website for Healthy Kids is located at http://www.nhhealthykids.com/.

New Jersey

The SCHIP program for New Jersey is called NJ Family Care and is administered by the Division of Medical Assistance and Health Services within the New Jersey Department of Human Services. It covers youth 18 years of age and under who (a) have family incomes at or below 350% of the FPL, (b) have resided in the U.S. as legal permanent residents for at least 5 years, and (c) have been without insurance for three months prior. Exceptions to the three month rule include losing insurance because place of work went out of business or due to lay offs. While the majority of participants will not pay, some families will have a monthly premium based on family income.

Youth 18 and younger may apply for the program, as well as certain low-income parents/guardians.

A paper application may be obtained online or by calling 1-800-701-0710. Assistance in completing

the application is available by phone or at a local application assistance center. The NJ Family Care website is located at http://www.njfamilycare.org/.

New Mexico

The New Mexico SCHIP has two programs for youth needing health insurance. New MexiKids provides no cost or low cost health care coverage for youth from birth to 12 years of age with household incomes up to 235% of FPL. New MexiTeens provides no cost or low cost health care coverage for youth ages 13 to 19 with household incomes up to 235% of the FPL. A family whose household income is less than 185% of the FPL receives the services provided at no cost.; those with household incomes between 185% and 235% of the FPL may require copayment.

Minors can apply for themselves. However, there are some restrictions that may prevent them from getting coverage. For example, applicants must be able to provide ID and proof of citizenship, documents that unaccompanied minors may not have.

Applications may be made at most clinics, hospitals, primary care clinics, designated schools, community organizations, or at the local Income Support Division (ISD) office. Applications may downloaded http://www.insurenewmexico.state.nm.us/Docs/Medicaid.pdf or call 1-888-997-2583. Immigrants without permission to be in the U.S. do not need to provide immigration status information, social security numbers, or other similar proof of citizenship; they must, however, provide proof of income. The website for New Mexikids is located at http://www.insurenewmexico.state.nm.us/NewMexiKidsandTeens.htm.

New York

The New York SCHIP program is called Child Health Plus (CHPlus) and is administered by the New York Department of Health. The program covers youth up to 18 years of age with family incomes less than 400% of the FPL. Families making 160% or less of the FPL do not have a premium. Premiums range up to $60 per youth per month, with a maximum $180 per family per month, depending on income level. There are no copayments regardless of income. Families with income above 400% of the FPL are also able to purchase buy-in coverage by paying the full premium charged by the health plan provider. New York uses an integrated application process for CHPlus and Medicaid and only one application is needed for both programs.

Minors may apply for themselves.

The application may be obtained online, by calling 1-800-698-4KIDS (1-800-698-4543) or 1-877-898-5849 for the hearing impaired, by visiting a local department of social services office, or enrolling directly with a CHPlus insurance provider. The ChPlus website is located at http://www.health.state.ny.us/nysdoh/chplus/what_is_chp.htm.

North Carolina

North Carolina's SCHIP program is called NC Health Choice for Children and is administered by the North Carolina Department of Health and Human Services. The program covers youth 18 years of age and under who have family incomes less than 200% of the FPL. There is an enrollment fee of $50 or $100 for two or more youth with family incomes over 150% of the FPL and there are certain copayments for all participants. Applications for NC Health Choice for Children and Medicaid are processed jointly.

Youth living alone can receive coverage, but a parent or guardian is expected to file on their behalf.

Applications are available in many different locations, including county social services departments, local health departments, and online. A completed application may be submitted to the county social services department by mail or in-person delivery. Faxed applications and applications received over the internet are not acceptable. The website for NC Health Choice for Children is located at http://www.dhhs.state.nc.us/dma/cpcont.htm#howapply or call CARE-LINE at 1-800-662-7030 for information.

North Dakota

North Dakota's SCHIP Program is called Healthy Steps and is administered by the North Dakota Department of Human Services. The program covers youth 18 years of age and under with family incomes under 160% of the FPL. Single teens 18 years of age with eligible incomes may also apply for coverage. Co-payments of $5 per emergency room visit, $50 per hospitalization, and $2 per prescription are required. Native American youth do not have to pay copayments. Applications for Healthy Steps and Medicaid are processed jointly.

Single 18 year olds with eligible incomes may apply on their own for ND CHIP coverage

To apply, a paper application must be completed and returned to a central processing center. Applications are available online, by calling 1-877-KIDSNOW (1-877-543-7669), or at any county social service office. The website for Healthy Steps is located at http://www.nd.gov/dhs/services/medicalserv/chip/.

Ohio

The SCHIP program for Ohio is called Healthy Start and is administered by the Ohio Department of Job and Family Services. The program covers youth from birth to 19 years of age with family incomes under 200% of the FPL. There is no cost associated with the program; however some families may be required to make copayments between $1 and $3. The application for Health Start and Medicaid is processed jointly.

Unaccompanied minors may apply independently for coverage.

Applications are available online, at a county department of job and family services office, or by calling 1-800-324-8680. The website for Health Start is located at http://jfs.ohio.gov/OHP/consumers/familychild.stm.

Oklahoma

Oklahoma's SCHIP program is called SoonerCare and is administered by the Oklahoma Health Care Authority. The program covers youth 18 years of age and under with family income below 185% of the FPL.

An adult must sign the application form; however, minors can petition the state to collect child support from absent parents to cover health care costs.

Application must be made in person at the local Department of Human Services office. A listing of local offices may be found on the SoonerCare website at http://www.okdhs.org/programsandservices/health/med/ or contact 1-405-521-3646 for additional information.

Oregon

Oregon's SCHIP program is called Healthy Kids and is administered by the Oregon Division of Medical Assistance within the Department of Human Resources. The program covers youth 19 years of age and under with family incomes under 200% of the FPL and asset levels under $10,000. There are no premiums, copayments, or deductibles for participants. Youth must be without health care coverage for two months before applying to Healthy Kids, with exceptions for serious medical need and job loss.

Applications are considered on a case by case basis, so minors may be able to apply for and receive benefits on their own.

Applications are available online or by calling 1-877-314-5678. Applications for Oregon SCHIP and Medicaid are processed jointly. The website for Healthy Kids is located at http://www.oregonhealthykids.gov/index.html

Pennsylvania

Pennsylvania's SCHIP program is called Pennsylvania CHIP and is administered by the Pennsylvania Insurance Department. Youth must be a U.S. Citizen, U.S. National, or Qualified Alien. The program covers youth 19 years of age and under with family incomes under 300% of the FPL. The program is free to families with income under 200% of the FPL. There are monthly premiums and copayments based on a sliding scale according to income level for families with income between 200% and 300% of the FPL. Families making between 200-300% of the FPL must prove that youth have been uninsured for six months, with exception for job loss.

According to a Department of Health representative, a minor would have to be emancipated to receive CHIP coverage.

Applications may be obtained online or by calling 1-800-986-KIDS (1-800-986-5437). The website for Pennsylvania CHIP is located at http://www.chipcoverspakids.com/.

Rhode Island

Rhode Island's SCHIP program is called RIte Care and is administered by the Rhode Island Department of Human Services. The program covers youth up to 19 years of age with family incomes of less than 250% of the FPL and youth under 18 years of age with family incomes of less than 175% of the FPL. Families with less than 150% of the FPL do not pay a monthly premium. Families with incomes between 150% and 250% of the FPL pay a monthly premium of $61, $77, or $92 per month.

Minors are not able to apply on their own; a parent or guardian living with the youth must apply for them.

Applications and information are available

through the DHS Info Line at (401) 462-5300. Applications can also be found at http://www.dhs.ri.gov/FormsApplications/FormsApplications/RIteCareRIteCareApplication/tabid/916/Default.aspx and should be sent by mail to the local DHS office. A list of offices is available at the RIte Care website which is located at http://www.dhs.ri.gov/People/FamilieswithChildren/HealthCare/RIteCare/tabid/213/Default.aspx

South Carolina

The South Carolina SCHIP program has two options for uninsured youth who are U.S. Citizens or Nationals. First, Partners for Healthy Children program provides Medicaid coverage for youth who live in families with incomes at or below 200% of the FPL. The youth must be under 19 years of age and have resources at or below $30,000 per Budget Group. The second option is called the Healthy Connections Kids program, which provides health insurance coverage to uninsured youth in households with incomes above 150% but less than or equal to 200% of the FPL. The youth must be (a) under age 1, with income above 185% but less than or equal to 200% of the FPL, or (b) age 1 to 18, with incomes above 150% but less than or equal to 200% of the FPL, and (c) have resources at or below $30,000 per Budget Group. There are no premiums, deductibles, or copayments for the program.

Minors cannot apply for coverage on their own.

Applications for both may be found at http://www.scdhhs.gov/QandAResults.asp?formID=FM%20505&incomeID=phc, printed out, completed, and mailed or delivered in-person to the local office of the Department of Health and Human Services (DHHS). A list of DHHS offices is available online or with the application package. Call 1-888- 549-0820 for additional assistance. Applications are also available at the DHHS or locations such as the County Health Departments, federally qualified rural health centers, most hospitals, and the county Department of Social Services. Partners for Healthy Children and Medicaid applications are processed jointly. The Partners for Healthy Children website is located at http://www.dhhs.state.sc.us/dhhsnew/insidedhhs/bureaus/bureauofeligibilityprocessing/phc.asp.

South Dakota

South Dakota's SCHIP program is called South Dakota CHIP and is administered by the South Dakota Department of Social Services. The program covers youth under 19 years of age who have family incomes of less than 200% of the FPL.

Minors can apply for coverage on their own.

Applications may be obtained online at http://dss.sd.gov/formspubs/docs/MEDELGBLTY/DSS-EA-301MCHIP.pdf, by calling 1-800-305-3064 or by visiting a local Department of Social Services office. A completed paper application must be delivered to the applicant's local Department of Social Services Office. A list of such offices is available online at the South Dakota CHIP website, which is located at http://dss.sd.gov/medicalservices/chip/.

Tennessee

Tennessee's SCHIP program is called CoverKids and is administered by the Division of Insurance Administration, Tennessee Department of Finance and Administration. The program covers youth 18 years of age and under with family incomes below 250% of the FPL who have been uninsured for 3 months prior to application. There are no premiums for coverage and all participants pay copayments based on whether family income is above or below 150% of the FPL. Youth in families with household incomes greater than 250% FPL may buy into the CoverKids plan. Effective January 1, 2011, premiums are approximately $244 per month per youth.

A "responsible adult" must file an application on a minor's behalf.

Applications for CoverKids and Medicaid are processed jointly and the youth is placed in the appropriate program. Applications are available online at http://coverkids.com/, by calling 1-866-CoverTN (1-866-268-3786), or by visiting a local Community Service Agency or Human Resources Agency office. A list of such offices may be found on the CoverKids website at http://www.covertn.gov/web/cover_kids.html.

Texas

Texas' SCHIP program is called Texas CHIP and is administered by the Texas Health and Human Services Commission. The program covers youth under 19 years of age with family incomes of less than 200% of the FPL. There is an enrollment fee of $50 per family as well as copayments. Youth must be citizens or legal permanent residents. Youth who previously had health care coverage have a 90

day waiting period before enrolling in CHIP, with exceptions for job loss and divorce.

Anybody under the age of 19 can apply for CHIP coverage.

Applicants can fill out the application online (https://www.texkid.org/CISS/), by hand and mail it to a central processing center, or by phone by calling 1-877-543-7669. Assistance completing the application is available from various volunteer agencies. A list of such agencies is available online or by calling 1-877-543-7669. The Texas CHIP website is located at http://www.chipmedicaid.org/.

Utah

Utah's SCHIP program is called Utah CHIP and is administered by the Utah Department of Health. The program covers youth under 19 years of age with family incomes below 200% of the FPL. Most CHIP families are required to pay a premium up to $75 every quarter, but it will not be more than 5% of a family's income. Copayments are required on a sliding scale based on income.

It is unclear if minors can apply for coverage; the Department of Health representatives were divided on the issue but advised applying anyway.

Applications for Utah CHIP and Medicaid are integrated into one application. Application can be made online (http://utahhelps.utah.gov/) or by requesting a paper application by calling 1-877-KIDS-NOW (1-877-543-7669). The website for Utah CHIP is located at http://health.utah.gov/chip/.

Vermont

The Vermont SCHIP program is called Dr. Dynasaur and is administered by the Vermont Department for Children and Families, Economic Services Division. The program covers youth 18 years of age and under with family incomes under 300% of the FPL. There are no copayments; however, monthly premiums are based on household income and family size.

Minors can apply for coverage as their own household.

Application for all Vermont health insurance programs is done on a single application and the applicant is placed in the appropriate program. An application may be obtained online, at the local Department for Children and Families, Economic Services Division office, or by calling 1-800-250-8427 Monday-Friday from 7:45a.m.-4:30 p.m. The website for Dr. Dynasaur is located at http://www.greenmountaincare.org/vermont-health-insurance-plans/dr-dynasaur.

Virginia

Virginia's SCHIP program is called Family Access to Medical Insurance Security Plan (FAMIS) and is administered by the Virginia Department of Medical Assistance Services. The program covers youth under 19 years of age with family incomes of less than 200% of the FPL and who have been uninsured for four months prior to filing the application. There are no premiums for the program; however, there are copayments on a sliding scale from $2 to $5 depending on whether family income is at or above 150% of the FPL.

Minors must be living with a family to be eligible for medical coverage.

Applications can be completed online at https://www.famis.org/Application/English/Instructions.cfm?review=no&renew=no, over the phone by calling 1-866-87FAMIS (1-866-873-2647) or 1-888-221-1590 for the hearing impaired, or by completing and mailing a paper application. The FAMIS website is located at http://www.famis.org/.

Washington

Washington's SCHIP program is called Washington CHIP and is administered by the Washington State Department of Health and Social Services. The program covers youth 18 years of age and younger with family incomes of less than 200% of the FPL. Families above 200% of the FPL may be eligible for the same coverage for $20 a month per youth for families below 250% of FPL and $30 a month per youth for families below 300% of FPL. The premiums max out at two per family, so no family would pay more than $60 a month in premiums.

Minors can apply for coverage on their own if they are unaccompanied or living alone.

The application may be completed online at http://hrsa.dshs.wa.gov/applehealth/apply_now.shtml. A paper copy of the application may be obtained online or by calling 1-877-543-7669. The Washington CHIP website is located at http://hrsa.dshs.wa.gov/applehealth/index.shtml

West Virginia

West Virginia's SCHIP program is called WVCHIP and is administered by the West Virginia Children's Health Insurance Agency. The program covers youth 18 years of age and under with family incomes of less than 300% of the FPL. There are no premiums for coverage; however copayments are required on a sliding scale based on income levels below 150%, below 200%, and below 300% of the FPL.

If emancipated, teens can sign their own application for coverage.

Application for WVCHIP and Medicaid is integrated into a single process. The application may be completed online or by calling 1-877-WVA-CHIP. The completed application must be mailed to the applicant's local Department of Health and Human Resources office. Assistance with the application is available by phone at 1-877-WVA-CHIP (1-877-982-2447) or at the applicant's local Department of Health and Human Resources office.

The WVCHIP website is located at http://www.chip.wv.gov.

Wisconsin

Wisconsin's SCHIP program is called BadgerCare Plus and is administered by the Wisconsin Department of Health and Family Services. The program covers all youth in Wisconsin 19 years of age or under regardless of income level. BadgerCare Plus is divided into two plans: the Standard Plan and the Benchmark Plan. The Standard Plan covers youth with family incomes below 200% of the FPL and the Benchmark Plan covers youth with family incomes above 200% of the FPL. Copayments are larger under the Benchmark Plan and participants must pay premiums on a sliding scale based on income level.

Minors can apply on their own for medical coverage.

The application may be completed online at https://access.wisconsin.gov/ or by visiting a local partner agency. A list of partner agencies is available online or by calling 1-800-362-3002. The BadgerCare Plus website is located at http://www.badgercareplus.org/children.htm

Wyoming

The Wyoming SCHIP program is called Wyoming Kid Care and is administered by the Wyoming Department of Health. The program covers youth until 19 years of age with family incomes under 200% of the FPL. Copayments are required for all participants.

According to representatives of the Department of Health, "parents, grandparents, siblings, other family members, and foster parents may apply as long as the youth lives with [them] at least 50% of the time," but it does not appear that youth can apply on their own.

To apply, the applicant must complete a paper application and mail it to a central processing center. The application may be obtained online (https://healthlink.wyo.gov/), by phone by calling 1-877-543-7669, or at any one of the local application centers located throughout the state. The website for Wyoming Kid Care is http://health.wyo.gov/healthcarefin/chip/index.html.

American Samoa

American Samoa's CHIP and Medicaid programs set income eligibility at or below 200% of the FPL. In 2009, American Samoa's enrollment rate was 88% of its population.

Information on enrollment in the Medicaid program is scarce, as there is no formal website to submit applications or to see program eligibility requirements. We were therefore unable to determine if unaccompanied youth are able to apply independently for coverage.

Andy Puletasi is the Medicaid Program Director listed on staff at LBJ Tropical Medical Center, the only health care center in American Samoa. His email is apuletasi@lbj.peacesat.hawaii.edu and his phone number is 011-684-633-4590.

District of Columbia

The District of Columbia's SCHIP program is called DC Healthy Families and is administered by the District of Columbia Department of Health. The program covers youth 19 years of age and under living in the District of Columbia who do not have health insurance and meet the income eligibility requirements. The 2009 income requirement for youth enrollment is 300% of the FPL. The 2009 income requirement for entire family enrollment is 200% of the FPL.

Under the program guidelines, unaccompanied youth may apply for coverage independently if they meet the program requirements.

A person may apply for coverage by completing a paper application and mailing it to a central processing center. Paper applications are available by calling (888) 557-1176, visiting the Department of Motor Vehicles, the Department of Employment Services, the library, or at any CVS, Safeway, Rite Aid, or Giant store. An application assistance hotline is available to provide assistance in completing the application at 202-639-4030, or for hearing challenged persons at 202-639-4041. The DC Healthy Families website is located at http://dhcf.dc.gov/dhcf/cwp/view,A,1412,Q,609129,dhcfNav,|34820|.asp.

Guam

Guam's public medical coverage, known as the Medically Indigent Program, and Medicaid are both administered through the Department of Public Health and Social Services. The Medically Indigent Program covers individuals not eligible for the state Medicaid program. Note that under their Medicaid requirements, states must provide coverage for certain categories of individuals. As a territory, Guam is exempt from this requirement. Youth under 18 years of age in foster care are eligible for the Medically Indigent Program according to the Public Health and Social Services website. As of 2009, income eligibility for Guam's Medicaid was set at 100% of the FPL.

A minor may apply for the Medically Indigent Program so long as they submit an affidavit indicating that the minor is "living a life as an adult apart from the minor's parents," and is "self-sufficient." 10 G.C.A. § 2905.13.

The application for all public benefits is available at http://dphss.guam.gov/document/application-public-benefits-parts-1-2.

Northern Mariana Islands

As of 2009, Northern Mariana Islands provided Medicaid and SCHIP (as an expansion of Medicaid) coverage to those at or below 150% of the Supplemental Security Income federal benefit amount. The Northern Mariana Islands also provides a program known as the Medically Indigent Assistance Program which has few enrollees due to very high copays.

There is very little information available on how to apply for these programs in the Northern Mariana Islands and they operate on a waiver from the federal government and thus are exempt from the broad federal guidelines that the other insular territories are subject to. We were therefore unable to determine if unaccompanied youth could apply independently for coverage in Northern Mariana Islands.

Puerto Rico

In Puerto Rico, effective January 1, 1998, SCHIP was approved as a Medicaid expansion program for youth ages 18 and under whose family incomes are less than 200 percent of the Commonwealth's poverty level. The Puerto Rico Health Department (Health Department) administers SCHIP by contracting with health insurance organizations to provide services to qualified beneficiaries at negotiated capitation rates (premiums). States are required to cover defined categories of individuals under their Medicaid program, including youth, pregnant women, adults in families with youth, the elderly, and individuals with disabilities. Puerto Rico received 91.6% of Federal CHIP funds allocated for insular areas for 2009.

We were unable to determine if unaccompanied youth could apply independently for coverage in Puerto Rico.

Virgin Islands

Eligibility for CHIP and Medicaid is limited to those with incomes at or below locally established income limits ($5,500 in 2009). Approximately 6% of the U.S. Virgin Islands population was covered in 2009. States are required to cover defined categories of individuals under their Medicaid program, including youth, pregnant women, adults in families with youth, the elderly, and individuals with disabilities. The U.S. Virgin Islands received 2.6% of Federal CHIP funds allocated for insular areas.

We were unable to determine if unaccompanied youth could apply independently for coverage in the Virgin Islands.

Consent & Confidentiality Statutes

Alabama

A minor who (a) is 14 years of age or older, (b) has graduated from high school, (c) is married, (d) has been married and is divorced, or (e) is pregnant may consent to any legally authorized medical, dental, health, or mental health services for him/herself. The consent of no other person shall be necessary. Ala. Code § 22-8-4 (2011). A minor who is married, has been married and is divorced, or has had a child may give effective consent to any legally authorized medical, dental, health, or mental health services for his/her child. Ala. Code § 22-8-5 (2011). A minor 12 years of age or older who may have come into contact with a sexually transmitted disease may consent to medical care related to diagnosis or treatment of such disease. The consent shall be valid and binding as if the minor has achieved his/her majority. The consent shall not be voidable nor subject to later disaffirmance because of minority. The medical provider may, but shall not be obligated to, inform the parent, parents, or guardian of any such minor as to the treatment given or needed. Ala. Code § 22-11A-19 (2011). A minor may give consent for any legally authorized medical, health, or mental health services to determine the presence of, or to treat, pregnancy, venereal disease, drug dependency, alcohol toxicity, or any reportable disease. Ala. Code. § 22-8-6 (2011).

A parent or legal guardian's written consent is required in order to perform an abortion upon an unemancipated minor. If pregnancy was caused by sexual intercourse with the minor's natural father, adoptive father, stepfather, or legal guardian, then written notice to the minor's mother by certified mail shall be sufficient. A minor may petition the juvenile court (or court of equal standing) for a waiver of the consent requirement. Ala. Code § 26-21-3 (2011).

Alaska

Except as prohibited under § 18.16.010(a)(3), discussed below, a minor who is living apart from the minor's parents or legal guardian and is managing his/her own financial affairs may give consent for medical and dental services. A minor may give consent if the parent or legal guardian cannot be contacted or is unwilling to either grant or withhold consent. A minor who is the parent of a child may give consent to medical and dental services for the minor or the child. A minor may give consent for diagnosis, prevention or treatment of pregnancy, and for diagnosis and treatment of venereal disease. Alaska Stat. § 25.20.025 (2010).

Regarding mental health services, a minor under 18 years of age may be admitted for 30 days of evaluation, diagnosis, and treatment at a designated treatment facility if the minor's parent or guardian signs the admission papers and if, in the opinion of the professional person in charge, (a) the minor is gravely disabled or is suffering from mental illness and as a result is likely to cause serious harm to the minor or others, (b) there is no less restrictive alternative available for the minor's treatment, and (c) there is reason to believe that the minor's mental condition could be improved by the course of treatment or would deteriorate further if untreated. Alaska Stat. § 47.30.690. When a minor under 18 years of age is detained at, admitted to, or committed to a treatment facility, the facility shall inform the parent or guardian of the location of the minor as soon as possible after the arrival of the minor at the facility. Alaska Stat. § 47.30.693 (2010).

An abortion may not be performed on an unmarried, unemancipated woman under 17 years of age unless consent has been given as required under AS 18.16.020 or a court has authorized the minor to consent under AS 18.16.030 and the minor consents. Alaska Stat. § 18.16.010(a)(3) (2010). Under Alaska Stat. § 18.16.020, consent has been given if (a) one of the minor's parents, guardian, or custodian consented in writing, (b) a court issued an order under AS 18.16.030 authorizing the minor to consent and the minor gives such consent, or (c) a court by inaction under AS 18.16.030 constructively authorizes the minor to consent and the minor gives such consent.

Arizona

Except as provided in Title 36, Chapter 20, Article 1 (abortion), any emancipated minor, any minor who has contracted a lawful marriage, or any homeless minor may give consent to the furnishing of hospital, medical, and surgical care. Ariz. Rev. Stat. § 44-132 (2011). A minor who may have contracted a venereal disease may give consent to the furnishing of hospital or medical care related to the diagnosis or

treatment of such disease. Ariz. Rev. Stat. § 44-132.01 (2011). Any minor who is at least 12 years of age who is found, upon diagnosis of a licensed physician or a registered nurse practitioner, to be under the influence of a dangerous drug or narcotic, which includes withdrawal symptoms, may be considered an emergency case and the minor is considered as having consented to hospital or medical care needed for treatment for that condition. Ariz. Rev. Stat. § 44-133.01 (2011). When it is not possible to contact the parents or legal guardian within the short time span in which the examination should be conducted, a minor 12 years of age or older alleged to be the victim of a violation of section 13-1406 (sexual assault) may give consent to hospital, medical and surgical examination, diagnosis, and care in connection with such violation. Ariz. Rev. Stat. § 13-1413 (2011). Surgical procedures may not be performed upon a minor without written consent from a parent or legal guardian of the minor. However, this consent is not required in emergency situations when a physician determines that a surgical procedure is necessary or when a parent or legal guardian cannot be located or contacted after a reasonably diligent effort. Ariz. Rev. Stat. § 36-2271 (2011).

A person shall not knowingly perform an abortion on a pregnant unemancipated minor without written consent from one of the minor's parents, guardian, or conservator, unless a judge of the superior court authorizes the physician to perform the abortion. Ariz. Rev. Stat. § 36-2152 (2011). Parental consent or judicial authorization is not required if (a) the minor certifies that the pregnancy resulted from sexual conduct by the minor's parent, stepparent, uncle, grandparent, sibling, adoptive parent, legal guardian, foster parent, or by a person who lives in the same household with the minor and the minor's mother; or (b) the attending physician certifies in the pregnant minor's medical record that, on the basis of the physician's good faith clinical judgment, the pregnant minor has a condition that so complicates her medical condition as to necessitate the immediate abortion of her pregnancy to avert her death or for which a delay will create serious risk of substantial and irreversible impairment of major bodily function. Ariz. Rev. Stat. § 36-2152(G) (2011).

A minor may be admitted to a mental health agency (as defined in section 8-201) by the written application of the minor's parent, guardian, custodian, or a person designated by the court if the parent, guardian, or custodian is without monetary resources to file an application or could not be located after reasonable efforts and the minor is under the supervision of an adult probation department. Ariz. Rev. Stat. § 36-518 (2011). The statute sets forth five steps that must occur before admission: a psychiatric investigation, an interview, an explanation of contemplated treatment, an exploration of alternatives, and a determination of the type of treatment necessary. *Id*.

Arkansas

Among the persons authorized to consent to surgical or medical treatment/procedures are (a) any parent, whether an adult or a minor, for his or her child, (b) any married person (including minors), (c) any female, regardless of age or marital status, when given in connection with pregnancy or childbirth, except regarding abortion, (d) any emancipated minor, and (e) any unemancipated minor of sufficient intelligence to understand and appreciate the consequences of the proposed surgical or medical treatment or procedures. Ark. Code Ann. § 20-9-602 (2011). A minor who has or believes himself or herself to have a sexually transmitted disease may consent to medical or surgical care or services. Ark. Code Ann. § 20-16-508 (2011). The minor's spouse, parent, or guardian may be informed as to the treatment given or needed. *Id.*

Except as otherwise provided in §§ 20-16-804 and 20-16-805, no person may perform an abortion upon an unemancipated minor without written consent of either parent, legal guardian, or custodian. Ark. Code Ann.§ 20-16-801 (2011). The Code also sets forth the procedure for judicial relief from the consent requirement. Ark. Code Ann. § 20-16-804 (2011).

California

A minor may consent to medical or dental care if all of the following conditions are satisfied: (a) the minor is 15 years of age or older, (b) the minor is living separate and apart from his/her parents or guardian, and (c) the minor is managing his/her own financial affairs. Cal. Fam. Code § 6922 (2011). The physician, surgeon, or dentist may advise the parent or guardian of the treatment given or needed if the physician, surgeon, or dentist has reason to know, on the basis of the information given by the minor, the whereabouts of the parent or guardian. *Id.* A minor who is 12 years of age or older may consent to mental health treatment or counseling on an outpatient

basis, or to residential shelter services, if both of the following requirements are satisfied: the minor is mature enough to participate intelligently in the services, and the minor (a) would present a danger of serious physical or mental harm to self or to others without the mental health treatment or counseling or residential shelter services, or (b) is the alleged victim of incest or child abuse. Cal. Fam. Code § 6924(b) (2011). A professional person offering residential shelter services shall make best efforts to notify the parent or guardian, and the treatment or counseling shall include involvement of the parent or guardian unless inappropriate. *Id*. at (c). Convulsive therapy, psychosurgery, and psychotropic drugs require consent of the parent or guardian. *Id*. at (f).

A minor may consent to pregnancy-related medical care, not including sterilization or abortion, without the consent of a parent or guardian other than as provided in Section 123450 of the Health and Safety Code. Cal. Fam. Code § 6925 (2011). A minor age 12 or older who may have come into contact with a reportable infectious, contagious, or communicable disease, or with a related sexually transmitted disease, may consent to medical care related to the diagnosis or treatment of the disease. Cal. Fam. Code § 6926 (2011). A minor who is 12 years of age or older and who is alleged to have been raped may consent to medical care related to the diagnosis or treatment of the condition and the collection of medical evidence with regard to the alleged rape. Cal. Fam. Code § 6927 (2011). A minor who is alleged to have been sexually assaulted may consent to medical care related to the diagnosis and treatment of the condition, and the collection of medical evidence with regard to the alleged sexual assault. the minor's parent or guardian shall be contacted unless it is reasonably believed that the parent or guardian committed the sexual assault. Cal. Fam. Code § 6928 (2011). A minor age 12 or older may consent to medical care and counseling relating to the diagnosis and treatment of a drug- or alcohol-related problem, although replacement narcotic abuse treatment is not authorized without the consent of the parent or guardian. Cal. Fam. Code § 6929 (b) & (e) (2011). The treatment plan shall include the involvement of the parent or guardian if appropriate. *Id*. at (f).

Except in a medical emergency requiring immediate medical action, no abortion shall be performed upon an unemancipated minor unless she first has given her written consent to the abortion and also has obtained the written consent of one of her parents or legal guardian. Cal. Health and Safety Code § 123450(a). Section 123450(b) sets forth a procedure for petitioning the court in the event a parent or guardian refuses to consent or the minor elects not to seek such consent. The California Supreme Court held this provision unconstitutional in *American Academy of Pediatrics v. Lundgren*. 940 P.2d 797 (Cal. 1997).

Colorado

Except as otherwise provided in sections 18-1.3-407 (4.5), 18-6-101, 25-4-402, and 12-34-104, a minor 18 years of age or older, a minor 15 years of age or older who is living separate and apart from his or her parent or legal guardian and is managing the minor's own financial affairs, or any minor who has contracted a lawful marriage may give consent to organ or tissue donation or the furnishing of hospital, medical, dental, emergency health, and surgical care to himself or herself. Colo. Rev. Stat. § 13-22-103(1) (2010). A minor who is a parent may give consent for his or her child or ward. *Id*. at (3). A physician may examine, prescribe for, and treat a minor patient for addiction to or use of drugs without the consent of or notification to the parent, parents, or legal guardian. Colo. Rev. Stat. § 13-22-102 (2010). A pregnant minor may authorize prenatal, delivery, and post-delivery medical care for herself related to the intended live birth of a child. Colo. Rev. Stat. § 13-22-103.5 (2010). A physician, upon consultation by a minor as a patient who indicates that he or she was the victim of a sexual offense pursuant to part 4 of article 3 of title 18, C.R.S., with the consent of such minor patient, may perform customary and necessary examinations to obtain evidence of the sexual offense and may prescribe for and treat the patient for any immediate condition caused by the sexual offense. Prior to examination or treatment, the physician shall make a reasonable effort to notify the parent or guardian. Colo. Rev. Stat. § 13-22-106 (2010).

A physician, upon consultation by a minor as a patient and with the consent of such minor patient, may make a diagnostic examination for venereal disease and may prescribe for and treat such minor patient for venereal disease without the consent of or notification to the parent or guardian. Colo. Rev. Stat. § 25-4-402 (2010). A drug abuser, including a minor, may apply for voluntary treatment directly to an approved treatment facility. Colo. Rev. Stat. § 27-82-105. A minor who is 15 years of age or older may consent to receive mental health services. Colo. Rev. Stat. § 27-65-103. The professional person rendering

mental health services may advise the parent or legal guardian of the minor of the services given or needed. *Id.*

No abortion shall be performed upon an unemancipated minor until at least 48 hours after delivery of written notice to the parent at the dwelling house or usual place of abode of the parent. When the parent includes two persons to be notified and they do not reside together, notice shall be delivered to both parents unless the minor requests that only one parent be notified. Under paragraph (2) of the statute, notice may be provided to a relative other than the parent if the minor is residing with said relative. Colo. Rev. Stat. § 12-37.5-104 (2010). In 2000, Colorado's Parental Notification Act was held unconstitutional by a federal court in *Planned Parenthood of the Rocky Mountains Service Corp. v. Owens*, 107 F. Supp. 2d 1271 (D. Colo. 2000). In 2003, the state government passed a law setting forth a procedure for judicial bypass. *See* 2003 Colo. Legis. Serv. Ch. 355 § 1 (H.B. 03-1376); Colo. Rev. Stat. §12-37.5-107 (2010).

Connecticut

A minor who has been married or has borne a child may give effective consent to medical, dental, health, and hospital services for his or her child. Conn. Gen. Stat. § 19a-285 (2010). A minor may consent to examination and treatment related to venereal disease. Conn. Gen. Stat. § 19a-216 (2010). The fact of consultation, examination, and treatment of a minor under the provisions of this section shall be confidential and shall not be divulged by the facility or physician, including the sending of a bill for the services to any person other than the minor, except for purposes of reports under section 19a-215, and except that, if the minor is not more than 12 years of age, the facility or physician shall report the name, age, and address of that minor to the Commissioner of Children and Families or his designee who shall proceed thereon as in reports under section 17a-101g. *Id.* A minor may consent to treatment or rehabilitation for alcohol or drug dependence. Conn. Gen. Stat. § 17a-688(d) (2010). The fact that the minor sought such treatment or rehabilitation or that the minor is receiving such treatment or rehabilitation shall not be reported or disclosed to the parents or legal guardian of the minor without the minor's consent. *Id.* Outpatient mental health treatment may be rendered to minors without parental consent or notification, provided certain conditions are met. Conn. Gen. Stat. § 19a-14c (2010). The provider of such treatment shall document the reasons for any determination made to treat a minor without the consent or notification of a parent or guardian and shall include such documentation in the minor's clinical record, along with a written statement signed by the minor stating that he/she (a) is voluntarily seeking such treatment, (b) has discussed with the provider the possibility of involving his/her parent or guardian in the decision to pursue such treatment, (c) has determined it is not in his best interest to involve his/her parent or guardian in such decision, and (d) has been given adequate opportunity to ask the provider questions about the course of his treatment. *Id.* A child 14 years of age or over may be admitted for diagnosis or treatment of a mental disorder without parental consent if the child consents in writing, although the statute provides for notification of a parent or nearest relative within 5 days. Conn. Gen. Stat. § 17a-79 (2010). Abortion-related information and counseling for minors prior to the performance of an abortion is required. Conn. Gen. Stat. § 19a-601 (2010).

Delaware

Consent to a minor's medical treatment, hospitalization, and other reasonably necessary care in connection therewith may be given by (a) a parent/guardian, (b) a married minor (or the minor's spouse if the minor is unable), (c) a minor of 18 years or older, (d) a minor parent for his or her child, (e) a minor or any person professing to be a temporary custodian for the examination or treatment of (i) any laceration, fracture, or other traumatic injury suffered by such minor, or (ii) any symptom, disease or pathology which may, in the judgment of the attending personnel preparing such treatment, if untreated, reasonably be expected to threaten the health or life of such minor, provided that the consent shall be effective only after reasonable efforts shall have been made to obtain the consent of the parent or guardian of said minor, or (f) a relative caregiver acting pursuant to an Affidavit of Establishment of Power to Relative Caregivers to Consent to Medical Treatment of Minors. Del. Code Ann. Title 13 § 707. A minor 12 years of age or over who professes to be either pregnant or afflicted with contagious, infectious, or communicable diseases, or to be exposed to the chance of becoming pregnant, may give written consent, except to abortion, for diagnostic, preventive, lawful therapeutic procedures, medical

or surgical care and treatment, including X rays. Del. Code Ann. Title 13 § 710(b) (2010). The parent, guardian or spouse of the minor may be notified. *Id.* at (c); *see also* Title 16 § 710 (consent to examination and treatment of minor for sexually-transmitted disease shall be controlled by §§ 707 and 708 of Title 13). A person in need of treatment or anyone engaging in substance abuse may request voluntary treatment from a licensed treatment facility. If a minor is 14 years of age or over, then either the minor, a parent, legal custodian, relative caregiver, or legal guardian may give written consent to a treatment facility for voluntary treatment for nonresidential treatment. In the case of residential treatment, consent to treatment shall be given only by a parent, custodian, relative caregiver, or legal guardian. Del. Code Ann. Title 16 § 2210 (2010).

An abortion shall not be performed upon an unemancipated minor unless at least 24 hours actual notice has been given to one or both parents (either custodial or non-custodial), a grandparent, a licensed mental health professional, or to the legal guardian of the pregnant minor. Del. Code Ann. Title. 24 § 1783 (2010). Procedures for petitioning the Family Court for a waiver of the notification requirements are set forth in section Del. Code Ann. Title 24 §§ 1783(b) and 1784.

Florida

Maternal health and contraceptive information and services of a nonsurgical nature may be rendered to a minor who is married, is a parent, is pregnant, has the consent of a parent or legal guardian, or may in the physician's opinion suffer probable health hazards if such services are not provided. Fla. Stat. Ann. § 381.0051(5)(a) (2011). An unwed pregnant minor may consent to medical or surgical care or services relating to her pregnancy, and an unwed minor mother may consent to the performance of medical or surgical care or services for her child. Fla. Stat. Ann. § 743.065 (2011); *see also* § 743.01 (2011) (disability of nonage of married minors removed). Physicians, health care professionals and hospitals may examine and provide treatment for sexually transmissible diseases to any minor, and the consent of the parents or guardians is not a prerequisite. Consultation, examination, and treatment of a minor for a sexually transmitted diseases is confidential and shall not be divulged in any direct or indirect manner, such as sending a bill for services rendered to a parent or guardian. Fla. Stat. Ann. § 384.30 (2011). The disability of minority for persons under 18 years of age is removed solely for the purpose of obtaining voluntary substance abuse impairment services from a licensed service provider and consent to such services by a minor has the same force and effect as if executed by an individual who has reached the age of majority. Fla. Stat. Ann. § 397.601 (2011); *see also* § 397.501(e)(1) (2011) ("Since a minor acting alone has the legal capacity to voluntarily apply for and obtain substance abuse treatment, any written consent for disclosure may be given only by the minor."). A minor 13 years of age or older may consent to outpatient mental health diagnostic and evaluative services, or crisis intervention, although the statute provides for parental involvement/consent in certain circumstances. Fla. Stat. Ann. § 394.4784(1)–(2) (2011).

Actual notice must be given to a parent or legal guardian of a minor at least 48 hours before the inducement or performance of a termination of pregnancy. Fla. Stat. Ann. § 390.01114 (2011). Exceptions are set forth in section (3)(b) of the statute, and a procedure for judicial waiver is set forth in section (4). *Id.*

Georgia

Among the persons authorized to consent to any surgical or medical treatment or procedures are (a) any parent, whether an adult or a minor, for his or her minor child, (b) any married person, whether an adult or minor, for himself or herself or his or her spouse, and (c) any female, regardless of age or marital status, for herself when given in connection with pregnancy, or the prevention thereof, or childbirth. Ga. Code Ann. § 31-9-2 (2011). A minor who is or professes to be afflicted with a venereal disease may consent to related medical or surgical care or services. Ga. Code Ann. § 31-17-7(a) (2011). The physician may inform the minor's spouse, parent, custodian, or guardian. *Id.* at (b). A minor who is or professes to be suffering from drug abuse may consent to related medical or surgical care or services. Ga. Code Ann. § 37-7-8(b) (2011). The physician may, but shall not be obligated to, inform the minor's spouse, parent, custodian or guardian. *Id.* at (c).

Regarding mental illness, the chief medical officer of any facility may receive for observation and diagnosis any patient (a) 12 years of age or older making application therefore, (b) under 18 years of age for such application is made by his/her parent or guardian, and (c) any patient declared legally incompetent for whom such application is made by

his/her guardian. The parents or guardian of a minor must give written consent for treatment. Ga. Code Ann. § 37-3-20(a) (2011).

No physician or other person shall perform an abortion upon an unemancipated minor under 18 years of age unless (a) the minor is accompanied by a parent or guardian who shows proper identification and confirms that he or she is the lawful parent or guardian and has been notified that the abortion is to be performed, (b) 24 hours actual notice is provided to a parent or guardian in accordance with the statute, or (c) 24 hours written notice by certified mail is provided to a parent or guardian in accordance with the statute. The minor must sign a consent form stating that she consents freely and without coercion. Ga. Code Ann. § 15-11-112(a) (2011). Procedures for petitioning the juvenile court for a waiver of the notification requirements are set forth in § 15-11-112(b) and § 15-11-114.

Hawaii

A minor may consent to primary medical care and services if the physician reasonably believes that (a) the minor understands the significant benefits and risks of the proposed primary medical care and services and can communicate an informed consent, (b) the primary medical care and services are for the minor's benefit, and (c) the minor is a "minor without support", as defined in section 577D-1. Haw. Rev. Stat. § 577D-2 (2011); *see also* § 577D-1 (2011) (defining "minor without support" as a person who is at least 14 years of age but less than 18 years of age who is not under the care, supervision, or control of a parent, custodian, or legal guardian). A female minor who is or professes to be pregnant, a minor who is or professes to be afflicted with a venereal disease, or a minor seeking family planning services may consent to medical care and services. Haw. Rev. Stat. § 577A-2 (2011); *see also* § 577A-1 (2011) (defining "minor" as a person 14 to 17 years of age and defining "medical care and services" as not including surgery or abortion). Pursuant to § 577A-3, information regarding the care and services provided to the minor may be disclosed to the minor's spouse, parent, custodian, or guardian after consulting with the minor. A minor who is or professes to suffer from alcohol or drug abuse may consent to counseling services for alcohol or drug abuse. The spouse, parent, custodian, or guardian of any minor who requests, is referred for, or received counseling services relating to alcohol or drug abuse may be informed. Haw. Rev. Stat. § 577-26 (2011).

Idaho

Any person of ordinary intelligence and awareness sufficient for him or her generally to comprehend the need for, the nature of, and the significant risks ordinarily inherent in any contemplated hospital, medical, dental, or surgical care, treatment, or procedure is competent to consent thereto on his or her own behalf. Idaho Code Ann. § 39-4503 (2011). A minor 14 years of age or older who may have come into contact with any infectious, contagious, or communicable disease reportable by law may give consent to the furnishing of hospital, medical and surgical care related to the diagnosis or treatment of such disease. Idaho Code Ann. § 39-3801 (2011). A person may request treatment and rehabilitation for addiction or dependency to any drug, and if the person is 16 years of age or older the fact of seeking or receiving treatment shall not be reported to the parents or legal guardian without the minor's consent. Idaho Code Ann. § 37-3102 (2011). An alcoholic or an addict may apply for voluntary treatment directly to any approved public treatment facility. If the proposed patient is a minor or an incompetent person, he/she, a parent, legal guardian, or other legal representative shall make the application. Idaho Code Ann. § 39-307 (2011).

A person shall not perform an abortion upon an unemancipated minor unless the attending physician has secured the written consent of one of the minor's parents or the minor's guardian or conservator. Idaho Code Ann. § 18-609A (2011). Judicial bypass is addressed in sections (2)–(6) of the statute, and exceptions are addressed in section (7). *See id.*

Illinois

A minor who is (a) married (b) a parent, (c) pregnant, or (d) any person 18 years or older, may consent to the performance of a medical or surgical procedure. 410 Ill. Comp. Stat. 210/1 (2011). Any parent, including a parent who is a minor, may consent to the performance upon his or her child of a medical or surgical procedure. 410 Ill. Comp. Stat. 210/2 (2011). A minor 12 years of age or older who may have come into contact with any sexually transmitted disease, or may be determined to be an addict, an alcoholic, or an intoxicated person, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, or who may have a family member who abuses drugs or alcohol, may give consent to the furnishing of medical care or counseling related to the diagnosis or treatment of the disease. 410 Ill. Comp. Stat.

210/4 (2011). Section 210/5 addresses notification of parents or guardians: Guardians may be notified as to treatment for sexually transmitted diseases, but may not be notified as to substance abuse treatment without the minor's consent. 410 Ill. Comp. Stat. 210/5 (2011). Any minor 12 years of age or older may request and receive counseling services or psychotherapy on an outpatient basis, and the parent or guardian shall not be informed without the minor's consent unless the facility director believes such disclosure is necessary. 405 Ill. Comp. Stat. 5/3-501(a) (2011).

Any minor 16 years of age or older may be admitted to a mental health facility as a voluntary recipient under Article IV of this Chapter if the minor himself executes the application, and the parent or guardian shall be immediately informed of the admission. 405 Ill. Comp. Stat. 5/3-502 (2011). Where a minor is the victim of a predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated criminal sexual abuse, or criminal sexual abuse, consent of the minor's parent or legal guardian need not be obtained to authorize medical care or counseling related to the diagnosis or treatment of any disease or injury arising from such offense. 410 Ill. Comp. Stat. 210/3(b) (2011).

A person may not perform an abortion on a minor without the minor's consent, except in a medical emergency. 750 Ill. Comp. Stat. 70/30 (2011). Illinois's Parental Notice of Abortion Act of 1995 (750 Ill. Comp. Stat. 70/1) was enjoined in *Zbaraz v. Ryan*, No. 84 CV771 (N.D. Ill. 1996) (unpublished). However, the permanent injunction precluding enforcement of the Illinois Parental Notice of Abortion Act of 1995 was lifted after promulgation of Ill. Sup. Ct. R. 303A, which provided the necessary appeals procedures to implement the Act's judicial bypass provisions allowing minors to obtain abortions without parental consent because § 25(g) of the Act required the rule's passage in order to make the Act effective. *See Zbaraz v. Madigan, 572 F.3d 370 (7th Cir. 2009).*

Indiana

A minor may consent to health care if the minor is (a) emancipated, (b) at least 14 years of age, not dependent on a parent for support, living apart, and managing the minor's own affairs, (c) is or has been married, (d) in the military service of the U.S, or (e) is authorized to consent by another statute. Ind. Code § 16-36-1-3 (2011). An individual who has, suspects that the individual has, or has been exposed to a venereal disease is competent to give consent for medical or hospital care or treatment of the individual. *Id.* A minor who voluntarily seeks treatment for alcoholism, alcohol abuse, or drug abuse from the division or a facility approved by the division may receive treatment without notification or consent of parents or guardian. Ind. Code § 12-23-12-1 (2011); *see also* § 12-23-9-1 (2011) (allowing a minor to apply for alcohol treatment). Notification or consent of parents or guardians is at the discretion of the division or a facility approved by the division. Ind. Code § 12-23-12-2 (2011).

No physician shall perform an abortion on an unemancipated pregnant woman less than 18 years of age without first having obtained the written consent of one of the parents or the legal guardian. Ind. Code § 16-34-2-4 (2011). Petitions to the juvenile court for waiver are addressed in sections (b)-(h) of the statute.

Iowa

A minor may consent to treatment and rehabilitation for substance abuse, and the fact that the minor sought treatment or rehabilitation or is receiving treatment or rehabilitation services shall not be reported or disclosed to the parents or legal guardian of such minor without the minor's consent. Iowa Code § 125.33(1) (2010). A minor may consent to medical care and service of a sexually transmitted disease or infection. Iowa Code § 139A.35 (2010). A person may apply for voluntary treatment, contraceptive services, or screening or treatment for HIV infection and other sexually transmitted diseases, and a minor shall be informed prior to testing that, upon confirmation according to prevailing medical technology of a positive HIV-related test result, the minor's legal guardian is required to be informed by the testing facility. Iowa Code § 141A.7(3) (2010).

An abortion shall not be performed on a pregnant minor until 48 hours' prior notification is provided to a parent. Iowa Code § 135L.3 (2010). If the pregnant minor objects to the notification of a parent prior to the performance of an abortion on the pregnant minor, the pregnant minor may petition the court to authorize waiver of the notification requirement (procedures further outlined in statute). *Id.* Section 135L.3(3)(m) sets forth exceptions to parental notification requirements. *Id.*

Kansas

A minor 16 years of age or over, where no parent or guardian is immediately available, may consent to hospital, medical or surgical treatment or procedures. Kan. Stat. Ann. § 38-123b (2010). Any parent, including a parent who is a minor, whether married or unmarried, may consent to the performance upon his or her child of a medical, surgical, or post mortem procedure. Kan. Stat. Ann. § 38-122 (2010). An unmarried pregnant minor, where no parent or guardian is available, may consent to hospital, medical, and surgical care related to her pregnancy. Kan. Stat. Ann. § 38-123 (2010). A person under 18 years of age may consent to diagnostic examination and treatment for venereal disease, and the physician may inform the spouse, parent, custodian, guardian, or fiancé of such person as to the treatment given or needed. Kan. Stat. Ann. § 65-2892 (2010). A minor may consent to examination and treatment for drug abuse, misuse, or addiction. Kan. Stat. Ann. § 65-2892a (2010). Admission of a mentally ill person to a treatment facility may be made upon written application of a person less than 18 years of age, but 14 years of age or older, without consent of a parent or legal guardian, but the parent or legal guardian shall be notified. Kan. Stat. Ann. § 59-2949 (2010). A minor may consent to examination related to sexual assault, and written notice shall be given to the parent or guardian that such an examination has taken place. Kan. Stat. Ann. § 65-448(a) (2010).

Before a person performs an abortion upon an unemancipated minor, actual notice must be given to one of the minor's parents or the minor's legal guardian unless, after receiving counseling as provided by subsection (a) of K.S.A. 65-6704, the minor objects to such notice being given. If the minor so objects, the minor may petition the district court for a waiver. Kan. Stat. Ann. § 65-6705(a) (2010). Exceptions to the notice requirement are set forth in section 6705(j).

Kentucky

A minor may consent to examination and treatment related to venereal disease, alcohol and other drug abuse or addiction, contraception, pregnancy, or childbirth, all without the consent of or notification to the parent, parents, or guardian. Ky. Rev. Stat. Ann. § 214.185(1) (2011). Treatment under this section does not include inducing of an abortion or performance of a sterilization operation. *Id.* A minor who has contracted a lawful marriage or borne a child may give consent to the furnishing of hospital, medical, dental, or surgical care to his or her child or himself or herself. Ky. Rev. Stat. Ann. § 214.185(3) (2011). Any physician may provide outpatient mental health counseling to any child 16 years of age or older upon request of such child without the consent of a parent, parents, or guardian of such child. Ky. Rev. Stat. Ann. § 214.185(2) (2011). Under section 214.185(6), a minor's parent or guardian may be informed of treatment given or needed where, in the judgment of the professional, it would benefit the minor's health. A minor who suffers from an alcohol and other drug abuse problem or emotional disturbance from the effects of a family member or legal guardian's alcohol and other drug abuse problem may consent to related medical care or counseling. Ky. Rev. Stat. Ann. § 222.441 (2011). A minor may consent to examination related to sexual assault. Ky. Rev. Stat. Ann. § 216B.400(7) (2011).

> No person shall perform an abortion upon a minor without (a) the informed written consent of the minor and one parent/legal guardian, (b) the informed written consent of an emancipated minor, or (c) the informed written consent of the minor and a court order granting consent to the abortion. Ky. Rev. Stat. Ann. § 311.732(2) (2011). Procedures for petitioning the court are outlined in section (3) of the statute. *Id.*

Louisiana

Consent to medical or surgical care or services, when executed by a minor who is or believes him/herself to be afflicted with an illness or disease, shall be valid and binding. La. Rev. Stat. Ann. § 40:1095(A)(1) (2011). A minor may consent to medical care or the administration of medication for the purpose of alleviating or reducing pain, discomfort, or distress of and during labor and childbirth. La. Rev. Stat. Ann. § 40:1095(A)(2) (2011). Under § 40:1095(C), a physician or medical staff may inform the minor's spouse, parent, or guardian of the treatment given or needed. Any parent, whether adult or minor, may consent to surgical or medical treatment for his child. La. Rev. Stat. Ann. § 40:1299.53 (2011). Consent to the provision of medical or surgical care or services, when executed by a minor who is or believes him/herself to be addicted to a narcotic or other drug, shall be valid and binding, and a physician or medical staff may, but are not obligated to, inform the minor's spouse, parent, or guardian as to the treatment given or

needed. La. Rev. Stat. Ann. § 40:1096 (2011). Consent to the provision of medical or surgical care or services, when executed by a minor who is or believes him/herself to be afflicted with a venereal disease, shall be valid and binding, and the minor's spouse, parent, or guardian may be informed as to the treatment given or needed. La. Rev. Stat. Ann. § 40:1065.1 (2011). A school or facility may provide preventive counseling or treatment to a child without parental consent if the child requests such counseling treatment, withholds permission to contact a parent, a qualified professional determines that seeking parental consent would be harmful and not helpful, and the child provides written consent and a statement of the reason for seeking treatment. La. Rev. Stat. Ann. § 40:1098.3 (2011).

No physician shall perform or induce an abortion upon any unemancipated pregnant woman under 18 years of age unless the physician has received one of the following documents: (a) a notarized statement signed by the mother, father, legal guardian, or tutor of the minor declaring that the affiant has been informed that the minor intends to seek an abortion and that the affiant consents to the abortion, or (b) a court order as provided in Subsection B of this Section. La. Rev. Stat. Ann. § 40:1299.35.5(A) (2011).

Maine

A minor may consent to medical, mental, dental and other health counseling and services if the minor (a) has lived separately from parents or legal guardians for at least 60 days and is independent of parental support, (b) is or was legally married, (c) is or was a member of the Armed Forces of the U.S., or (d) has been emancipated by a court. Me. Rev. Stat. Ann. tit. 22, § 1503 (2011). In addition to the ability to consent to treatment for health services as provided in Title 22, sections 1823 (drug or alcohol abuse or veneral disease) and 1908 (family planning) and Title 32, sections 2595 (drug or alcohol abuse or venereal disease), 3292 (sexual assault, drug or alcohol abuse, and venereal disease), 3817 (drug abuse), 6221 (drug or alcohol abuse) and 7004 (drug abuse), a minor may consent to treatment for abuse of alcohol or drugs or for emotional or psychological problems. Me. Rev. Stat. Ann. tit. 22, § 1502 (2011). Persons licensed to provide counseling, social work, and psychological services who provide such services to minors for problems associated with the abuse of drugs or alcohol are under no obligation to obtain the consent of, or to inform, the parent or guardian, but nothing in these sections prohibits informing the parent or guardian. *See* Me. Rev. Stat. Ann. tit. 32, §§ 6221 (2011) (allowing counselors to inform guardians); 7004 (allowing social workers to inform guardians); 3817 (allowing psychologists to inform guardians).

Family planning services may be furnished to any minor who is a parent or married, has the consent of his or her legal guardian, or who may suffer in the professional judgment of a physician probable health hazards if such services are not provided. Me. Rev. Stat. Ann. tit. 22, § 1908 (2011). An individual licensed under this chapter who renders medical care to a minor for treatment of venereal disease or abuse of drugs or alcohol or for the collection of sexual assault evidence through a sexual assault forensic examination is under no obligation to obtain the consent of, or to inform, the minor's parent or guardian. Me. Rev. Stat. Ann. tit. 32, §§ 2595, 3292 (2011). A minor may consent to health services associated with a sexual assault forensic examination to collect evidence after an alleged sexual assault. Me. Rev. Stat. Ann. tit. 22, § 1507 (2011).

No person may perform an abortion on a minor unless (a) informed written consent of the minor and one parent, guardian, or adult family member is received, (b) the informed written consent of the minor has been received as prescribed in subsection 3 and the minor is mentally and physically competent to give consent, (c) the minor has received the information and counseling required under subsection 4, has provided written verification of same, and provided informed written consent, or (d) the probate court or district court issues an appropriate order. Me. Rev. Stat. Ann. tit. 22, § 1597-A(2) (2011). Procedures for petitioning the court are set forth in section (6). *Id.* at (6).

Maryland

A minor has the same capacity as an adult to consent to medical treatment if the minor is married, the parent of a child, or in an emergency situation if the minor's life or health would be adversely affected by delaying treatment. Md. Code Ann., Health-General § 20-102(a)-(b) (2011). A minor has the same capacity as an adult to consent to treatment for or advice about drug abuse, alcoholism, venereal disease, pregnancy, sexual assault, or contraception other than sterilization. *Id.* at (c). A minor has the same capacity as an adult to consent to psychological treatment as specified under subsection (c)(1) and (2) of this

section if, in the judgment of the attending physician or a psychologist, the life or health of the minor would be affected adversely by delaying treatment to obtain the consent of another individual. *Id.* at (d). The minor's parent (or parent's spouse), guardian or custodian may be informed of the treatment needed or provided, except information about an abortion. *Id.* at (f).

A minor who is 16 years of age or older has the same capacity as an adult to consent to consultation, diagnosis, and treatment of a mental or emotional disorder. Md. Code Ann., Health-General § 20-104(a) (2011). The minor's parent (or parent's spouse), guardian, or custodian may be informed of the treatment needed or provided. *Id.* at (b). A minor has the same capacity as an adult to consent to physical examination and treatment of injuries from an alleged rape or sexual offense; or to obtain evidence of same. Md. Code Ann., Health-General § 20-102(c) (2011).

A physician may not perform an abortion on an unmarried minor unless the physician first gives notice to a parent or guardian of the minor. The physician may perform the abortion without such notice if (a) the minor does not live with a parent or guardian and a reasonable effort to give notice to a parent or guardian is unsuccessful, (b) in the professional judgment of the physician, notice to the parent or guardian may lead to abuse, (c) the minor is mature and capable of giving informed consent, or (d) notification would not be in the best interest of the minor. Md. Code Ann., Health-General § 20-103 (2011).

Massachusetts

A minor may consent to medical or dental care if he/she (i) is married, widowed, divorced, (ii) is the parent of a child, in which case he/she may also give consent to medical or dental care of the child, (iii) is a member of any of the armed forces, (iv) is pregnant or believes herself to be pregnant, (v) is living separate and apart from his/her parent or legal guardian and is managing his/her own financial affairs, or (vi) reasonably believes him/herself to be suffering from or to have come in contact with any disease defined as dangerous to the public health, provided the care relates to the disease. Consent shall not be granted under subparagraphs (ii) through (vi) for abortion or sterilization. Mass. Gen. Laws ch. 112, § 12F (2011). The physician or dentist shall notify the parents, legal guardian, or foster parents if the minor's condition is so serious that his/her life or limb is endangered. *Id.* A minor 12 years of age or older who is found to be drug dependent by two or more physicians may consent to hospital and medical care related to diagnosis or treatment of same. Mass. Gen. Laws ch. 112, § 12E (2011). Application for admission to a mental health facility may be made by a person who has attained 16 years of age. Mass. Gen. Laws ch. 123, § 10(a) (2011).

If a pregnant woman is less than 18 years of age and has not married, a physician shall not perform an abortion upon her unless he/she first obtains both the consent of the pregnant woman and that of her parents. Mass. Gen. Laws ch. 112, § 12S (2011). If one of the pregnant woman's parents has died or is unavailable to the physician within a reasonable time and in a reasonable manner, consent of the remaining parent shall be sufficient. *Id.* If both parents have died or are otherwise unavailable to the physician within a reasonable time and in a reasonable manner, consent of the pregnant woman's guardian or guardians shall be sufficient. *Id.* If the pregnant woman's parents are divorced, consent of the parent having custody shall be sufficient. *Id.* If a pregnant woman less than 18 years of age has not married and if one or both of her parents or guardians refuse to consent to the performance of an abortion, or if she elects not to seek the consent of one or both of her parents or guardians, a court may authorize the abortion as set forth in the statute. *Id.*

Michigan

A minor who is or professes to be infected with a venereal disease or HIV may consent to medical or surgical care, treatment, or services, and the spouse, parent, or guardian may be informed as to the treatment given or needed. Mich. Comp. Laws Ann. § 333.5127 (2011). A minor who is or professes to be a substance abuser may consent to substance abuse-related medical or surgical care, treatment, or services, and the spouse, parent, or guardian may be informed as to the treatment given or needed. Mich. Comp. Laws Ann. § 333.6121 (2011). A minor may consent to prenatal and pregnancy-related health care, or health care for a child of the minor, and the minor's spouse, parent, guardian, or the putative father of the child may be notified, and the minor shall be informed of that possibility prior to treatment. Mich. Comp. Laws Ann. § 333.9132 (2011). A minor 14 years of age or older may request and

receive outpatient mental health services without the consent or knowledge of the minor's parent or guardian. Mich. Comp. Laws Ann. § 330.1707 (2011). The parent or guardian shall not be informed unless there is a compelling need for disclosure based on a substantial probability of harm to the minor or another individual. *Id.* A minor 14 years of age or older may be hospitalized pursuant to the mental health code if the minor requests hospitalization and is found to be suitable for hospitalization. Mich. Comp. Laws Ann. § 330.1498d(4) (2011). If a minor is admitted to a hospital, the minor's parent or guardian shall be notified immediately. Mich. Comp. Laws Ann. § 330.1498i (2011).

A person shall not perform an abortion on a minor without first obtaining the written consent of the minor and one of the parents or the legal guardian of the minor. The minor may petition the probate court pursuant to section 722.904 for a waiver. Mich. Comp. Laws Ann. § 722.903 (2011).

Minnesota

A minor who is living separate and apart from parents or legal guardian and who is managing personal financial affairs may give effective consent to personal medical, dental, mental, and other health services. Minn. Stat. Ann. § 144.341 (2010). Any minor who has been married or has borne a child may give effective consent to personal medical, mental, dental, and other health services, or to services for the minor's child. Minn. Stat. Ann. § 144.342 (2010). A minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat pregnancy and conditions associated therewith, venereal disease, alcohol, and other drug abuse. Minn. Stat. Ann. § 144.343(1) (2010). A minor's parent or legal guardian may be informed of any treatment given or needed where failure to do so would seriously jeopardize the minor's health. Minn. Stat. Ann. § 144.346 (2010). Under the Minnesota Commitment and Treatment Act, a minor 16 years of age or older may consent to hospitalization, routine diagnostic evaluation, and emergency or short-term acute care, and may request to be admitted to a treatment facility as a voluntary patient for observation, evaluation, diagnosis, care, and treatment without making formal written application. Minn. Stat. Ann. §§ 253B.03, 253B.04 (2010).

No abortion shall be performed upon an unemancipated minor until at least 48 hours after written notice has been delivered to the parent ("parent" means both parents if both are living, or one parent if only one is living or the second one cannot be located through reasonably diligent effort). Minn. Stat. Ann. § 144.343 (2010). Subdivisions 4 and 6 set forth exceptions and a judicial bypass procedure. *Id.*

Mississippi

Any female, regardless of age or marital status, is empowered to give consent to surgical or medical treatment or procedures for herself in connection with pregnancy or childbirth, except for abortion. Miss. Code Ann. § 41-41-3(3) (2010). Any physician or nurse practitioner who renders medical care to a minor for treatment of a venereal disease is under no obligation to obtain the consent of a parent or guardian, as applicable, or to inform such parent or guardian of such treatment. Miss. Code Ann. § 41-41-13 (2010). Any physician or psychologist who consults with or prescribes medication for a minor at least 15 years of age for mental or emotional problems caused by or related to alcohol or drugs is under no obligation to obtain the consent of the spouse, parent, or guardian of said minor, but the physician or psychologist may inform the spouse, parent, or guardian. Miss. Code Ann. § 41-41-14 (2010). A mentally ill person who is 14 years of age or older but less than 18 years of age may be admitted to a treatment facility in the same manner as an adult may be involuntarily committed. Miss. Code Ann. § 41-21-103(5) (2010).

No person shall perform an abortion upon an unemancipated minor without written consent of both parents or the legal guardian of the minor. Miss. Code Ann. § 41-41-53(1) (2010). Sections (2) and (3) set forth exceptions and provide for judicial waiver.

Missouri

Among the persons authorized to consent to surgical, medical or other treatment or procedures are: any minor who has been lawfully married; any minor parent or legal custodian of a child for himself, his child and any child in his legal custody; and any minor for himself in case of pregnancy (excluding abortion), venereal disease, and drug or substance abuse. Mo. Rev. Stat. § 431.061(1) (2010). When a minor receives care under subdivision (4) (pregnancy, venereal disease or drug/substance abuse), the parents may be notified. Mo. Rev. Stat. § 431.062 (2010). Any minor who has been lawfully married and any minor parent

or legal custodian of a child shall be considered an adult for the purpose of entering into a contract for surgical, medical, or other treatment or procedures for himself, his spouse, his child and any child in his legal custody. Mo. Rev. Stat. § 431.065 (2010). Mental health facilities may accept for evaluation, on an outpatient basis if practicable, any minor for whom an application for voluntary admission is made by his parent or custodian. Mo. Rev. Stat. § 632.110 (2010). A minor may contract for medical care and/or receipt of services as a victim of domestic and sexual violence if: the minor is 16 or 17 years of age; and the minor is homeless, or a victim of domestic violence unless under the supervision of the juvenile court; and the minor is self-supporting; and the parent or guardian has expressly or impliedly consented to the minor living independently. Mo. Rev. Stat. § 431.056 (2010).

No person shall knowingly perform an abortion upon an unemancipated pregnant woman under 18 years of age without the informed written consent of the minor and one parent or guardian, unless an appropriate court order has been entered. Mo. Rev. Stat. § 188.028(1) (2010). Procedure for judicial bypass is set forth in section (2) of the statute. *Id.*

Montana

Consent to provision of health services may be given by a minor (a) who professes or is found to have been married, had a child, or graduated from high school, (b) who professes or is found to be separated from the minor's parent/parents or legal guardian and is self-supporting, (c) who professes or is found to be pregnant or afflicted with any reportable communicable disease, including a sexually transmitted disease, or drug and substance abuse, including alcohol (consent applies to the prevention, diagnosis, and treatment of the specified condition), or (d) who needs emergency care without which the minor's health will be jeopardized (parent or guardian to be informed). A minor who has had a child may give effective consent to health service for the child. Mont. Code Ann. § 41-1-402(2, 3) (2011). A minor may consent to psychiatric or psychological counseling under urgent circumstances as set forth in Mont. Code Ann. § 41-1-406 (2011). A minor who is at least 16 years of age may, without the consent of a parent or guardian, consent to receive mental health services from those facilities or persons listed in subsection (1). Mont. Code Ann. § 53-21-112(2) (2011). A minor may make an application for voluntary admission to an approved public treatment facility for chemical dependence. Mont. Code Ann. § 53-24-301 (2011).

A physician may not perform an abortion upon a minor unless the physician has given 48 hours actual notice to a parent or legal guardian. Mont. Code Ann. § 50-20-204 (2011). If actual notice is not possible after a reasonable effort, the physician or the physician's agent shall give alternate notice as provided in 50-20-205. *Id.* Exceptions for emergency and waiver are set forth in § 50-20-208. Procedure for judicial waiver is set forth in § 50-20-212. *See Lambert v. Wicklund*, 520 U.S. 292 (1992) (reversing the lower court's judgment that required parental notification of a minor's intended abortion was unconstitutional).

Nebraska

A physician may examine or treat a person for sexually transmitted diseases whenever a person is suspected of having a sexually transmitted disease or contact with anyone having a sexually transmitted disease, and all such examinations and treatment may be performed without the consent of or notification to the parent, parents, guardian, or any other person having custody of such person. Neb. Rev. Stat. Ann. § 71-504 (Michie 2011).

No abortion shall be performed upon an unemancipated woman under 18 years of age until at least 48 hours after written notice has been delivered to the parent or guardian. Neb. Rev. Stat. Ann. § 71-6902 (Michie 2011). Sections 6903 and 6906 set forth judicial waiver procedure and exceptions to notice requirement.

Nevada

A minor may consent to examination or treatment for himself/herself or his/her child if the minor is (a) living apart from parents/guardian for at least 4 months, (b) married or has been married, (c) a mother, or has borne a child, or (d) in danger of suffering a serious health hazard if health care services are not provided. Nev. Rev. Stat. Ann. § 129.030(1) (Michie 2011). A minor who is (or is suspected of being) under the influence of a controlled substance may give express consent, or if unable to do so shall be deemed to consent, to hospital, medical, surgical, or other care for the treatment of abuse of drugs or related illnesses by any public or private hospital, medical facility, facility for the dependent, other than a halfway house for alcohol and drug abusers. Nev. Rev. Stat. Ann. § 129.050(1) (Michie 2011). The physician shall make every reasonable effort to notify the

parent/guardian. *Id.* at (3). The consent of a parent/guardian is not necessary to authorize examination or treatment of a minor who is suspected of being infected or is found to be infected with any sexually transmitted disease. Nev. Rev. Stat. Ann. § 129.060 (Michie 2011). A child with an emotional disturbance may be received for treatment in a treatment facility if the child is a resident of the state and is either committed by court order to the facility, or the parent/guardian makes application for treatment for the child. Nev. Rev. Stat. Ann. § 433B.310.

Unless in the judgment of the attending physician an abortion is immediately necessary to preserve the patient's life or health or an abortion is authorized by a court order, a physician shall not perform an abortion upon an unmarried and unemancipated woman under 18 years of age except if a custodial parent or guardian is personally notified before the abortion. Nev. Rev. Stat. § 442.255(1) (2011). Sections (2)-(4) address judicial waiver of the notice requirement. *See Glick v. McKay*, 937 F.2d 434 (9th Cir. 1991) (holding that the parental notification statute was unconstitutional because it did not require consideration of the minor's best interests). *But see Lambert v. Wicklund*, 520 U.S. 292 (1992) (stating that the 9th Circuit's stance on parental notification is at odds with Supreme Court case law).

New Hampshire

A minor 14 years of age or older may consent to diagnosis and treatment for a sexually transmitted disease, and may be diagnosed/treated without knowledge or consent of a parent or guardian. N.H. Rev. Stat. § 141-C:18(II) (2011). A minor 12 years of age or older may submit himself to treatment for drug dependency or any problem related to the use of drugs without the consent of a parent or guardian. N.H. Rev. Stat. § 318-B:12-a (2011). ("Nothing contained herein shall be construed to mean that any minor of sound mind is legally incapable of consenting to medical treatment provided that such minor is of sufficient maturity to understand the nature of the treatment and the consequences thereof.").

New Jersey

Consent to medical or surgical care and procedures by a married person who is a minor, or by a pregnant woman who is a minor, on his or her behalf or on behalf of any of his or her children, is valid. N.J. Stat. Ann. § 9:17A-1. (West 2011). An unmarried, pregnant minor may consent to hospital, medical, and surgical care relating to the pregnancy or child, although prior notification of a parent may be required pursuant to P.L. 1999, c. 145 (the Parental Notification for Abortion Act). *Id.* Consent to medical or surgical care or services, when executed by a minor who is or believes that he may be afflicted with a venereal disease, or who is at least 13 years of age and is or believes that he/she may be infected with HIV or have AIDS, or who appears to have been sexually assaulted, is valid. N.J. Stat. Ann. § 9:17A-4 (West 2011). The statute calls for immediate parental notification in the case of sexual assault, unless it is not in the best interests of the patient. *Id.* When a minor believes that he/she is suffering from drug or alcohol use/dependency, the minor's consent to treatment is valid. *Id.* N.J. Stat. Ann. § 30:4-7.2 (West 2011) sets forth circumstances in which the chief executive officer of a State or county institution for the mentally ill or developmentally disabled may give consent for medical, psychiatric, surgical, or dental treatment to juveniles under 18. N.J. Stat. Ann. § 30:4A-9 (West 2011) specifies that voluntary admissions of minors into a diagnostic center requires application by a parent or guardian. N.J. Stat. Ann. 30:4-177.3 (West 2011) specifies that voluntary admissions of minor children, with or without psychosis, shall be upon application of the parents or guardian.

An abortion shall not be performed upon an unemancipated minor until at least 48 hours after written notice of the pending operation has been delivered to the parent in the manner specified in the statute. N.J. Stat. Ann. § 9:17A-1.4 (West 2011). *Held unconstitutional by Planned Parenthood of Central New Jersey v. Farmer*, 762 A.2d 620 (2000).

New Mexico

A minor may consent to examination and treatment for any sexually-transmitted disease. N.M. Stat. Ann. § 24-1-9 (Michie 2011). A minor may consent to examination and diagnosis for pregnancy, as well as prenatal, delivery, and postnatal care. N.M. Stat. Ann. §§ 24-1-13, 24-1-13.1 (Michie 2011). Informed consent of a child's legal custodian is required before treatment or habilitation (including psychotherapy or psychotropic medications) is administered to a child under 14, but a child under 14 years of age may consent to an initial assessment with a clinician and for medically necessary early intervention service limited to verbal therapy. N.M. Stat. Ann. § 32A-

6A-14 (Michie 2011). A child over 14 years of age is presumed to have capacity to consent to treatment including psychotherapy, guidance counseling, case management, behavioral therapy, family therapy, counseling, substance abuse treatment, or other forms of verbal treatment. N.M. Stat. Ann. § 32A-6A-15(A) (Michie 2011). Psychotropic medications may be administered with the informed consent of a child 14 years of age or older, but the custodian shall be notified. *Id.* at (B). Residential treatment of children for mental disorders or habilitation for developmental disabilities is addressed in N.M. Stat. Ann. §§ 32A-6A-20, 32A-6A-21 (Michie 2011).

With respect to a pregnant woman under 18 years of age, abortion requires the consent of the woman and her then living parent or guardian. N.M. Stat. Ann. §§ 30-5-1, 30-5-3 (Michie 2011). *See* N.M. Attorney General Opinion No. 90-19 (concluding that § 30-5-1 and -3 are not enforceable except in certain circumstances); *see also* 2008 N.M. House Bill No. 244 (proposing to repeal sections 30-5-1 to -3).

New York

A person who is the parent of a child or has married may give effective consent for medical, dental, health, and hospital services for himself/ herself. A person who has been married or borne a child may give effective consent for medical, dental, health, and hospital services for his/her child. A pregnant person may give effective consent for prenatal care. N.Y. Pub. Health Law § 2504 (McKinney 2011). A person under 21 years of age who is infected with or has been exposed to a sexually-transmitted disease may consent to diagnosis or treatment without the consent or knowledge of the parents or guardian. N.Y. Pub. Health Law § 2305 (McKinney 2011). A minor under 18 years of age may be treated for chemical dependence on an inpatient, residential, or outpatient basis without parental or guardian consent or involvement in certain circumstances. N.Y. Mental Hyg. Law § 22.11 (McKinney 2011). A mental health practitioner may provide certain outpatient mental health services to a minor under 18 years of age under certain circumstances. N.Y. Mental Hyg. Law § 33.21(c) (McKinney 2011).

North Carolina

A minor may give consent for medical health services for the prevention, diagnosis, and treatment of (a) venereal disease and other diseases reportable under G.S. 130A-135 (communicable diseases), (b) pregnancy, (c) abuse of controlled substances or alcohol, and (d) emotional disturbance. N.C. Gen. Stat. § 90-21.5(a) (2011). N.C. Gen. Stat. § 122C-221 (2011) provides that, except as provided in § 90-21.5, the legally responsible person shall act for the minor in applying for admission to a facility for mental illness/ substance abuse.

No physician shall perform an abortion upon an unemancipated minor without first obtaining the written consent of both the minor and either: a parent with custody; a legal guardian/custodian; a parent with whom the minor lives; or a grandparent with whom the minor has been living for at least six months preceding consent. Alternatively, the minor may petition the district court for a waiver. N.C. Gen. Stat. § 90-21.7 (2011).

North Dakota

A person 14 years of age or older may contract for and receive examination, care, or treatment for sexually transmitted disease, alcoholism, or drug abuse without consent of a parent or guardian. N.D. Cent. Code § 14-10-17 (2011).

No person may knowingly perform an abortion upon a pregnant woman under 18 years of age unless (a) the attending physician has secured the written consent of the minor woman and both parents, if living, the surviving parent if one parent is deceased, the custodial parent if the parents are separated or divorced, or the legal guardian(s) if the minor is subject to guardianship, (b) the minor woman is married and the attending physician has secured her informed written consent, or (c) the abortion has been authorized by the juvenile court in accordance with the provisions of this section. N.D. Cent. Code § 14-02.1-03.1(1) (2011).

Ohio

A minor may give consent for diagnosis or treatment of any venereal disease. Ohio Rev. Code § 3709.241 (2011). A minor may give consent for diagnosis or treatment of any condition which it is reasonable to believe is caused by a drug of abuse, beer, or intoxicating liquor. Ohio Rev. Code § 3719.012(A) (2011). Upon the request of a minor 14 years of age or older, a mental health professional may provide outpatient mental health services, excluding the use of medication, without the consent of the minor's parent or guardian. Ohio Rev. Code § 5122.04 (2011). Except as otherwise provided in this section, the

minor's parent or guardian shall not be informed of the services without the minor's consent unless the mental health professional treating the minor determines that there is a compelling need for disclosure based on a substantial probability of harm to the minor or to other persons, and if the minor is notified of the mental health professional's intent to inform the minor's parent, or guardian. *Id.* A minor may consent to examination related to sexual assault, and the parent or guardian shall be notified. Ohio Rev. Code § 2907.29 (2011).

No person shall perform an abortion on a woman who is pregnant, unmarried, under 18 years of age, and unemancipated unless one of the following applies: (a) the person has given 24 hours actual notice to one parent, guardian, or custodian (certain alternative persons may receive notice in certain circumstances), (b) one of the parents, guardian, or custodian has consented in writing, or (c) a juvenile court authorizes the woman to consent. Ohio Rev. Code § 2919.12(B) (2011). Alternatively, 48 hours' constructive notice may be given in certain circumstances. *Id.* "Unemancipated" is defined in § 2919.12(F). *Held unconstitutional by In re Doe*, 565 N.E.2d 891 (1990). No person shall knowingly perform an abortion upon an unemancipated pregnant minor unless (a) the attending physician has secured the informed written consent of the minor and one parent, guardian, or custodian, (b) the minor has been authorized to consent by a court order and has given informed written consent, or (c) the court has given its consent and the minor is having the abortion willingly. Ohio Rev. Code § 2919.121 (2011). *Held unconstitutional by Cincinnati Women's Services, Inc. v. Taft*, 468 F.3d 361 (6th Cir. 2006).

Oklahoma

The following minors may consent to services by health professionals: (a) any minor who is married, has a dependent child, or is emancipated, (b) any minor who is separated from and not supported by his parents or guardian, (c) any minor who is or has been pregnant, afflicted with any reportable communicable disease, drug and substance abuse, or abusive use of alcohol provided that such consent only applies to prevention, diagnosis, and treatment of those conditions, and (d) any minor parent as to his/her child. Okla. Stat. Ann. tit. 63, § 2602(A) (2011). The health professional may notify the spouse, parent, or legal guardian in these cases. *Id.* at (B). Any person, regardless of age, may consent to examination and treatment for any venereal disease. Okla. Stat. Ann. tit. 63, § 1-532.1 (2011). A parent of a minor or a minor 16 years of age or older may consent to the voluntary admission of the minor for inpatient mental health or substance abuse treatment. Okla. Stat. Ann. tit. 43A, § 5-503(A) (2011).

A physician may not perform an abortion without (a) obtaining proof of age demonstrating that the female is not a minor, or if a minor, proof of emancipation, (b) obtaining judicial authorization under section 1-740.3 (judicial waiver), or (c) providing 48 hours' written notice in the manner specified herein (statute requires notice and request for written informed consent of one parent). Okla. Stat. Ann. tit. 63, § 1-740.2 (2011). Exceptions are set forth in section (C).

Oregon

A minor 15 years of age or older may give consent to hospital care, medical, or surgical diagnosis or treatment by a physician, or dental or surgical diagnosis or treatment by a dentist, except as may be provided by Or. Rev. Stat. 109.660; and may give consent to diagnosis and treatment by a nurse practitioner. Or. Rev. Stat. § 109.640 (2) (2011). The parent or guardian may be notified pursuant to Or. Rev. Stat. § 109.650. A minor who may have come into contact with any reportable venereal disease may give consent to the furnishing of hospital, medical, or surgical care related to the diagnosis or treatment of such disease. Or. Rev. Stat. § 109.610 (2011). A minor 14 years of age or older may obtain, without parental knowledge or consent, outpatient diagnosis or treatment of a mental or emotional disorder or a chemical dependency, excluding methadone maintenance. Or. Rev. Stat. § 109.675(1) (2011). However, the person providing treatment shall have the parents of the minor involved before the end of treatment unless the parents refuse or unless there are clear clinical indications to the contrary, the minor has been sexually abused, or is emancipated. *Id.* at (2).

Pennsylvania

Any minor who is 18 years of age or older, has graduated from high school, has married, or has been pregnant may give effective consent to medical, dental, and health services. 35 Pa. Stat. Ann. § 10101 (West 2011). Any minor who has been married or has borne a child may give effective consent to medical, dental, and health services for his/her child. 35 Pa. Stat. Ann. § 10102 (West 2011). Any minor may give effective consent for medical and health services

to determine the presence of or to treat pregnancy, venereal disease, and other reportable diseases. 35 Pa. Stat. Ann. § 10103 (West 2011). A minor who suffers from the use of a controlled or harmful substance may give consent to furnishing of medical care or counseling related to diagnosis or treatment, and the parents or guardian may be notified. 71 Pa. Stat. Ann. § 1690.112 (West 2011). A minor 14 years of age or older may consent to outpatient mental health examination and treatment. 35 Pa. Stat. Ann. § 10101.1(a)(1) (West 2011). A minor has the right under the Mental Health Procedures Act to consent to voluntary inpatient mental health treatment on his or her own behalf at 14 years of age or older. 35 Pa. Stat. Ann. § 10101.1(b)(2) (West 2011). Any person 14 years of age or older who believes that he is in need of treatment and substantially understands the nature of voluntary treatment may submit himself to examination under this act (mental health), provided the decision is voluntary. 50 Pa. Stat. Ann. § 7201 (West 2011). Notice shall be given to the parents or guardian. 50 Pa. Stat. Ann. § 7204 (West 2011).

Except in the case of a medical emergency, or except as provided in this section, if a pregnant woman is less than 18 years of age and not emancipated, or if she has been adjudged an incapacitated person, a physician shall not perform an abortion upon her unless, in the case of a woman who is less than 18 years of age, he first obtains the informed consent both of the pregnant woman and of one of her parents. 18 Pa. Stat. Ann. § 3206(a) (2011). *Held unconstitutional by American College of Obstetricians & Gynecologists v. Thornburgh*, 737 F.2d 283 (3d Cir. 1984). In the case of a pregnancy that is the result of incest where the father is a party to the incestuous act, the pregnant woman need only obtain the consent of her mother. *Id.* Judicial bypass is addressed in sections (c)-(f).

Rhode Island

Any person 16 years of age or older or married may consent to routine emergency medical or surgical care. R.I. Gen. Laws § 23-4.6-1 (2011). A minor parent may consent to treatment of his or her child. *Id.* Persons under 18 years of age may give legal consent for testing, examination, and/or treatment for any reportable communicable disease. R.I. Gen. Laws § 23-8-1.1 (2011). Persons under 18 years of age may give legal consent for examination and treatment for any sexually transmitted disease. R.I. Gen. Laws. § 23-11-11 (2011). In the event a child refuses permission to contact parents to seek parental consent and if, in the judgment of a qualified professional, that contact would not be helpful or would be deleterious to a child who is voluntarily seeking treatment for substance abuse or chemical dependency, then non-invasive, non-custodial treatment services may be provided by a qualified professional without parental consent. R.I. Gen. Laws § 14-5-4 (2011). An alcoholic may apply for voluntary treatment directly to an approved public treatment facility, and if the proposed patient is a minor or incompetent person, he or she, a parent, legal guardian, or representative may make the application. R.I. Gen. Laws § 23-1.10-9(a) (2011).

Except in the case of a minor who has been found by a court of competent jurisdiction to be emancipated, if a pregnant woman is less than 18 years of age and has not married, an abortion shall not be performed upon her unless both the consent of the pregnant woman and that of at least one of her parents (or guardian, of both parents have died or are unavailable) is obtained, except as provided in this section. R.I. Gen. Laws § 23-4.7-6 (2011). A judge of the family court may authorize the abortion upon petition or motion. *Id.*

South Carolina

Any minor who has been married or has borne a child may consent to health services for the child. S.C. Code Ann. § 63-5-360 (2011). Any minor who has reached 16 years of age may consent to any health services from a person authorized by law to render the particular health service for himself and the consent of no other person shall be necessary unless such involves an operation which shall be performed only if such is essential to the health or life of such child in the opinion of the performing physician and a consultant physician if one is available. S.C. Code Ann. § 63-5-340 (2011). Health services of any kind may be rendered to minors of any age without the consent of a parent or legal guardian when, in the judgment of a person authorized by law to render a particular health service, such services are deemed necessary unless such involves an operation which shall be performed only if such is essential to the health or life of such child in the opinion of the performing physician and a consultant physician if one is available. S.C. Code Ann. § 63-5-350 (2011).

Regarding mental health services, if a child is found to be a proper subject for voluntary admission, the

director of a treatment program or facility shall admit for treatment an individual who is 16 years of age or older and who applies for admission, or under 16 if his/her parent or guardian applies for admission on his behalf. S.C. Code Ann. § 44-24-20 (2011). Parental consent is required for admission to a methadone maintenance program for unemancipated persons under 18 years of age. S.C. Code Ann. § 44-53-760 (2011).

No person may perform an abortion upon a minor unless (a) consent is obtained from the pregnant minor and one parent, legal guardian, grandparent, or person standing in loco parentis for not less than 60 days, (b) the minor is emancipated and provides signed written consent, or (c) the minor provides signed written consent and the physician has received an appropriate court order. S.C. Code Ann. § 44-41-31(A). Exceptions are set forth in S.C. Code Ann. § 44-41-30(C), and judicial bypass is addressed in S.C. Code Ann. § 44-41-32.

South Dakota

A physician may, with the consent of a patient who is a minor, make a diagnostic examination for venereal disease and prescribe for and treat such person for venereal disease including prophylactic treatment for exposure to venereal disease whenever such person is suspected of having a venereal disease or contact with anyone having a venereal disease. S.D. Codified Laws § 34-23-16 (2011). Treatment of a minor for venereal disease by a county health department, State Health Department, or doctors attached to such departments shall be offered to a minor, if available, upon the minor's request and without the necessity of consent of parents or notification to the parents. S.D. Codified Laws § 34-23-17 (2011). If a person suffering from alcohol or drug abuse is a minor or an incompetent person, he/she, a parent, a guardian, or other legal representative may make application to an accredited facility for voluntary treatment. S.D. Codified Laws § 34-20A-50 (2011). Admission of minors to inpatient psychiatric facilities is addressed in S.D. Codified Laws §§ 27A-15-4, 27A-15–5 (2011).

No abortion may be performed upon an unemancipated minor until 48 hours after written notice has been delivered to the parent in the manner specified in this section. S.D. Codified Laws § 34-23A-7 (2011). *Held unconstitutional by Planned Parenthood v. Miller*, 63 F.3d 1452 (8th Cir. 1995). Notice is not required if the attending physician certifies that a medical emergency exists and there is insufficient time to provide the required notice (after-the-fact notification procedures may apply); or the person entitled to notice provides a signed, notarized confirmation of having been notified; or the pregnant female elects not to allow parental notification and a judge of a circuit court authorizes the abortion. *Id.*

Tennessee

Physicians may treat juvenile drug abusers without prior parental consent, and may use discretion in determining whether to notify the parents. Tenn. Code Ann. § 63-6-220 (2011). Persons licensed to practice medicine may examine, diagnose, and treat minors for the purpose of providing prenatal care without the knowledge or consent of the parents or guardian. Tenn. Code Ann. § 63-6-223 (2011). In the absence or unavailability of a spouse, any minor is authorized and empowered to consent for such minor's child to any surgical or medical treatment or procedures. Tenn. Code Ann. § 63-6-229 (2011). Any state, district, county or municipal health officer or any physician may examine, diagnose, and treat minors infected with sexually-transmitted diseases without the knowledge or consent of the parents. Tenn. Code Ann. § 68-10-104(c) (2011). A child 16 years of age or older with serious emotional disturbance or mental illness has the same rights as an adult with respect to outpatient and inpatient mental health treatment, medication decisions, confidential information, and participation in conflict resolution procedures under this title except as otherwise provided, and an outpatient facility or professional may provide treatment and rehabilitation to the child without consent from the parent or guardian. Tenn. Code Ann. § 33-8-202 (2011).

An abortion may not be performed on an unemancipated minor without signed, written consent of one parent or the legal guardian. Tenn. Code Ann. § 37-10-303(a)(1) (2011). *Held invalid by Planned Parenthood Ass'n v. McWherter*, 817 S.W.2d 13 (Tenn. 1991) (holding that, because of an irreconcilable conflict between the provisions of the 1988 parental consent statute, Tenn. Code Ann. § 37-10-303, and those of the 1989 parental notification statute, Tenn. Code Ann. § 39-15-202(f), Tenn. Code Ann. § 39-15-202(f) effectively repealed Tenn. Code Ann. § 37-10-303 by implication). The minor may petition the juvenile court for a waiver of the consent requirement (*see* § 37-10-304). *Id.* at (b). If a criminal

charge of incest is pending against a parent of the minor, the written consent of such parent is not required. *Id.* at (c).

Texas

A child may consent to medical, dental, psychological, and surgical treatment if the youth (a) is on active duty with the armed services of the U.S., (b) is 16 years of age or older and resides separate and apart from parents/guardian and manages the child's own financial affairs, (c) consents to the diagnosis and treatment of a reportable infectious, contagious, or communicable disease, (d) is unmarried and pregnant and consents to hospital, medical, or surgical treatment related to the pregnancy other than abortion, (e) consents to examination and treatment for drug or chemical addiction, dependency, or other condition directly related to drug or chemical use, or (f) is unmarried, is the parent of a child, has actual custody of the child, and consents to medical, dental, psychological, or surgical treatment for the child. Tex. Fam. Code Ann. § 32.003(a) (Vernon 2011). The parents or guardian may be notified. *Id.* at (d). A child may consent to counseling for suicide prevention, chemical/drug addiction or dependency, or sexual, physical, or emotional abuse, and the parents or guardian may be notified. Tex. Fam. Code Ann. § 32.004 (Vernon 2011). A physician, dentist, or psychologist having reasonable grounds to believe that a child's physical or mental condition has been adversely affected by abuse or neglect may examine the child without the consent of the child or the child's parents, but may not examine a child 16 years or older who refuses to consent. Tex. Fam. Code Ann. § 32.005 (Vernon 2011). A facility may admit a minor for treatment and rehabilitation (assuming other conditions met) if the admission is requested by a parent/guardian or a minor 16 years of age or older. Tex. Health & Safety Code Ann. § 462.022(a) (Vernon 2011).

A physician may not perform an abortion on an unemancipated minor unless (a) 48 hours notice is given to a parent or guardian, (b) an appropriate court authorizes the minor to consent (*see* §§ 33.003-004), or (c) a condition exists that complicates the medical condition of the pregnant minor and necessitates immediate abortion to avert her death or to avoid a serious risk of substantial and irreversible impairment of a major bodily function. Tex. Fam. Code. Ann. § 33.002(a) (2011).

Utah

The following persons may consent to health care: any parent, whether an adult or a minor, for the parent's minor child; and any female regardless of age or marital status, when given in connection with her pregnancy or childbirth. Utah Code Ann. § 78B-3-406(6) (2011). A minor who is or professes to be afflicted with a sexually transmitted disease may consent to medical care or services. Utah Code Ann. § 26-6-18(1) (2011). The provisions of this section shall apply also to minors who profess to be in need of hospital or clinical care and services or medical care or services provided by a physician for suspected sexually transmitted disease, regardless of whether such professed suspicions are subsequently substantiated on a medical basis. *Id.* at (3).

At least 24 hours before performing an abortion on a minor, the physician shall notify a parent or guardian, subject to subsection (4). Utah Code Ann. § 76-7-304(3) (2011). *Held unconstitutional by Jane L. v. Bangerter*, 809 F. Supp. 865 (D. Utah 1992). A physician may not perform an abortion on a minor unless (a) the physician obtains the informed written consent of a parent or guardian consistent with § 76-7-305 (Informed consent requirements for abortion; 24-hour wait mandatory; emergency exceptions), (b) the minor is granted the right to consent by court order, or (c) a medical condition necessitates abortion to avert death or serious risk of substantial and irreversible impairment of a major bodily function. Utah Code Ann. § 76-7-304.5(2) (2011).

Vermont

If a minor 12 years of age or older is suspected either (a) to be dependent upon regulated drugs, (b) to have venereal disease, or (c) to be an alcoholic, and the finding of such dependency or disease or alcoholism is verified by a licensed physician, the minor may give (1) his consent to medical treatment and hospitalization, and,(2) in the case of a drug dependent or alcoholic person, non-medical inpatient or outpatient treatment at a program approved by the agency of human services. Vt. Stat. Ann. tit. 18, § 4226(a) (2011). The parents or guardian shall be notified if the minor requires immediate hospitalization. *Id.* at (b).

Regarding mental health, any person 14 years of age or over may apply for voluntary admission to a designated hospital for examination and treatment. Vt. Stat. Ann. tit. 18, § 7503(a) (2011).

Virginia

A minor is deemed an adult for purposes of consenting to (a) medical or health services needed to determine the presence of or to treat venereal disease or any infectious or contagious disease that the State Board of Health requires to be reported, (b) medical or health services required in case of birth control, pregnancy, or family planning except for the purposes of sexual sterilization, (c) medical or health services needed in the case of outpatient care, treatment or rehabilitation for substance abuse as defined in § 37.2-100, or (d) medical or health services needed in the case of outpatient care, treatment, or rehabilitation for mental illness or emotional disturbance. Va. Code Ann. 54.1-2969(E) (2011). Except for the purposes of sexual sterilization, any minor who is or has been married shall be deemed an adult for the purpose of giving consent to surgical and medical treatment. *Id.* at (F). A pregnant minor shall be deemed an adult for the sole purpose of giving consent for herself and her child to surgical and medical treatment relating to the delivery of her child when such surgical or medical treatment is provided during the delivery of the child or the duration of the hospital admission for such delivery; thereafter, the minor mother of such child shall also be deemed an adult for the purpose of giving consent to surgical and medical treatment for her child. *Id.* at (G). Access to records by a parent/guardian is addressed in § 54.1-2969(K). A minor 14 years of age or older may be admitted to a willing mental health facility for inpatient treatment upon joint application and consent of the minor and the minor's parent. Va. Code Ann. § 16.1-338(A) (2011).

A physician shall not knowingly perform an abortion upon an unemancipated minor unless consent has been obtained or a court order entered, but neither consent nor judicial authorization nor notice shall be required if the minor declares that she is abused or neglected and the attending physician has reason to suspect that the minor may be an abused or neglected child (defined in § 63.2-100) and reports the suspected abuse or neglect; or if there is a medical emergency. Va. Code. Ann. § 16.1-241 (2011). "Consent" is defined such that 24 hours' actual notice, or 72 hours' notice by mail, has been given to a parent, guardian or person standing in loco parentis, or an authorized person is present and provides written authorization. *Id.* "Unemancipated minor" is defined to exclude, inter alia, minors emancipated by willingly living separate and apart from parents or guardian with the consent or acquiescence of the parents or guardian. *Id.*

Washington

A minor 14 years of age or older who may have come in contact with any sexually transmitted disease or suspected sexually transmitted disease may consent to hospital, medical, and surgical care related to the diagnosis or treatment of such disease. Wash. Rev. Code § 70.24.110 (2011). Any person 13 years of age or older may give consent for outpatient treatment by a chemical dependency treatment program certified by the department. Wash. Rev. Code § 70.96A.095 (2011). An alcoholic or other drug addict may apply for voluntary treatment directly to an approved treatment program, and if the proposed patient is a minor or incompetent person, he or she or a parent or guardian may make the application. Wash. Rev. Code § 70.96A.110(1) (2011). Notice to parents by outpatient providers is addressed in § 70.96A.230. Regarding mental health, any minor 13 years or older may request and receive outpatient treatment without the consent of the minor's parent. Wash. Rev. Code § 71.34.530 (2011). Parental consent is required for inpatient chemical dependency treatment of a minor, unless the child meets the definition of a child in need of services in *RCW 13.32A.030(4)(c) as determined by the department. Wash. Rev. Code § 70.96A.235 (2011). A minor 13 years or older may admit himself or herself to an evaluation and treatment facility for inpatient mental treatment, without parental consent. Wash. Rev. Code § 71.34.500(1) (2011). Notice to parents is addressed in § 71.34.510.

Every woman has the fundamental right to choose or refuse to have an abortion, except as specifically limited by RCW 9.02.100 through 9.02.170 and 9.02.900 through 9.02.902. Wash. Rev. Code § 9.02.100(2) (2011).

West Virginia

A minor may be examined, diagnosed, and treated at his or her request for any addiction to or dependency upon the use of a controlled substance without the knowledge or consent of the minor's parent or guardian. W. Va. Code § 60A-5-504(e) (2011). A minor may be examined, counseled, diagnosed, and treated at his or her request for any addiction to or dependency upon the use of alcoholic liquor or nonintoxicating beer, without the knowledge or

consent of the minor's parent or guardian. W. Va. Code § 60-6-23 (2011). A minor may be examined, diagnosed, or treated with his or her consent for any venereal disease without the knowledge or consent of the minor's parent or guardian. W. Va. Code § 16-4-10 (2011). Admission of persons under 18 years of age to mental health facilities is addressed in W. Va. Code § 27-4-1 (2011).

No physician may perform an abortion upon an unemancipated minor unless such physician has given 24 hours actual notice to one parent or legal guardian, or if the parent or guardian cannot be found and notified after a reasonable effort to do so, without first having given at least forty-eight hours constructive notice to the parent or legal guardian. Prior to this notification, the physician must advise the minor of the right to petition the court for waiver of notification (*see* § 16-2F-4). W. Va. Code § 16-2F-3(a) (2011). Notification may be waived by a duly acknowledged writing signed by the parent or guardian; or by a physician (who is not associated with the physician proposing to perform the abortion) who finds that the minor is mature enough to make the abortion decision independently or that notification would not be in the minor's best interest. *Id.*

Wisconsin

A physician may treat a minor infected with a sexually transmitted disease or examine and diagnose a minor for the presence of such a disease without obtaining the consent of the minor's parents or guardian. Wis. Stat. § 252.11(1m) (West 2011). Preventive, diagnostic, assessment, evaluation, or treatment services for the abuse of alcohol or other drugs may be rendered to a minor 12 years of age or over without obtaining the consent of or notifying the minor's parent or guardian, and may be rendered to a minor under 12 years of age without obtaining the consent of or notifying the minor's parent or guardian but only if a parent with legal custody or guardian of the minor under 12 years of age cannot be found or there is no parent with legal custody. Wis. Stat. § 51.47(1) (West 2011). Consent is required for certain procedures set forth in section (2), and the parent or guardian shall be notified as soon as practicable. *Id.* Admission of minors to inpatient treatment facilities for alcoholism, drug abuse, and mental illness is addressed in Wis. Stat. § 51.13 (West 2011).

No person may perform an abortion on an unemancipated minor unless (a) voluntary and informed written consent of the minor and one parent, or of the minor's guardian, custodian, adult family member, or foster parent in certain circumstances, has been received, or (b) the court has granted a petition for a waiver of the parental consent requirement. Wis. Stat. § 48.375(4)(a) (West 2011). Exceptions set forth in section (b). *Amended by* 2007-2008 Wisc. Legis. Serv. Act 20 (2007 S.B. 40) (West).

Wyoming

A minor may consent to health care treatment when (a) the minor is or was legally married, (b) the minor is in the active military service of the U.S., (c) the parents or guardian cannot with reasonable diligence be located and the minor's need for health care treatment is sufficiently urgent to require immediate attention, (d) the minor is living apart from his parents or guardian and managing his own affairs, or (e) the minor is emancipated. Wyo. Stat. Ann. § 14-1-101(b) (2011). Persons under 18 years of age may give legal consent for examination and treatment for any sexually transmitted disease infection. Wyo. Stat. Ann. § 35-4-131(a) (2011). A minor may consent to examination related to sexual assault if the parents or guardian cannot be located promptly with diligent effort. Wyo. Stat. Ann. § 6-2-309(e) (no notification of parent/guardian if parent/guardian is the suspected perpetrator). Voluntary admission of mentally ill persons to hospitals is addressed in Wyo. Stat. Ann. § 25-10-106 (2011).

An abortion shall not be performed upon a minor unless at least one parent or guardian is notified in writing at least 48 hours before the abortion and the physician obtains the written consent of the minor and at least one parent or guardian, unless the minor is granted the right to self-consent by a court or the abortion is authorized by court order (procedure set forth in section (b)). Wyo. Stat. Ann. § 35-6-118(a) (West 2011).

American Samoa

There is no information available on unaccompanied or emancipated youth ability to consent to medical treatment.

District of Columbia

A person who is 18 years of age may consent to the provision of health services for himself or herself

or for his or her child or spouse. D.C. Mun. Regs. tit. 22-B, § 600.1 (2011). However, a minor of any age may consent to health services which he or she requests for the prevention, diagnosis, or treatment of the following medical situations: (a) pregnancy or its lawful termination, (b) substance abuse, including drug and alcohol abuse, and (c) a mental or emotional condition and sexually transmitted disease. D.C. Mun. Regs. tit. 22-B, § 600.7 (2011). A minor parent may also consent to the provisions of health services to his or her child. D.C. Mun. Regs tit. 22-B, § 600.3 (2011). Additionally, health services may be provided to a minor of any age without parental consent when, in the judgment of the treating physician, surgeon, or dentist, the delay that would result from attempting to obtain parental consent would substantially increase the risk to the minor's life, health, mental health, or welfare, or would unduly prolong suffering. D.C. Mun. Regs. tit. 22-B, § 600.4 (2011). Except by specific legal requirements, health officials shall not give information regarding sexually transmitted disease, drug abuse, pregnancy, or emotional illness without a minor's consent to school officials, law enforcement, court authorities, government agents, spouses, future spouses, employers, or other persons, unless necessary to the health of the minor and public and only when minor's identity is kept confidential. D.C. Mun. Regs. tit. 22-B, § 602.8 (2011). *See also* D.C. Mun. Regs. tit. 22-B, § 602.10 (2011) (minor consent to releasing information about health procedures). Birth control information, services, and devices shall be provided by health facilities without regard to the age or marital status of the patient or the consent of the patient's parent or guardian. D.C. Mun. Regs. tit. 22-B, § 603.1 (2011). Prenatal and postnatal care and necessary medical care for the babies shall be provided by health facilities without regard to the age or marital status of the patient or consent of the parent or guardian of the minor mother. D.C. Mun. Regs. 603.2 (2011). No minor may be admitted to inpatient mental health services without the consent of a parent or legal guardian, with the exception of youth hospitalized pursuant to emergency provisions or commitment orders. D.C. Code § 7-1231.14 (2011). A minor may obtain outpatient mental health services other than medication without parental or guardian consent if (a) the minor knowingly and voluntarily seeks the services and (b) provision of the services is clinically indicated for the minor's well-being. *Id.* Subject to the provisions in D.C. Code Section 7-1231.08, and absent an emergency, a hospital providing inpatient mental health services to a minor who is under 16 years of age may not administer psychotropic medication to the minor without the consent of a parent(s) or guardian or the authorization of the court. *Id.* A minor 16 years of age or older may consent to the administration of psychotropic medications without the consent of a parent or guardian or the authorization of the court but only under specific circumstances outlined in sections A-C. *Id.*

The District of Columbia does not require parental notification or parental consent for a minor to terminate her own pregnancy.

Guam

The general rule in Guam is that only adults may consent to their own medical treatment or surgery; children whose parents are unavailable may have other adults consent on their behalf. 10 G.C.A. § 11105. However there are some exceptions. Married persons of any age may consent to their own medical treatment. *Id.* In cases of emergency, consent is not required. 10 G.C.A. § 11106. Female patients of any age who are or profess to be pregnant may consent to care as if an adult. 19 G.C.A. § 1111. Minors may also consent as if an adult to treatment for a sexually transmitted disease, the HIV virus, or AIDS. *Id.* Substance abuse treatment may also be consented to by minors as if they were adults. *Id.* This consent cannot later be challenged on the grounds that the minor was not of age to consent. *Id.* Hospitals and doctors are not permitted to inform the spouse or parent of any minor as to the provision of care for any of these purposes without minor's specific consent. *Id.* The minor who has thus consented will be charged for the provision of this care, rather than any parent, spouse, or guardian. Hospitals or providers are required to provide counseling to minors in the course of treatment for STDs, pregnancy, or substance abuse. *Id.* Also, while there is no specific statutory waiver of consent as to treatment for mental health disorders, the minor patient is presumed to have consented as an adult if the psychiatric care arises out of the patient's purported substance abuse. *Id.*

The statute specifically excepts abortion-related services from the definition of medical treatment for pregnancy, however. *Id.*It must be presumed in the absence of any statutory language or case law to the contrary that abortions performed on minors are subject to the same general rule as other medical treatment or surgeries under 10 G.C.A. § 11105 that only adults may consent.

Northern Mariana Islands

There is insufficient information available on the ability of minors to consent to medical treatment in the Northern Mariana Islands.

Puerto Rico

Medical professionals are permitted to take emergency custody over minors for purposes of emergency treatment where a parent or guardian cannot be reached and waiting would endanger the welfare of the child. 8 L.P.R.A. § 446b. Furthermore, those emancipated by marriage may consent to their own medical care regardless of age. 31 L.P.R.A. § 931. Medical professionals are permitted to treat minors under 21 years of age for sexually transmitted disease without obtaining consent of the parents or guardian. 24 L.P.R.A. § 577. Nor are medical professionals liable after the fact for providing such services without consent of the parents. *Id.* Minors older than 14 may request counseling or psychotherapy and may receive up to 6 sessions of mental healthcare treatment without obtaining parental consent.

24 L.P.R.A. § 6158e. In cases of treatment for substance abuse-related disorders, where 7 sessions may be given without parental consent. *Id.*

Virgin Islands

Counseling, treatment, examination, hospitalization, and care is available to minors regardless of parental consent in cases of pregnancy, communicable disease, drug abuse, emergencies where waiting to consult a parent would risk the life or well-being of the patient, or family planning services. 19 V.I.C. § 291. Parents are not liable for expenses incurred during treatment, except for treatment for emergencies or where the parents have agreed to pay. 19 V.I.C. § 292. The treating professional is permitted to notify the parents of the treatment or procedure which is not considered an invasion of privacy; however, the parents may not be notified where the minor patient turns out not to be pregnant, on drugs, or afflicted with a venereal disease. *Id.* This includes mental health emergencies. 19 V.I.C. § 721. With regards to any medical treatment, a legally emancipated minor may consent as if an adult. 16 V.I.C. § 233.

Note that abortions are included in the treatments that minors may consent to, but that unemancipated minors lack any right to privacy in their treatment. 19 V.I.C. § 291-292.

STATE	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	**At what age may an unaccompanied minor consent to [voluntary] mental health treatment?**	**At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?**	**At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?**	**At what age may an un-emancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])**	**At what age may an unaccompanied minor consent to examination relating to a sexual assault?**
AL	14		Yes	12; provider may notify	WPC or PJC; if FM, then only need to mail notice to mother	
AK	Yes if living apart from parents and managing own financial affairs or parent unwilling to grant or withhold consent			Yes	WPC or PJC	
AZ	Yes if "homeless"		12 if emergency	Yes	WPC unless FM, PJC, or emergency	12; if parents cannot be located
AR	Yes if of sufficient intelligence to understand and appreciate consequences of proposed treatment			Yes; provider may notify parent	WPC or PJC	
CA	15 and living apart from parents and managing own financial affairs	12 for outpatient or residential services; provider shall make best efforts to notify parent and include parent in treatment unless inappropriate; parental consent necessary for psychotropic medications or convulsive therapy	12, except replacement therapy requires parental consent	12	WPC, PJC or emergency	12; shall notify parent unless parent is believed to have committed assault

STATE	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	**At what age may an unaccompanied minor consent to [voluntary] mental health treatment?**	**At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?**	**At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?**	**At what age may an un-emancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])**	**At what age may an unaccompanied minor consent to examination relating to a sexual assault?**
CO	18; 15 and living apart and separate from parent and managing own affairs	15; provider may notify parent	Yes	Yes	48 hours PN or PJC	Yes; reasonable efforts to notify parent
CT		Yes for outpatient; no notification under certain conditions; 14 for inpatient	Yes; no notification to parent absent consent	Yes; no notification to parents	Yes; counseling prior	
DE	18; or emergency if reasonable efforts to obtain parental consent have failed		14 for outpatient; parental consent required for inpatient	12; provider may notify	24 hours PN or PJC	
DC	Yes; person presumed capable of consent unless otherwise certified	18 for inpatient and outpatient, with some exceptions for 16+	Yes; person presumed capable of consent unless otherwise certified	Yes; person presumed capable of consent unless otherwise certified		
FL	emergency	13 for outpatient; parental consent/ involvement in circumstances	Yes	Yes	48 hours PN or PJC	
GA		12 for diagnosis; need parental consent for treatment	Yes; provider may notify parent	Yes; provider may notify parent	18, parental chaperone, or 24 hours actual PN, or 24 hours certified mail notice	
HI	Minor without support (14-17) may consent to care (not surgery or abortion) if provider reasonably believes minor understands risk benefits and communicates an informed consent and care is for minor's benefit		Yes to counseling; provider may notify parent	Yes; provider may notify parent		

STATE	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	At what age may an unaccompanied minor consent to [voluntary] mental health treatment?	At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?	At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?	At what age may an un-emancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])	At what age may an unaccompanied minor consent to examination relating to a sexual assault?
ID	Any person of ordinary intelligence and awareness to understand risk benefit is competent to consent to medical care, including surgery		Yes and if 16, no notice to parents without minor's consent; Parental application required for admission to public facilities	14	WPC or PJC	
IL	18	12 for outpatient; no notice to parents without minor's consent unless necessary; 16 for inpatient, parent shall be immediately informed	12; provider may not notify parent without minor's consent	12; provider may notify		Yes
IN	14, if living apart from parents and managing own affairs		Yes; provider may notify parent	Yes	18, WPC or PJC	
IA			Yes; no notification	Yes; notification to parents if positive HIV result	48 hours PN or PJC	
KS	16	14 for admission; provider shall notify parent	Yes; provider may inform	Yes, provider may inform	actual PN or PJC	Yes; notice shall be given
KY	Yes	16; provider may inform parents	Yes	Yes	WPC or PJC	Yes
LA	Yes, may inform parents	Yes, with conditions	Yes when minor believes himself to be addicted; provider may inform parent	Yes; provider may notify parent	WPC or PJC	

STATE	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	At what age may an unaccompanied minor consent to [voluntary] mental health treatment?	At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?	At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?	At what age may an un-emancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])	At what age may an unaccompanied minor consent to examination relating to a sexual assault?
ME	Yes if has been separated from parents for at least 60 days and independent of financial support	Yes	Yes; provider may inform	Yes, provider may inform	Yes	Yes
MD	Yes	16; provider may inform parents	Yes	Yes	Yes	Yes
MA	Yes if living apart from parents and managing own financial affairs	16 for inpatient	12	Yes	WPC or PJC	
MI		14 for outpatient; parent shall not be notified absent compelling need; 14 for inpatient, parent shall be notified immediately	Yes; provider may inform	Yes, provider may inform	WPC or PJC	
MN	Yes if living apart from parents and managing own financial affairs	Yes; 16 for inpatient	Yes	Yes	48 hours PN or PJC	
MS			15; provider may inform	Yes	WPC or PJC	
MO			Yes; provider may inform	Yes, provider may inform	WPC or PJC	Yes; notice shall be given
MT	Yes if living apart from parents and self-supporting	Yes to counseling in urgent circumstances; 16 for services	Yes	Yes	48 hours PN or PJC	
NE				Yes, no notification	48 hours PN or PJC	

STATE	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	At what age may an unaccompanied minor consent to [voluntary] mental health treatment?	At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?	At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?	At what age may an un-emancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])	At what age may an unaccompanied minor consent to examination relating to a sexual assault?
NV	Yes if has been living apart from parents for at least 4 months		Yes; provider shall try to notify parent	Yes	PN, PJC or health of minor	
NH			12	14		
NJ			Yes	Yes	48 hours PN	Yes; shall notify parent immediately unless not in best interest of patient
NM		Yes for verbal therapy (but not psychotherapy); parental consent required for psychotropic medication; 14 for treatment including psychotherapy; provider shall notify parent if psychotropic administered	14	Yes	WPC	
NY		Yes for outpatient services	Yes; both inpatient and outpatient, without parental consent or involvement "under certain circumstances"	Yes		
NC		Yes for outpatient; parent must apply for admission	Yes for outpatient; parent must apply for admission	Yes	WPC or PJC	
ND			14	14	WPC or PJC	

STATE	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	At what age may an unaccompanied minor consent to [voluntary] mental health treatment?	At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?	At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?	At what age may an un-emancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])	At what age may an unaccompanied minor consent to examination relating to a sexual assault?
OH		14 for outpatient but no medications; parent shall not be notified without minor's consent absent compelling need and absent notice to the minor that parent will be notified	Yes	Yes	24 hour PN, WPC, or PJC; alternatively, 48 hours constructive PN	Yes and shall notify parent
OK	Yes if separated from and not supported by his parents	16 for inpatient	Yes; provider may notify parent	Yes; provider may notify parent	48 hours PN or PJC	
OR	15; parent may be notified	14; no need to obtain parental consent or notice, but provider "shall have the parents" involved before end of treatment unless parents refuse or clear clinical indications to the contrary or the minor has been sexually abused	14, excluding methadone maintenance	Yes		
PA	18	14 for inpatient or outpatient; provider shall notify parents for inpatient	Yes; provider may notify parent	Yes	WPC with FM, or PJC	
RI	16 for emergencies		Yes for non-invasive outpatient treatment if minor refuses permission to contact parent and provider believes contact would not be helpful or would be deleterious	Yes	WPC or PJC	

STATE	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	At what age may an unaccompanied minor consent to [voluntary] mental health treatment?	At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?	At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?	At what age may an un-emancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])	At what age may an unaccompanied minor consent to examination relating to a sexual assault?
SC	16 for everything except certain operations; any age if service deemed necessary	16 for inpatient	Yes except for methadone maintenance		WPC or PJC	
SD			Yes	Yes; without parental notification	48 hours PN, emergency (post-procedure notification may apply), WPC, PJC	
TN		16 for outpatient	Yes; provider may notify parent	Yes; without parental notification	WPC or PJC	
TX	16 if separated from parents and financially independent	16 for inpatient	Yes; provider may notify parent	Yes; provider may notify parent	48 hours PN; emergency or PJC	Yes; provider may notify parents
UT				Yes	24 hour PN, WPC, PJC or emergency	
VT		14 for inpatient	12 for non-medical inpatient or outpatient treatment; provider shall notify parent if minor requires immediate hospitalization	12 for non-medical inpatient or outpatient treatment; provider shall notify parent if minor requires immediate hospitalization		
VA		Yes for outpatient	Yes for outpatient	Yes	24 hours actual PN or 72 hours PN by mail; unless provider has reason to suspect minor may be an abused or neglected child and reports such; emergency; PJC	
WA		13 for both; notice may apply	13 for outpatient	14	Yes with limits	

STATE	GENERAL	MENTAL HEALTH	SUBSTANCE ABUSE	STI CONSENT	ABORTION	SEXUAL ASSAULT
	At what age may an unaccompanied minor give consent for general medical care?	At what age may an unaccompanied minor consent to [voluntary] mental health treatment?	At what age may an unaccompanied minor consent to [voluntary] substance abuse treatment?	At what age may an unaccompanied minor consent to treatment for sexually transmitted infections?	At what age may an un-emancipated minor consent to an abortion? (Yes; With Parental Consent [WPC]; Exception where pregnancy is caused by family member [FM]; Per Judicial Consent/Order [PJC]; With Parental Notification [PN])	At what age may an unaccompanied minor consent to examination relating to a sexual assault?
WV			Yes; without notice	Yes; without notice	24 hours actual PN or 48 hours constructive PN; PJC; or waiver by provider who concludes minor is mature enough to make independent decision or that notification would not be in minor's best interest	
WI			12 for outpatient; if under 12, only if parent cannot be found	Yes	WPC or PJC	
WY	Yes if minor living apart from parents and managing own affairs			Yes	48 hours PN and WPC, or PJC	Yes if parents cannot be located promptly, no notification to suspected perpetrator
American Samoa						
Guam	18, or any age if married	Any age, provided that the mental health treatment arises out of purported substance abuse. Otherwise, 18	Any age	Any age	Only if married	May be permitted as emergency treatment where consent of parent not required
Northern Mariana Islands						
Puerto Rico	18, or any age if married	Older than 14, for limited sessions, or cases of emergency	Any age if emancipated	Any age	Any age if emancipated	Permitted if emergency situation
Virgin Islands	Any age if emancipated	If emancipated, or cases of emergency	Any age; provider may notify only if actual substance abuse	Any age; provider may notify only if actual disease found	Any age; provider may notify only if actual pregnancy	Permitted if emergency situation

Discharge From The Juvenile Justice System

Youths released from the juvenile justice system can be at risk of being released either directly into homelessness or to a placement from which they can easily become displaced. Statutes providing for release generally do not require that youths be released into appropriate circumstances. Inadequate statutes and social systems can also place youths at risk of being detained longer than is in their best interests because of difficulty in finding an appropriate placement.[7]

Homeless youth are more likely than others to become involved in or already have had involvement in the juvenile justice system.[8] Institutionalization can be disruptive to a youth's existing relationships and skill development. Once released, young people may face difficulties with re-entry, either becoming homeless immediately or after leaving a temporary placement.[9] Youths released from the justice system may be more likely to be placed out of home,[10] and youths may be returned to their prior homes regardless of whether that is an appropriate placement.

Targeting release from the juvenile justice system as a point to combat youth homelessness can both benefit youth who are at-risk of displacement and reduce rates of youth recidivism.

While jurisdictions often have discharge-planning and aftercare procedures that are not codified in a statute, such as practices employed by individual judges or institutions, it is a best practice to provide for release procedures by law. Absent a legal requirement, there is no assurance that youths released from commitment are not being released into unsafe or temporary living situations that could lead to future homelessness. Individual judges or justice personnel may deviate from policy, be unaware of policy, or be unable to follow an incomplete policy in the cases of specific young people. For example, a policy might state that a young person is to be released into the custody of a parent, guardian, or custodian but not provide for an alternative procedure if such a placement is unavailable. Further, enacting a specific statute gives states an occasion to consider their policies and ensure that they provide for the best interests of young people under a variety of circumstances.

This is a recommended area for policy advocacy. Jurisdictions should enact statutes that provide for appropriate release procedures and establish systems to foster the reintegration of youths discharged from the justice system. Targeting release from the juvenile justice system as a point to combat youth homelessness can both benefit youth who are at-risk of displacement and reduce rates of youth recidivism.

Note that the information presented here is limited to laws regarding the discharge of youths from juvenile justice systems. Related issues, such as the release of youths from mental health systems or welfare systems, as well as laws related to aging out of juvenile justice systems or other care systems, are beyond the scope of this review.

Fast Facts

- **21** jurisdictions direct an agency to develop procedures related to discharge or aftercare. 8 of these specifically address housing needs in the direction;
- **6** jurisdictions have statutes requiring permanency planning for committed adjudicated youth;
- At least **12** jurisdictions have statutes addressing custody upon discharge; and
- **4** jurisdictions have statutes providing that a discharged youth be provided transportation home.

Purpose and Findings

We sought to determine how many jurisdictions had statutes specifically addressing the release of youths from juvenile justice systems into conditions that could potentially lead to homelessness. We did not examine laws related to aging-out of juvenile justice systems.

Thirteen jurisdictions delegate discharge or aftercare planning to an agency without specifying that such programs address housing: Alaska, Delaware, Illinois, Kentucky, Montana, Nebraska, Nevada, North

Carolina, North Dakota, South Carolina, Tennessee, Utah, and Virginia. Eight jurisdictions specifically address housing needs in directing agencies to adopt such policies and procedures: Colorado, Georgia, Hawaii, Iowa, Mississippi, Ohio, Texas, and West Virginia.

Three jurisdictions require that clothing, transportation, and money be provided on discharge: Alabama, Georgia, and Texas. California requires that transportation be provided. Minnesota can give a youth up to $10, a nominal amount that it is not mandated.

Six jurisdictions require permanency planning for adjudicated youth that are committed: Connecticut, Maine, Massachusetts, New Hampshire, Vermont, and Wyoming. West Virginia and Puerto Rico also require permanency planning for such youth as needed.

Analysis

Only a few jurisdictions address homelessness on release either by requiring permanency planning coupled with aftercare or by specifically directing that an agency develop required aftercare programs that address housing needs. A large number of states direct agencies to develop discharge planning or aftercare programs without specifying that the agency is responsible for ensuring that youths do not become homeless following discharge.

Even for states where an agency is directed to develop aftercare programs addressing homelessness, very few jurisdictions have statutes providing specific requirements for release that would ensure the program's effectiveness in preventing homelessness. Several states have statutes addressing custody of a youth following release that do not include aftercare provisions or contingent directions in the event a directed placement is inappropriate or unavailable. Very few jurisdictions specifically provide for the input of the youth in custody arrangements following discharge or specifically provide for youths of appropriate age and circumstances to be released to independent living transition arrangements.

Noteworthy Statutes

Maine's statute requires permanency hearings for committed youth that consider the youth's wishes and do not require the youth to be returned home if it is not in his or her best interests. Maine also requires that a permanency plan for a youth of at least 16 years of age take account of the services needed to transition the youth to independent living.

While not specifically providing for independent living arrangements, both Texas and West Virginia require comprehensive reentry and reintegration plans for committed youths. Texas requires that youths be provided clothing, money, and transportation upon release, while West Virginia allows a variety of parties to comment on the proposed aftercare plan, such as the youth's lawyer, parents, guardian, and parole officer.

Recommendations

- Require that all youths be released from juvenile justice systems pursuant to a discharge plans formed in consultation with and based on the interests of the youths. Discharge plans should be developed immediately upon detention for youths facing brief sentences;
- Suspend, but do not terminate, Medicaid or other state medical assistance while a youth is in custody. Presume eligibility for these services upon release until a determination of ineligibility is made;
- Confer with the youth prior to returning him or her to the custody of a guardian;
- Establish safe housing options for youths who are not placed with a parent or guardian;
- Develop procedures for the release of youths from commitment when there are placement shortages;
- Establish a social service system to support youths after release from commitment and foster their reintegration into schools and their communities, including a system for youth of an appropriate age to live independently after release, access educational resources, and obtain job training; and
- Before discharge, provide youth with assistance in obtaining a drivers license or state ID card, a Social Security card, a birth certificate, and other records necessary to establish identity.

Research Methodology and Limitations

To compile statutes related to the release of youths from the juvenile justice system into homelessness, our search used the following terms: Juvenile, Youth, Minor, or Child, together with Release, Discharge, Aftercare, Permanency, Homeless, Re-entry, Reentry, or Reintegrate, and together with Detention, Detain, Commit, Correction, Incarcerate, Institution, or

Justice. Because these words occur frequently in statutes, our research focused on instances in which words were grouped together in a statute. We also focused on statutes in titles of the code dealing with juvenile adjudication, juvenile justice departments, parole departments, juvenile correctional facilities, or juvenile homelessness.

As noted above, our research was limited to statutes that relate to the discharge of youths from the juvenile justice system and excluded statutes related to discharge from other systems, such as mental health or welfare, or related to aging-out. We also did not attempt to capture statutes related to the release of youths who were not committed to the juvenile justice system, such as statutes related to the release of youths immediately after arrest. As also noted above, our research was limited to statutes and does not include relevant programs that may exist either as a departmental policy, an informal procedure, or elsewhere in local rules and regulations.

---

7. D. Alan Henry. Annie E. Casey Foundation. Reducing Unnecessary Delay: Innovations in Case Processing, 26. http://www.aecf.org/upload/publicationfiles/reducing%20 unnecessary%20delay.pdf.

8. See Wilder Research (2008). Homelessness in Minnesota 2006: At a Glance – Youth and Young Adults on Their Own, 5. http://www.lssmn.org/uploadedFiles/Content/Support_LSS/Advocate/Advocacy_Resources/Homeless_Youth/Wilder_homeless_youth_report_08.pdf.

9. Ashley Nellis & Richard Hooks Wayman (2009). Youth Reentry Task Force of the Juvenile Justice and Delinquency Prevention Coalition. Back on Track: Supporting Youth Reentry from out of Home Placement to the Community, 18. http://www.endhomelessness.org/files/2583_file_Youth_Reentry_Task_Force_Fall_09_Report.pdf.

10. See, for example, Texas Appleseed (2000). Selling Justice Short: Juvenile Indigent Defense in Texas, 13. http://www.njdc.info/pdf/TexasAssess.pdf.

Discharge From The Juvenile Justice System Statutes

Alabama

While committed, each youth is to receive a comprehensive written review every nine months. Youths can be discharged directly or released into aftercare. At discharge, the juvenile court is to transfer custody to a person or state agency deemed suitable. Youths released from state training schools are to be provided with clothing, transportation home or to a place where a home or employment has been found for him or her, and an amount of money to be set by Departmental rule. The Department of Youth Services may, but is not required to, file a petition to appoint a guardian when in custody of a youth who does not have one in a position to exercise effective guardianship. Ala. Code §§ 12-15-411, 44-1-31, 44-1-34, 44-1-36, 44-1-37, 44-1-2 (2011).

Alaska

Alaska does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. The Department of Health and Social Services may release youths under such conditions and regulations as it considers proper. Alaska Stat. §§ 47.12.120, 47.12.160, 47.12.260 (2010).

Arizona

Arizona does not have a specific statute affecting release of youth from the juvenile justice system into homelessness.

Arkansas

Arkansas does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. A court may order aftercare when recommended by a Division of Youth Services treatment plan, but the statute does not require the treatment plan to address placement upon discharge. Ark. Code Ann. §§ 9-27-364, 9-27-509, 9-28-210 (2011).

California

California does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. Youths released from temporary detention may be discharged into their own custody if they are provided transportation home or to the place where originally taken into custody. The California Juvenile Court law directs that reunification of a youth with his or her family is to be a primary objective of the juvenile court. California law also provides for county welfare departments to receive the names and release dates for all youths committed for at least 30 days for the purpose of determining eligibility for health care benefits. California law provides for a grant program for juvenile justice reentry programs. Cal. Welf. & Inst. Code §§ 202, 207.2, 749.5 et seq., 14029.5 (2011).

Colorado

The Department of Human Services must make reasonable efforts to return a youth being discharged from commitment to the family or person who had custody of the youth prior to commitment, unless ordered otherwise by the court. If such placement cannot be made, the youth will be referred to his or her last known county of residence with 90 days notice before discharge. The county will then provide services to the youth pursuant to rules adopted by the state. Youths released under emergency conditions (such as overcrowding) are to be released pursuant to guidelines established by the Department of Human Services and the Judicial Department. Those guidelines should take into consideration the best interests of juveniles, the capacity of individual facilities, and the safety of the public. Colo. Rev. Stat. §§ 19-2-921, 19-2-924 (2010).

Connecticut

Juveniles committed to detention upon being adjudicated delinquent of a serious juvenile offense receive permanency hearings every twelve months while in detention. At the permanency hearing, the court reviews a permanency plan developed by the Department of Children and Families that is directed to include a goal of (a) placement with a parent or guardian, (b) transfer of guardianship, (c) placement with a relative, (d) adoption, or, upon showing of a compelling reason why it would not be in the best interests of the child to seek one of the above goals, (e) another planned permanent living arrangement, which could include an independent living program. No specific provision is made for juveniles committed to detention other than through being adjudicated delinquent for a serious juvenile offense, but juveniles brought before the Superior Court can be released to

the custody of a parent, guardian, or other suitable person. Conn. Gen. Stat. §§ 46b-133, 46b-141 (2011).

Delaware

Delaware does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. The Department of Services for Children, Youth and Their Families is responsible for making rules and regulations regarding the release of juveniles to aftercare supervision. Del. Code Ann. tit. 31, § 5101 (2011).

Florida

Florida does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. Institutions operated by local governments and the state are generally encouraged to develop procedures to reduce the discharge of persons into homelessness. Fla. Stat. § 420.626 (2011).

Georgia

Adjudicated youths discharged by the Department of Juvenile Justice are to have suitable clothing, transportation home or to the county in which a suitable home or place of employment has been found for him or her, and an amount of money that the Board of Juvenile Justice may authorize. The Department of Juvenile Justice may establish parole or aftercare supervision programs to help youths on conditional release find homes and employment. Ga. Code Ann. § 49-4A-8 (2011).

Hawaii

Adjudicated youths may be released to their home, a group home or foster home, or other appropriate alternative. In addition, amongst the enumerated duties of a juvenile parole officer are the duties to assist in locating an appropriate residential placement, to seek suitable employment, and to assist in adjusting to community life. Haw. Rev. Stat. §§ 352-24, 352-25 (2011).

Idaho

Adjudicated youths may be released to their home, a residential community based program, a nonresidential community based treatment program, an approved independent living setting, or other appropriate residence. Idaho Code Ann. § 20-533 (2011).

Illinois

The Department of Juvenile Justice is directed to provide transitional and post-release treatment programs for committed youths, although the statute does not identify homelessness prevention as a necessary goal of such programs. At sentencing for an adjudicated youth, the court can declare the youth a ward of the court if it finds that doing so is in the best interests of the youth. Once declared a ward of the court, the court has power to order a new custody arrangement. In several counties, the Department of Juvenile Justice is authorized to develop pilot programs for the reentry of serious youth offenders that can include placement services such as transitional programs to independent living. 705 Ill. Comp. Stat. 405/5-705, 405/5-740; 730 Ill. Comp. Stat. 5/3-2.5-20, 5/3-16-5 (2011).

Indiana

A juvenile may be released to a parent, guardian, custodian, or on the juvenile's own recognizance. Ind. Code § 31-37-6-6 (2011).

Iowa

The administrator and superintendent of the Iowa Juvenile Home are directed to assist discharged youth in finding suitable homes and employment. Iowa Code § 233B.1 (2010).

Kansas

Juveniles completing a term of incarceration are to be released "under appropriate conditions," with notice given to the committing court and the juvenile's school district, if still required to attend school. Kan. Stat. Ann. § 38-2374 (2010).

Kentucky

Kentucky does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness. The Department of Juvenile Justice is directed to promulgate regulations governing release preparation. State agencies were directed in 2004 to implement a homelessness prevention pilot program for persons discharged from mental health and foster care programs or from state prisons in Oldham County. Ky. Rev. Stat. Ann. §§ 15A.210, 194A.735 (2011).

Louisiana

Louisiana does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Maine

Juveniles committed to the custody of the Department of Health and Human Services receive a permanency hearing. A resulting permanency plan must consider the wishes of the child, in a manner appropriate to the child's age, and determine the child's placement. A youth may be placed in "another planned permanent living arrangement" if compelling reason is shown why it would not be in the youth's best interests to be returned home, placed with a relative, placed for adoption, or cared for by a permanency guardian. The permanency plan for a youth who is at least 16 years of age must determine the services needed to assist the youth in transitioning to independent living. Me. Rev. Stat. tit. 15, § 3315; Me. Rev. Stat. tit. 22, § 4038-B (2011).

Maryland

Maryland does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Massachusetts

Committed youths receive permanency hearings at least every 12 months. Youths released under supervision may be placed in any approved situation. Mass. Gen. Laws ch. 119, § 29B; Mass. Gen. Laws ch. 120, §§ 5, 12 (2011).

Michigan

Michigan does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Minnesota

Upon parole or discharge the Commissioner of Corrections may give a youth up to $10. Youths released from detention are released to a parent, guardian, or custodian, if deemed appropriate. Otherwise, youths are released to a member of the youth's extended family, kinship network, or to another suitable adult acceptable to the youth. Minn. Stat. § 242.43 (2010); Juvenile Delinquency Procedure Rule 5.04 (2011).

Mississippi

Detention centers and the Department of Human Services are directed to ensure that transition plans are created for youth being released, although prevention of homelessness is not among the specifically listed requirements. Transition plans are to include information about the youth's home community and initial appointments with community service providers. The Division of Community Services' enumerated duties include the duty to implement aftercare programs and to advise and counsel youths in juvenile correctional institutions in order to place them in proper environments after release. Miss. Code. Ann. 43-21-321, 43-21-605, 43-27-20 (2010).

Missouri

Missouri does not have a specific statute preventing release of youth from the juvenile justice system into homelessness; however, by statute, adjudicated youth are subject to aftercare supervision following release. Mo. Rev. Stat §§ 219.021, 219.026 (2010).

Montana

Montana's Code directs the Department of Corrections to adopt rules establishing standards for the discharge and parole supervision of adjudicated youth. Mont. Code Ann. § 52-5-102 (2010).

Nebraska

Treatment plans are to be developed for all committed youths upon admission and include reintegration planning. The Office of Juvenile Services is directed to promulgate rules and regulations for the discharged of committed youths and the coordination of parole and aftercare services. Provision of follow up and aftercare services are among the goals of the juvenile justice system by statute. Neb. Rev. Stat. Ann. § 43-402, § 43-405, § 43-407 (2010).

Nevada

The Nevada Code directs the Division of Child and Family Services to develop aftercare programs for released youth. Nev. Rev. Stat. Ann. § 432.011 (2010).

New Hampshire

Committed youths are subject to permanency planning, which may include guardianship with a

fit and willing relative or other appropriate party, or another planned living arrangement. For youths discharged from the Youth Services Center, the commissioner of the Department of Health and Human Services is directed to adopt rules relating to discharge and subsequent return to such custody as is appropriate. N.H. Rev. Stat. Ann. §§ 169-B:19, 169-B:31-a, 621-A:4 (2011).

New Jersey

New Jersey does not have a specific statute preventing release of youth from the juvenile justice system into homelessness.

New Mexico

Young people in all cases begun under the Children's Code are to be released to a parent, guardian, or custodian. Adjudicated youth in New Mexico are released subject to a release plan, although New Mexico law does not set forth substantive requirements for the plan. N.M. Stat. Ann. §§ 32A-1-15, 32A-2-23.1 (2010).

New York

New York does not have a specific statute preventing release of youth from the juvenile justice system into homelessness. Youths who are conditionally released are subject to aftercare supervision. N.Y. Exec. Law. §§ 502; 510-a (2011).

North Carolina

The Department of Juvenile Justice and Delinquency Prevention is directed to promulgate rules and regulations defining a post-release supervision process for youths. The process shall involve developing a written plan for between 90 days and one year of post-release supervision based on the individualized needs of the juvenile and the protection of the public. The plan is to be developed subject to a planning conference involving as many of the following parties as possible: the juvenile, the juvenile's parent, guardian, or custodian, juvenile court counselor, and staff of the juvenile detention facility. N.C. Gen. Stat. § 7B-2514 (2010).

North Dakota

North Dakota does not have a specific statute preventing release of youth from the juvenile justice system into homelessness. The Division of Juvenile Services is authorized to develop a juvenile aftercare program. However, aftercare is not available to youths unless recommended by the superintendent of the North Dakota Youth Correctional Center and a suitable person will receive the youth to be placed in aftercare. N.D. Cent. Code Ann. §§ 12-52-01, 12-52-02 (2011).

Ohio

When youths are released from the Department of Youth Services prior to the completion of the prescribed minimum term of commitment, they are released subject to judicial supervision and a written treatment and rehabilitation plan that can include conditions of release. For other released youth the Department of Youth Services is responsible for locating homes and jobs, providing supervision, and arranging appropriate services to facilitate their reentry. The Department of Youth Services is also directed to recruit community organizations to provide reentry services for adjudicated youth. For youths released due to an overcrowding emergency, the Department must file a written progress report at least once every 30 days unless a court directs otherwise. Ohio Rev. Code Ann. §§ 2152.22, 5139.14, 5139.18, 5139.20 (2010).

Oklahoma

Oklahoma does not have a specific statute preventing release of youth from the juvenile justice system into homelessness. Amongst the enumerated powers and duties of the Office of Juvenile Affairs are the power to release a juvenile on parole or to release a juvenile into a group home, transitional living program, independent living program, or other program, all subject to terms and conditions specified by the Office. Okla. Stat. tit. 10A, § 2-7-601-A (2010).

Oregon

Oregon law provides for the parole release of adjudicated youth to a parent or guardian or "to a suitable and desirable home or facility." Adjudicated youths conditionally released following a "second look" hearing are released under a written release plan that, while not specifically addressing homelessness, does need to include a description of support services and programs available to the youth. Or. Rev. Stat. §§ 420.031, 420.045, 420A.206 (2009).

Pennsylvania

Pennsylvania does not have a specific statute

preventing release of youth from the juvenile justice system into homelessness.

Rhode Island

Adjudicated youth released from the state training school are released to their home and/or the care and custody of the Department of Children, Youth and Families. R.I. Gen. Laws. Ann. § 14-1-36.1 (2010).

South Carolina

The South Carolina Code directs the Department of Juvenile Justice to serve, advise, and counsel youths in institutions as may be necessary for their suitable post-release placement, and to supervise, guide, and counsel youths following release. Youths needing enhanced supervision, treatment, or monitoring may be assigned to aftercare. S.C. Code. Ann. §§ 63-19-350, 63-19-1840 (2010).

South Dakota

Youths discharged from the Department of Corrections are returned to the custody of their parents or prior guardians, except when the court appoints a new guardian at discharge. Aftercare may be developed for youths that have been conditionally released. S.D. Codified Laws §§ 26-7A-122, 26-11A-12, 26-11A-21 (2010).

Tennessee

The Office of Community Contact is directed to establish programs providing guidance, training, and rehabilitation for youths released from correctional institutions. Tenn. Code Ann. § 37-3-403 (2010).

Texas

The Texas Youth Commission is directed to develop a comprehensive plan for the successful reentry and reintegration of released youth. The Commission is also directed to develop a reentry and reintegration plan for each committed youth that includes, amongst other things, housing assistance and family counseling as needed. Youths released under supervision are to be provided clothing, transportation to the home or county in which a suitable home or employment has been found, and an amount of money as determined by Commission rule. Tex. Hum. Res. Code Ann. §§ 61.08131, 61.0814, 61.082, 141.0472 (2009).

Utah

The Board of Juvenile Justice Services is directed to discharge adjudicated youth pursuant to its policies and programs. Utah Code Ann. §§ 62A-7-506, 62A-7-701 (2011).

Vermont

The Commission on Juvenile Justice's enumerated duties include a duty to provide comprehensive aftercare with nonresidential post-release services. Within 28 days of being adjudicated, a youth in custody is to be subject to a case treatment plan that includes a permanency goal and the means through which permanency will be achieved, in addition to a custody recommendation. The case plan is to include the input of the youth. Vt. Stat. Ann. tit. 3, § 3085c, tit. 33, §§ 5121, 5230, 5258, 5320, 5321 (2010).

Virginia

Virginia does not have a specific statutory provision preventing release of youth from the juvenile justice system into homelessness. For youths adjudicated as serious offenders, the Department of Juvenile Justice prepares progress reports prior to release that are directed to include comprehensive aftercare plans. Va. Code Ann. § 16.1-285.2 (2011).

Washington

A juvenile may only be released from the juvenile justice system into the custody of a responsible adult or the Department of Social and Health Services. Wash. Rev. Code Ann. § 13.40.050 (2011).

West Virginia

The Commissioner of Public Institutions has the authority to adopt rules and regulations regarding the discharge or parole of adjudicated youth. Additionally, the legislature states its intent that any reunification, permanency, or preplacement preventative services address the youth's safety. Prior to discharge, adjudicated youth are subject to an aftercare plan submitted to the circuit court that proposes post-discharge education, counseling, and treatment. The plan is to be submitted for comment to the youth's attorney, parents or guardians, probation officer, mental health professional, prosecuting attorney, and/or principal of the school that the youth will attend. Youths that may be the victims of abuse or neglect can also be subject to permanency planning as a result of a delinquency

proceeding. W. Va. Code Ann. §§ 28-1-6, 28-3-11, 49-1-1, 49-5-20, 49-5D-1 et seq., 49-6-5 (2011).

Wisconsin

Every effort is to be made to release juveniles into the custody of a parent, guardian, or legal custodian. If the juvenile cannot be so released, the juvenile may be released into the custody of a responsible adult after counseling or receiving a warning. A juvenile at least 15 years of age may be released without immediate adult supervision after counseling or receiving a warning. A runaway youth may be released to a runaway home. When juveniles are so released other than to the parent, guardian, or legal custodian, the person who took the juvenile into custody is directed to notify the juvenile's parent, guardian, and legal custodian that the juvenile has been released and to whom the juvenile was released. Wis. Stat. § 938.20 (2011).

Wyoming

Committed youth are subject to a court review every 6 months that is to include a review of the permanency plan for the youth following discharge. Wyo. Stat. Ann. §§ 14-6-229; 14-6-231 (2011).

American Samoa

American Samoa does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

District of Columbia

The District of Columbia does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Guam

Guam does not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Northern Mariana Islands

The Northern Mariana Islands does not have a specific statute preventing release of youth from the juvenile justice system into homelessness.

Puerto Rico

Committed youths are subject to permanency planning according to their specific needs and situation. The Juvenile Institutions Administration is tasked with establishing programs to facilitate youth discharge. P.R. Laws Ann. tit 8, §§ 444i, 555 (2008).

Virgin Islands

The Virgin Islands do not have a specific statute affecting release of a youth from the juvenile justice system into homelessness.

Interstate Compact For Juveniles

Background

The Interstate Compact for Juveniles is a multi-state agreement that provides the procedural means to coordinate the supervision and return of juveniles who have run away or moved across state lines. Currently, it is the only legal process for returning runaway youth. In general, an interstate compact is a voluntary agreement between states that attempts to solve their common problems and becomes law in each compacting state. The Interstate Compact for Juveniles provides for the supervision, monitoring and, in some cases, return of juveniles who (a) have run away to another state without consent of a parent or legal guardian, (b) have a pending court proceeding as an accused delinquent, neglected, or dependent juvenile and have run away to another state, (c) require institutional care or specialized services in another state, (d) are on probation or parole and want to reside in another state, or (e) have absconded from probation or parole and have moved to another state.

The movement toward an interstate compact that would address juveniles living outside their home state began in 1954 when Parade Magazine published a series of articles entitled "Nobody's Children," which highlighted the plight of runaway youth. Inspired by these articles, various organizations sought to develop a uniform set of procedures to facilitate the return of runaway youth and the supervision of juvenile offenders between states. Their efforts resulted in the Interstate Compact on Juveniles in 1955. By 1986, it had been ratified by all 50 states, the District of Columbia, the Virgin Islands, and Guam.

By the mid-1990s, the shortcomings of the regulatory system under the Interstate Compact on Juveniles had become clear. After a variety of amendments, not all states maintained identical language; in fact, only seven states had adopted all of the amendments. The Interstate Compact on Juveniles contained no mechanism for enforcing rules and no method for guaranteeing compliance among the states that had enacted it. It also encountered other problems, such as long processing time, a lack of official universal operating procedures, and a lack of modern interstate information exchange. In addition, the development of an interstate highway system, readily accessible air transportation, and modern computers that transformed the sharing of data made the system under the Interstate Compact on Juveniles obsolete. In 1997, the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and the National Institute of Corrections (NIC) set out to revise the Interstate Compact on Juveniles in order to modernize its regulatory structure. In 2001, OJJDP, the Council of State Governments (CSG), and the Association of Juvenile Compact Administrators (AJCA) assembled a drafting team of state officials to design a revised compact. The team finalized the compact language one year later and in 2003, the new Interstate Compact for Juveniles (the "Compact") became available for introduction in state legislatures. Twelve states adopted the Compact that year. The Compact went into effect in 2008, following Illinois' enactment as the thirty-fifth state.

The Interstate Commission for Juveniles (ICJ), the governing body of the Compact, met for the first time during December 2008. During the first twelve months of the ICJ's existence, the pre-existing rules of the old Interstate Compact on Juveniles continued to govern relationships between the states. At the end of this period, the new Compact became effective and the relationships and duties as set forth by the old Interstate Compact on Juveniles ceased to exist. The ICJ has adopted rules that govern the interactions between the states that have enacted the Compact. As the old Interstate Compact on Juveniles no longer remains in force, this summary will analyze the new Compact as it stands enacted in forty-nine states and two territories.

Fast Facts

- **49** states have enacted the Compact (the only exception is Georgia); and
- **2** territories, the District of Columbia and the Virgin Islands, have adopted the Compact.

Purpose and Findings

Two issues were researched for this publication: whether the state had passed a law enacting the Compact, and if not, whether the state had introduced a bill to enact the Compact.

Fifty-one jurisdictions have enacted the Compact as of July 1, 2011; the only five jurisdictions that have not adopted the Compact are Georgia, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico.

The Compact significantly updates the 50-year old mechanism for tracking and supervising juveniles moving across state borders. It updates a crucial yet outdated tool for ensuring public safety and preserving child welfare by providing enhanced accountability, enforcement, visibility, and communication. Each state that has joined the Compact (known individually as a "compacting state" and together as "compacting states") becomes responsible for the supervision of and provision of services to juveniles, delinquents, and status offenders who are on probation or parole and who have absconded, escaped, or run away from supervision and control.

The Compact creates the ICJ, which operates as a governing body for the Compact and consists of a Commissioner from each of the compacting states. Each state has one vote on the ICJ. The ICJ is an independent body and has a variety of powers that are enumerated in the Compact. It consists of Commissioners from each of the signatory states who are appointed by the Governor in consultation with the state council and members of interested organizations who act as ex officio (non-voting) members.

The ICJ has the authority to promulgate and publish rules to effectively and efficiently achieve the purposes of the Compact. These rules are binding on the compacting states. The Compact provides a rule-making process, which must be followed before a rule is promulgated, including publishing a rule in advance of the vote. If a majority of the legislatures of the compacting states reject a rule, then the rule has no effect on any of the compacting states. If a provision of the Compact exceeds a limit imposed by a state constitution, that provision also becomes ineffective. The ICJ may impose a range of penalties on a compacting state that fails to perform any of its obligations under the Compact. These penalties include remedial training, technical assistance, alternative dispute resolution, fines, fees, and suspension or termination of membership in the Compact. The ICJ can also seek relief in federal courts by obtaining an injunction or compelling compliance. The Compact establishes a five-member State Board for Interstate Juvenile Supervision for each compacting state which must advise and oversee the state's participation in the Compact and may exercise other duties as provided in the Act. The Compact also establishes a "Compact office" in each state to handle matters under the Compact involving that state.

...it is important to have clear procedures that ensure the youth's rights and humane treatment throughout the process, and the Interstate Compact achieves that goal.

Compacting states must provide for the safe return of juveniles who have run away to a different state or who are under supervision and have departed a placement. Authorities may release a non-delinquent juvenile to a parent or guardian within the first 24 hours of custody; if the juvenile remains in custody for more than 24 hours, the holding state's Compact office must be notified. Once notified, the Compact office should contact the home state's Compact office and immediately initiate measures to determine the juvenile's residency and jurisdictional facts in that state. At a court hearing, a judge in the holding state must inform the juvenile of his or her rights under the Compact. At the hearing, the juvenile may agree to voluntarily return to the home state.

If a juvenile refuses to return to the home state at the hearing, the appropriate person or authority in the home state must request a requisition from a court in the home state within 60 days. If a judge determines that the juvenile should be returned, he or she will sign the requisition. The home state's Compact office will forward the requisition to the holding state's Compact office. Within 30 days of receiving the requisition, a court in the holding state shall hold a hearing where the judge will decide whether to order the juvenile's return to the home state. If the judge decides not to order the juvenile's return, the judge must issue an order explaining his or her decision.

Compacting states must provide for the transfer of supervision of delinquent juveniles between states according to the rules of the ICJ. All communications between states on Compact issues must be transmitted between the states' Compact offices. In order to organize a transfer, the Compact office

in the sending state must transmit the referral documents (which have been prepared by a local court or employee) to the Compact office of the receiving state. After a local court or employee in the receiving state completes a Home Evaluation, the receiving state reviews the recommendation of the local court or employee and either accepts or rejects the transfer of supervision. The receiving state must provide notice of its decision to the sending state, which notifies the juvenile and his or her family of the results and, if applicable, prepares the arrival and travel packet.

The Compact also authorizes compacting states to make contracts for and otherwise ensure the provision of institutionalized or special services for youth who need them. Any youth who is covered by the Compact is eligible for these services. Where services that have been ordered by a court or paroling authority either are not available through the supervising agency in the receiving state or cannot be obtained through Medicaid, the sending state shall be financially responsible for treatment services.

In addition to facilitating the return of juveniles, transferring supervision, and providing services, the Compact establishes a system of uniform data collection for information pertaining to juveniles who are subject to the Compact that can be accessed by authorized juvenile and criminal justice officials.

As stated earlier, only Georgia, American Samoa, Guam, the Northern Mariana Islands, and Puerto Rico have neither enacted nor introduced bills to enact the Compact.

Analysis

As noted in the chapters on Definitions, Youth In Need of Supervision, and Status Offenses, statutes that permit law enforcement or other government officials to take runaway youth into custody infringe on young people's rights, can cause suspicion and hostility between young people and law enforcement, and can dissuade youth from seeking out available services. The balance between concern for a youth's safety and respect for the youth's rights must be struck carefully. At a minimum, young people should only be permitted to be taken into custody with their consent, if they are in immediate physical danger, or pursuant to a valid court order. If youth are taken into custody, law enforcement should be required to release them within a specified, brief period of time. Youth should never be returned home against their wishes or housed in facilities with delinquent youth or adults. States should be discouraged from making the simple act of running away from home a status offense or crime that implies rebelliousness on the youth's part, rather than the more likely circumstance that the young person has been "thrown away" by the guardian or has "voluntarily" fled the home environment for safety considerations.

That being said, where unaccompanied youth are properly required to be returned from one state to another, it is important to have clear procedures that ensure the youth's rights and humane treatment throughout the process, and the Interstate Compact achieves that goal. It is troubling that five jurisdictions still have yet to enact the Compact. Several retain the previous Interstate Compact on Juveniles on their books even though it has served no purpose since the new Compact became effective.

Because not every state has enacted the Compact, the rules governing transactions between different states vary depending on whether or not the states have enacted the Compact. Where both states involved in a transaction are compacting states, the rules adopted by the ICJ govern the transaction. Where neither state involved in a transaction is a compacting state, the rules of the AJCA as of December 2008 govern the transaction. Where only one of the two states involved in a transaction is a compacting state, the rules of the home state govern the transaction. As long as just one state does not enact the Compact, the outcomes of similar situations will vary depending on the states involved in a particular transaction, according to choice of law rules in each state.

In addition to the laws of non-compacting states, other interstate compacts can impact and affect the operations of the Compact. The Compact directs compacting states to coordinate the operations of different interstate compacts, but the Compact can conflict with them as well. Such compacts include the Interstate Compact for Adult Offender Supervision, which regulates the transfer of adult parole and probation supervision across state boundaries, and the Interstate Compact on the Placement of Children (ICPC), which governs the placement of foster children from one state to another. Both the Compact and the ICPC pertain to youth traveling across state lines under supervision, but the Compact states that

where both compacts apply, the ICPC controls.

Recommendations

- Jurisdictions should in general take a non-punitive approach to unaccompanied homeless youth, limit the circumstances under which runaway youth can be taken into custody, set very brief time limits for such custody, prohibit housing of runaway youth with delinquent youth or adults, and ensure homeless youth are not returned to situations where they feel unsafe;
- Jurisdictions that have not enacted laws adopting the new Interstate Compact for Juveniles should do so; and
- Jurisdictions that have not repealed laws regarding the former Interstate Compact on Juveniles should do so, as it is no longer in force.

Research Methodology and Limitations

To compile state statutes and bills regarding the Interstate Compact for Juveniles, our search used the following terms: Interstate, Compact and Juveniles.

The methodology for searching the statutes that have enacted the Compact was to first search for codified statutory provisions in each state. If no such provision was identified during the search, we then proceeded to search the session law for the enacting provision that had not yet been codified. If no such provision was identified, we lastly proceeded to search the bills in the legislature for a bill that, if passed, would enact the Compact.

The following compendium provides either the statutory provision where the respective state legislatures have codified the Compact, the session law passed by the respective state legislatures that enacts the Compact, or the bill that proposes the passage of the Compact in that particular state.

Interstate Compact For Juveniles Statutes

Alabama
Ala. Code § 44-2-10 (2011).
Alaska
Alaska Stat. Ann. § 47.15.010 (2011).
Arizona
Ariz. Rev. Stat. Ann.§ 8-368 (2011).
Arkansas
Ark. Code Ann. § 9-29-401 (2011).
California
Cal. Welf. & Inst. Code § 1400 et. seq. (2011).
Colorado
Colo. Rev. Stat. Ann. § 24-60-702 (2011).
Connecticut
Conn. Gen. Stat. Ann.§ 46b-151h (2011).
Delaware
Del. Code Ann. tit. 31, § 5203 (2011).
Florida
Fla. Stat. Ann. § 985.802 (2011).
Georgia
No explicit statute or bill.
Hawaii
Haw. Rev. Stat. § 582D-1 (2011).
Idaho
Idaho Code Ann. § 16-1901 (2011).
Illinois
45 Ill. Comp. Stat. Ann.§ 11/10 (2011).
Indiana
Ind. Code Ann. § 31-37-23-1 (2011).
Iowa
Iowa Code Ann. § 232.173 (2011).
Kansas
Kan. Stat. Ann.§ 38-1008 (2010).
Kentucky
Ky. Rev. Stat. Ann.§ 615.010 (2011).
Louisiana
La. Child. Code Ann. §§ 1661 et. seq. (2011).
Maine
Me. Rev. Stat. Ann. tit. 34-A, §§ 9901 et. seq. (2011).
Maryland
Md. Code Ann., Hum. Servs. §§ 9-301 et. seq. (2011).
Massachusetts
Mass. Gen. Laws Ann. ch. 120A, §§ 1 et. seq. (2011).
Michigan
Mich. Comp. Laws § 3.692 (2011).
Minnesota
Minn. Stat. Ann. § 260.515 (2011).
Mississippi
Miss. Code. Ann. § 43-25-101 (2010).
Missouri
Mo. Ann. Stat.§ 210.570 (2011).
Montana
Mont. Code Ann. § 41-6-101 (2010).
Nebraska
Neb. Rev. Stat.§ 43-1011 (2010).
Nevada
Nev. Rev. Stat.Ann. § 62I.015 (2010).
NewHampshire
N.H. Rev. Stat. Ann. §§ 169-A:1 et. seq. (2011).
NewJersey
N.J. Stat. Ann. § 9:23B-1 et. seq. (2011).
New Mexico
N.M. Stat. Ann. § 32A-10-9 (2011).
New York
N.Y. Interstate Compact on Juveniles §§ 1801 et. seq. (McKinney 2011).
North Carolina
N.C. Gen. Stat. Ann.§ 7B-4001 (2010).
North Dakota
N.D. Cent. Code § 12-66-01 (2010).
Ohio
Ohio Rev. Code Ann. § 2151.56 (2011).
Oklahoma
Okla. Stat. Ann. tit. 10A, §§ 2-9-101 et. seq. (2011).
Oregon
Or. Rev. Stat Ann. § 417.030 (2011).
Pennsylvania
11 Pa. Cons. Stat. Ann. § 890.2 (2011).
Rhode Island

R.I. Gen. Laws § 14-6.1-1 (2010).

South Carolina

S.C. Code Ann. § 63-19-2220 (2010).

South Dakota

S.D. Codified Laws § 26-12-15 (2011).

Tennessee

Tenn. Code Ann. § 37-4-101 (2011).

Texas

Tex. Fam. Code Ann. § 60.010 (Vernon 2011).

Utah

Utah Code Ann. §§ 55-12-100 et. seq. (2011).

Vermont

Vt. Stat. Ann. tit. 33, § 5721 (2011).

Virginia

Virginia Code Ann. § 16.1-323 (2011).

Washington

Wash. Rev. Code Ann. § 13.24.011 (2011).

WestVirginia

W.V. Code Ann. § 49-8A-1 (2011).

Wisconsin

Wis. Stat. Ann. § 938.999 (2011).

Wyoming

Wyo. Stat. Ann. § 14-6-102 (2011).

American Samoa

No explicit statute or bill.

District of Columbia

D.C. Code § 24-1102 (2011).

Guam

No explicit statute or bill.

Northern Mariana Islands

No explicit statute or bill.

Puerto Rico

No explicit statute or bill.

Virgin Islands

5 V.I. Code Ann. § 701 et. seq. (2011).

Federal Benefits

Background

The Temporary Assistance to Needy Families (TANF) program provides assistance and work opportunities to needy children and families by granting States the Federal funds to develop and implement their own welfare programs. The program is designed to help move recipients into work and turn welfare into a program of temporary assistance.

Assistance and services provided under the TANF program must satisfy one or more of the four statutory purposes of the TANF program (42 U.S.C. § 601):

- Assisting needy families so that children can be cared for in their own homes;
- Reducing the dependency of needy parents by promoting job preparation, work, and marriage;
- Preventing out-of-wedlock pregnancies; and
- Encouraging the formation and maintenance of two-parent families.

States may only provide assistance to a family that includes either a pregnant individual or a minor child who resides with the family. 42 U.S.C. § 608(a)(1). Therefore, the only unaccompanied youth who qualify for assistance are those who are pregnant or a custodial parent.

To receive assistance, unmarried minor parents who do not have a high school diploma or its equivalent must either pursue such a diploma or participate in an alternative educational or training program approved by the State. 42 U.S.C. § 608(a)(4). In addition, unmarried minor parents must live with a parent, legal guardian, adult relative, or in an adult-supervised setting in order to receive assistance. States are responsible for assisting in locating adult-supervised settings for teens who cannot live at home. 42 U.S.C. § 608(a)(5). States may impose additional requirements. 42 U.S.C. § 608(b). Assistance is often based off of the Federal Poverty Level (FPL).

Parents must cooperate with the State in establishing paternity and establishing, modifying, or enforcing child support orders, unless the parent qualifies for a good cause exception established by the State. Parents that do not cooperate shall receive at least a 25% reduction in amount of assistance, and may be denied any assistance. 42 U.S.C. § 608(a)(2). Recipients also must assign to the State all rights to support. 42 U.S.C. § 608 (a)(3).

There is a five-year lifetime limit on receiving TANF assistance. 42 U.S.C. § 608(a)(7). Generally, the time limit starts running when the youth turns 18, except if the youth is a full-time student in secondary school or vocational/technical training, in which case the time limit starts when the youth turns 19. 42 U.S.C. § 619(2).

Fast Facts

- **47** jurisdictions include language in their statute regarding possible exemption from the requirement that, in order to receive benefits, a minor parents must live with a parent or other legal guardian;
- **9** jurisdictions do not include specific language regarding exemption from this requirement;
- At least **17** jurisdictions explicitly state that regardless of whether a minor parent has been deemed eligible for exemption from living with a parent or legal guardian, they must live in some type of adult-supervised or supportive environment;
- **3** jurisdictions provide no statutory or regulatory provisions specific to unaccompanied youth or minor parents; 2 jurisdictions do not have TANF programs;
- **9** jurisdictions supply or subsidize child care for eligible minors when employment or school is required. 2 jurisdictions cite the minors' lack of available child care as possible grounds for exemption from work or school requirements;
- **14** jurisdictions explicitly exempt minors with children under 12 weeks/3 months of age from work or school requirements. 2 jurisdictions explicitly exempt minors with children under 16 weeks of age. 1 jurisdiction allows exemption for minors with children up to 6 years of age; and
- **3** jurisdictions include cash incentives for youth who graduate high school or earn a GED.

Purpose and Findings

Three main issues were researched for this analysis: whether the statute includes possible exemptions from the requirement for minor parents to live with a parent or legal guardian; if so, whether the statutes explicitly state that minor parents must live in an adult-supervised or supportive environment; and whether the statutes include exemptions from the work and/or education requirement for minor parents.

Forty-seven jurisdictions include language in their statute regarding possible exemption from the requirement that, in order to receive benefits, a minor parent must live with a parent or other legal guardian. The nine jurisdictions that do not include explicit language regarding exemptions from this rule are Colorado, Connecticut, Delaware, Hawaii, Nebraska, Nevada, Washington, West Virginia, and Wisconsin. Three jurisdictions, including Guam, Puerto Rico, and the Virgin Islands, provide no statutory or regulatory provisions specific to unaccompanied youth or minor parents. Two jurisdictions, American Samoa and the Northern Mariana Islands, do not have TANF programs.

At least two jurisdictions, Oklahoma and Vermont, only allow exemption in the case that the minor parent is emancipated. At least one jurisdiction, Wyoming, only allows for exemption in the case of incest. At least thirty-one jurisdictions exempt minor parents who have no available or living parent or legal guardian whose whereabouts are known. They are Alabama, Alaska, Arizona, Arkansas, California, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, and Utah. At least thirty-three jurisdictions allow exemption in the case that the physical or emotional health and/or safety of the minor parents and his/her child would be jeopardized if they lived with the minor's parent or legal guardian. They are Alabama, Alaska, Arizona, Arkansas, California, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, and Virginia. At least 20 jurisdictions include ambiguous language that could be interpreted to allow an exemption (i.e. good cause, appropriate reasons, best interest, etc.). They are Alabama, Arkansas, California, Florida, Georgia, Iowa, Kentucky, Louisiana, Maine, Mississippi, New Hampshire, New Mexico, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, and Texas. Many state statutes address other categories of exemptions not included here.

At least seventeen jurisdictions explicitly state that regardless of whether a minor parent has been deemed eligible for exemption from living with a parent or legal guardian, they must live in some type of adult-supervised or supportive environment. They are Alaska, Florida, Idaho, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, New York, Ohio, Oklahoma (unless legally emancipated), Oregon, Rhode Island, South Dakota, Virginia, West Virginia, and the District of Columbia.

Fourteen jurisdictions explicitly exempt minors with children under twelve weeks (or three months) of age from the programs' work and/or school requirements. They are Alabama, Arkansas, Colorado, Connecticut, Florida, Georgia, Kansas, Kentucky, Massachusetts, Mississippi, New Mexico, Oklahoma, Rhode Island, and the District of Columbia. Two jurisdictions, Oregon and Tennessee, exempt minors with children under sixteen weeks of age. One jurisdiction, Idaho, allows for the exemption of minors with children up to six years of age under certain circumstances.

Nine jurisdictions supply or in some way subsidize child care for eligible minors when employment or school is required. They are Arizona, Arkansas, California, Connecticut, Florida, Massachusetts, Mississippi, West Virginia, and Wisconsin. Two jurisdictions, Idaho and Iowa, include possible exemption from the programs' work and/or education requirements due to the minors' lack of available child care.

Three jurisdictions, California, North Dakota, and West Virginia, include some type of cash incentive for youth who graduate from high school or earn their GED.

Analysis

With only seventeen jurisdictions explicitly requiring

minor parents to reside in an adult-supervised or supportive environment after being deemed exempt from living with a parent or legal guardian, it appears that the majority of statutes allow for some level of leeway regarding appropriate alternative living situations. As such, it seems as though these states may consider a minor parent living alone/independently as an appropriate alternative living situation. For unaccompanied youth, this is an important measure that would allow them to live on their own with their child and still receive the vital benefits through the TANF program.

It is troubling that a fair number of jurisdictions do not include specific language regarding the exemption of minor parents from living with a parent or legal guardian in order to receive assistance. For youth who come from abusive, neglectful, or otherwise unsafe homes, this measure does not ensure their release from these situations. Especially in the case of bringing another child into the home, it could be very damaging and dangerous to not allow minors exemption from this living requirement in order to receive assistance. There are a multitude of factors that contribute to homelessness among youth and it is important that these factors be taken into consideration when considering assistance eligibility for such a vulnerable population.

Last, too few jurisdictions provide any kind of child care for minors who must participate in the mandated education-/work-related requirements. Youth who are more than likely already in precarious financial situations may not have the capacity to find and/or afford child care, potentially creating further barriers to receiving the assistance they need. In addition, only three jurisdictions explicitly provide some type of cash incentive program to encourage the continued participation in and completion of the education requirements included in the TANF statutes. Even a small reward system could help to motivate and support a minor parent who is already facing immense odds.

Noteworthy Statutes

Arkansas' statute includes many provisions that would have positive implications for minor parents, especially those who are unaccompanied. In particular, they have six criteria (including a "best-interest" point) that would not only exempt minor parents from living with a parent or legal guardian, but also do not explicitly mandate that an adult-supervised or supportive environment be the only acceptable alternative living situations in the case of exemption. In addition, they exempt minor parents from the education-related requirements if they have a child who is under three months old, as well as provide transportation, child care, case management, and mentoring when they start participating. These provisions help to both alleviate barriers and create opportunities for minor parents while supplying them with the necessary benefits to ensure the health and safety of themselves and their children. Ark. Admin. Code § 208.00.1-2122; 2123; 3310 (2011).

Like Arkansas, California's statute not only includes a variety of criteria (including a "good cause" point) that would exempt a minor parent from living with a parent or legal guardian, it also does not mandate that an adult-supervised or supportive environment be considered the only acceptable alternative living situations in the case of exemption. Furthermore, the required education-related program provides youth with payments for child care, transportation and school expenses. In addition, they provide cash bonuses for good grades and a $500 bonus upon completion of high school or an equivalent program. California's statute approaches minor parents in a holistic way that not only allows them exemption from cumbersome living arrangements, but also comprehensively supports youth in the completion of a high school degree or equivalent. Cal. Welf. & Inst. Code § 11254; 11331.5; 11333.7 (West 2011).

Recommendations

- Establish TANF eligibility for pregnant minors ideally 120 days, but minimally at least 90 days, before their due date;
- Ensure exemptions from the minor parent living arrangement rule for pregnant and parenting minors in cases where: the minor parent has no living parent or legal guardian whose whereabouts are known; the living parent or legal guardian forbids the minor parent from living in his/her home; the minor parent has lived apart from his/her own parent or legal guardian for at least 1 year before either the birth of his/her child or application for TANF; the physical or emotional health or safety of the minor parent or his/her child would be jeopardized if they reside in the same residence with the minor parent's parent or legal guardian; an adult relative of the household

has an addiction or a history of domestic violence; the parent or legal guardian of the minor parent has a mental illness or developmental disability rendering them unable to care for the minor parent; the parent or legal guardian does not live in the same state as the minor parent; the minor parent would be financially or legally penalized as a result of breaking a lease, etc, if s/he moved; or other appropriate reasons;

- Establish living alone/independently as an "appropriate alternative living arrangement" option for minor parents and provide assistance for minor parents in securing safe, stable housing;
- Exempt minor parents with children less than three months of age from the employment and training rules;
- Provide child care services or assistance, as well as transportation to child care, school, and place of employment, for minor parents in order to help them comply with the employment and training rules; and
- Provide cash incentive payments or higher education scholarship assistance to minor parents on TANF who complete education and training requirements.

Research Methodology and Limitations

This section contains information on federal benefits available to unaccompanied youth, specifically TANF. It summarizes the federal regulations and provides information by state on how each state administers the TANF system limited to provisions directly affecting unaccompanied youth. It is not a full review of state TANF administration systems, which may have other provisions that indirectly affect accessibility of benefits for unaccompanied youth.

Federal Benefits Statutes

Alabama
FA (Family Assistance Program)

FA provides assistance to minor parents, who are defined as recipients who are under 18 years of age, unmarried, and the natural parent of a dependent child living in the same household. Minor parents must live with a parent, adult relative, legal guardian, or in an adult-supervised supportive living arrangement, such as a foster home or maternity home. A minor parent may be exempt from this requirement if (a) the minor parent has no living parent or legal guardian whose whereabouts are known, (b) no living parent or legal guardian allows the minor parent to live in his/her home, (c) the minor parent lived apart from his/her own parent or legal guardian for at least 1 year before either the birth of his/her child or application for FA, (d) the physical or emotional health or safety of the minor parent or his/her child would be jeopardized if they resides in the same residence with the minor parent's parent or legal guardian, (e) the parent of legal guardian does not live in Alabama, (f) the minor parent would be financially or legally penalized as a result of breaking a lease, etc, if s/he moved, or (g) other appropriate reasons. Ala. Admin. Code r. 660-2-2.38 (2011).

Minor parents without a high school diploma or its equivalent must participate in education activities directed toward the attainment of a high school diploma or its equivalent or an alternative educational or training program approved by the State. Minor parents with a child under 12 weeks of age are exempt from this requirement. Ala. Admin. Code r. 660-2-2-.38.(4) (2011).

Alaska
ATAP (Alaska Temporary Assistance Program)

ATAP provides assistance to minor parents and pregnant minors in the last 91 days of pregnancy. Alaska Stat. § 45.510(a) (2011). Minor parents are defined as recipients who are under the age of 18, unmarried, un-emancipated and either pregnant or parenting. Alaska Stat. § 45.990(27) (2011). Generally, minor parents must live in the household of a parent, legal guardian, or other adult relative in order to receive assistance. However, a minor parent may live in an approved, adult-supervised, supportive living environment if (a) the minor parent does not have a living parent, legal guardian, or other adult relative whose whereabouts are known, (b) no living parent, legal guardian, or adult relative will allow the minor to reside in his/her home, (c) the minor parent lived apart from the minor parent's parent or legal guardian for at least 1 year before either the birth of the minor parent's child or the date of the minor parent's application for assistance, (d) the Department determines that having the minor parent live in the home of the minor parent's parent, legal guardian, or other relative would endanger the physical or emotional health of the minor parent, his/her child, or another individual in the home, or (e) the Department required the minor parent to participate in education, training, or substance abuse treatment that is not available in the community where the parent, legal guardian, or adult relative lives. Alaska Stat. § 45.227 (2011).

Minor parents who do not have a high school diploma or GED must attend a secondary school or other appropriate training program. Alaska Stat. § 47.27.027(3) (2011).

Arizona
EMPOWER (Employing and Moving People Off Welfare and Encouraging Responsibility)

EMPOWER provides assistance to minor parents, who are defined as recipients under 18 years old, have never been married, and are the natural parent of a dependent child living in the same household. In order to receive cash assistance, minor parents must live with a parent, adult relative, or legal guardian, unless (a) the minor parent has not living or locatable parent, adult relative, or legal guardian, (b) the minor parent is legally emancipated, or (c) the physical or emotional health or safety of the minor parent or the minor parent's child would be at risk if the minor parent resided in the home of his/her parent, adult relative, or legal guardian. Ariz. Admin. Code § 6-12-608 (2011).

To receive benefits, the minor parent must participate in an education, training, or employment activity, unless the parent is exempt because the parent is attending full time school. Ariz. Admin. Code § 6-12-610 (2011). Minor parents who are not eligible for cash assistance because they do not meet the living

arrangement requirement may be eligible for child care. Ariz. Admin. Code § 6-12-612 (2011).

Arkansas
TEA (Transitional Employment Assistance)

TEA provides assistance to minor parents, which are defined as parents under the age of 18. A "head of household" minor parent is a minor parent who is legally married, regardless of whether s/he is currently living with the spouse, or a minor parent who is living on his or her own without adult supervision and it has been determined that this is an appropriate living arrangement for the minor parent and child. Ark. Admin. Code § 208.00.1-2120.1 (2011). A minor parent who is not a head of household must live in the home of a parent, legal guardian, or other adult relative. A minor parent may be exempt from this requirement if (a) the minor parent's current living arrangement is determined to be appropriate, (b) the minor parent has no parent, legal guardian, or other appropriate adult relative who is living or whose whereabouts are known, (c) no parent, legal guardian, or adult relative will allow the minor parent to live in his/her household, (d) the minor parent or child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the home of the minor parent's parent or legal guardian, (e) substantial evidence exists that the minor parent or child would be at risk of imminent or serious harm in the home of the minor parent's parent or legal guardian, or (f) it is otherwise determined that it is in the best interest of the minor parent's child to waive the living arrangement requirement Ark. Admin. Code § 208.00.1-2122.1 (2011).

All minor parents who do not have a high school diploma or its equivalent must attend school or participate in other educational activities directed toward the attainment of a high school diploma or its equivalent. Minor parents who have a child under 3 months old are exempted from this requirement. Ark. Admin. Code § 208.00.1-2123 (2011). All supportive services offered in the TEA program, including transportation, child care, case management, and mentoring, are available to minor parents. Ark. Admin. Code § 208.00.1-3310 (2011).

California
CALWORKS (California Work Opportunity and Responsibility to Kids)

CALWORKS provides assistance to minor parents and pregnant minors in their third trimester. Cal. Welf. & Inst. Code § 11545 (West 2011). Generally, never-married parenting and pregnant recipients under the age of 18 must reside with a parent, other adult relative, legal guardian, or in a state licensed adult-supervised living arrangement, such as a group home or maternity home. However, a minor parent may be exempt from this requirement if (a) the minor parent has no parent or legal guardian who is living, whose whereabouts are known, or who will allow the minor parent to live in his/her home, (b) it is determined by a Child Protective Services worker that the physical or emotional health/safety of the minor parent or his/her child would be jeopardized if they lived in the home with the minor's parent, legal guardian, or other adult relative, (c) the minor parent has lived apart from his/her parent or legal guardian for at least 12 months before the birth of the youngest child or the application for assistance, or (d) there is other good cause to waive the living arrangement requirement. Cal. Welf. & Inst. Code § 11254 (West 2011).

Parenting and pregnant recipients under the age of 19 who have not yet completed high school must participate in Cal-Learn, which provides payments for child care, transportation and school expenses while the minor parent attends school. Cal. Welf. & Inst. Code § 11331.5 (West 2011). Cal-Learn also provides cash bonuses for good grades, sanctions for bad grades, and a bonus of $500 upon completion of high school or an equivalent program. Cal. Welf. & Inst. Code § 11333.7 (West 2011).

Colorado
Colorado Works

Colorado Works provides assistance to unemanicipated minor parents. 9 Colo. Code Regs. § 2503-1:3.600 (2011).

Unmarried parenting or pregnant individuals under the age of 18 who have not completed high school or its equivalent must attend high school, work on a GED, or participate in an alternative education or training program approved by the State. Minor parents with a child under 12 weeks old are exempt from this requirement. 9 Colo. Code Regs. § 2503-1:3.600.15 (2011).

Connecticut
JOBS FIRST

Unmarried minor parents who have not completed high school or its equivalent must participate in educational activities directed toward the attainment of a high school diploma or its equivalent. Minor parents who have a child under 12 weeks old are exempt from this requirement. Child care assistance is provided to minor parents who need child care while completing school. Conn. Gen. Stat. Ann. § 17b-688g (West 2011). Minor parents completing high school or equivalency programs are exempted from time limits on assistance. Conn. Gen. Stat. Ann. § 17a-112 (West 2011).

Delaware
TANF

Delaware's TANF program provides assistance to minor parents and pregnant minors beginning on the first day of the month of the due date. 16 Del. Admin. Code § 5100-3028.2 (2011). Unmarried, unemancipated parents under the age of 18 may only receive assistance in the form of vouchers and services, unless the minor parent's child was conceived as a result of incest or sexual assault. 16 Del. Admin. Code § 5100-3008 (2011). In order to receive assistance, unmarried, un-emancipated parents under the age of 18 must reside in the household of a parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement approved by the Division of Family Services. 16 Del. Admin. Code § 5100-3027.2 (2011).

Teen parents are required to attend (a) elementary, secondary, post-secondary, vocational, or training school, (b) a GED program, or (c) work. 16 Del. Admin. Code § 5100-3008.1.4 (2011). All recipients are required to attend parenting education classes and to obtain family planning information from the provider of their choice. 16 Del. Admin. Code § 5100-3014 (2011).

Florida
Welfare Transition Program

Florida's Temporary Cash Assistance program provides assistance to parents and expectant mothers on the first day of the month in which their due date falls. Fla. Admin. Code Ann. r. 65A-4.215 (West 2011). Teen parents are defined as unmarried parents who are less than 18 years old and unmarried parents who are 18 years old and are full-time students in secondary school or the equivalent level of career training. Fla. Admin. Code Ann. r. 65A-4.217 (2011). Generally, teen parents must live with a parent, legal guardian, or other adult caretaker relative in order to receive assistance. However, a teen parent may live in an alternative adult-supervised supportive living arrangement if the Department determines that the teen parent has suffered or might suffer harm in the home of the parent, legal guardian, or adult caretaker relative or the requirement is not in the best interest of the teen parent or the child. The State will assist the teen parent in finding a suitable home, a second-chance home, a maternity home, or other appropriate adult-supervised supportive living arrangement. Assistance will be provided during this interim period. Fla. Stat. Ann. § 414.095(14) (West 2011).

Teen parents who do not have a high school diploma or its equivalent must attend school, an approved GED program, or an approved alternative training program. Teen parents with a child who is less than 12 weeks old are exempt from this requirement. All teen parents must attend parenting and family classes that provide a curriculum specified by the Department or the Department of Health. Fla. Stat. Ann. § 414.095(14) (2011). Recipients may receive subsidized child care assistance when it is necessary for them to participate in employment and training activities. 65 Fla. Admin. Code Ann. r. 65A-4.218 (West 2011).

Georgia
TANF

Georgia's TANF program provides assistance to minor parents. Generally, unmarried parents under the age of 18 must live in the household of a parent, legal guardian, other adult relative, or in a foster home, maternity home, or other supportive adult-supervised living arrangement in order to receive assistance. This requirement may be waived if (a) the recipient has no parent or legal guardian whose whereabouts are known, (b) no parent or legal guardian allows the recipient to live in his/her home, or (c) there is another good cause to waive the requirement. Ga. Code Ann. § 49-4-184 (2011).

Unmarried parents under the age of 18 who have not completed high school or its equivalent must participate in education activities directed toward the attainment of a high school diploma or its equivalent or an alternative educational or training program that has been approved by the State. This requirement does not apply to recipients who have a child under 12 weeks old and may also be waived for good cause. Ga. Code Ann. § 49-4-184 (2011).

Hawaii
TANF

Hawaii's TANF program provides assistance to minor parents and pregnant minors in their ninth month of pregnancy. Haw. Code R. § 17-656.1-15 (Weil 2011).

A custodial parent under the age of 20 who does not have a high school diploma must attend high school or a GED program. Haw. Code R. § 17-794.1-37 (Weil 2011)

Idaho
TAFI (Temporary Assistance for Families in Idaho)

TAFI provides assistance to parents and pregnant women who are in their third trimester and unable to work. Enhanced Work Services Manual, p. 14 (2008). Generally, unmarried parents under age 18 must live with their parents in order to receive assistance. Two unmarried parents under age 18, with a child in common, can choose to live with the parents of the unmarried father or the unmarried mother. Idaho Admin. Code r. 16.03.08.128 (2011). This requirement may be waived if (a) the child of the minor parent was conceived by rape or incest, (b) the minor's parents are abusive, (c) the minor parent's parents are not available due to incarceration, death, or their whereabouts are unknown, (d) the minor parent's parents refuse to allow the minor parent into the home and no alternative care is available, or (d) the minor parent is dangerous to the parents or other household members. Idaho Admin. Code r. 16.03.08.129 (2011). A minor parent who is exempt from living with his or her parents may live with an adult guardian, an appropriate adult relative, an appropriate adult not related to the minor parent, or in an independent living arrangement with adult supervision, including a home for unwed mothers. Enhanced Work Services Manual, p. 17 (2008).

A child between the ages of 16 and 18 who is not attending school must participate up to 40 hours per week in assigned work activities. A single custodial parent of a child less than 6 years of age is exempt from work activities if distance or child care is a hardship. Work activities consist of paid work, including self-employment that produces earnings of at least the federal minimum wage; unpaid work; community service; work search activities; education leading to high school diploma or equivalency; work preparation education; vocational or job skills training; and other activities that improve the ability to obtain and maintain employment or support self-reliance. Idaho Admin. Code r. 16.03.08.163 to 16.03.08.164

Illinois
TANF

Illinois's TANF program provides assistance to parents and expectant mothers. 305 Ill. Comp. Stat. 5/4-1.1 (2011). Generally, never-married parenting or pregnant recipients who are under the age of 18 must reside with a parent, legal guardian, or other adult relative or in a foster home, maternity home, or other adult-supervised living arrangement in order to receive assistance. However, this requirement may be waived if (a) the recipient has no living parent or legal guardian whose whereabouts are known, (b) the State determines that the physical health or safety of the recipient or child would be jeopardized, or (c) the recipient has lived apart from her/his parent or legal guardian for at least 1 year before the child's birth or before applying for assistance. 305 Ill. Comp. Stat. 5/4-1.2c (2011).

Parents under the age of 20 who have not completed high school or its equivalent must enroll in school or an educational program that is expected to result in the receipt of a high school diploma or its equivalency. However, 18 and 19 year-old parents may be assigned to work activities or training if, based on an individualized assessment, it is determined that secondary school is inappropriate. 305 Ill. Comp. Stat. 5/4-1.9 (2011).

Indiana
TANF

Indiana's TANF program provides assistance to parents and expectant mothers. Ind. Code Ann. § 12-14-28-1 (West 2011). Generally, parenting and pregnant recipients who are under the age of 18 and either unmarried or married but not residing with or receiving support from a spouse, must live with a parent, legal guardian, or adult relative. However, this requirement may be waived if (a) the minor parent does not have a living parent or legal guardian whose whereabouts are known, (b) the minor parent lived apart from his/her parent or legal guardian for at least 1 year before the birth of the child or the application for assistance, (c) the physical health of the safety of the minor parent or the child would be jeopardized if they reside with a parent, legal guardian, or adult relative, or (d) the minor parent or the child has been

alleged or adjudicated a child in need of services or has been placed under the wardship or guardianship of the county office. The parent of a dependent minor who has a child is financially responsible for the care of the grandchild until the dependent child becomes 18 years old. Ind. Code Ann. § 12-14-1-1.5.

A recipient under the age of 18 who has not graduated from high school or obtained a GED must attend school. Ind. Code Ann. § 12-14-2-17.

Iowa

FIP (Family Investment Program)

FIP provides assistance to minor parents, which are defined as parents who are under the age of 18 and have never been married. Iowa Code Ann. § 239B.1 (9) (West 2011). In order to receive assistance, minor parents must live with a parent or legal guardian, unless (a) the parent or guardian of the minor parent is deceased, missing, or living in another state, (b) the minor parent's health or safety would be jeopardized if the minor parent is required to live with the parent or guardian, (c) the minor parent is in foster care, (d) the minor parent is participating in the Job Corps Solo Parent Program or independent living program, or (e) other good cause exists. Iowa Code Ann. § 239B.10 (1) (West 2011).

Minor parents who do not have a high school diploma or its equivalent must be engaged full-time in completing high school graduation or equivalency requirements, subject to the availability of child care. Parents who are under the age of 20 must also attend parenting classes. Iowa Code Ann. § 239B.10 (3, 4) (West 2011).

Kansas

TAF (Temporary Assistance for Families)

To receive TAF assistance, parents who are under the age of 18 and un-emancipated must reside with a caretaker, unless (a) either the parents of the recipient are institutionalized or the recipient has no parent who is living or whose whereabouts are known, and there is not other caretaker who is willing to assume parental control of the recipient or (b) the health and safety of the recipient has or would be jeopardized by remaining in the household with the recipient's parents or other caretakers. Kan. Admin. Regs. §§ 30-4-34, 52 (2011).

Unmarried parents under the age of 18 who have not completed high school or its equivalent must work toward attainment of a high school diploma or its equivalent. Recipients with a child under 12 weeks of age of exempt from this requirement. Kan. Admin. Regs. § 30-4-70(f) (2011).

Kentucky

K-TAP (Kentucky Transitional Assistance Program)

Minor teenage parents, defined as recipients under the age of 18 who are either unmarried or married but not living with the spouse must reside in the household of a parent, legal guardian, or an adult relative. However, a minor teenage parent may live in an adult-supervised supportive living arrangement, such as a second-chance home or maternity home, if (a) the minor teenage parent does not have a parent, legal guardian, or appropriate adult relative who is living, whose whereabouts are known, or who would allow the minor teenage parent to live in his/her home, (b) the minor teenage parent or child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the minor teenage parent's own parent or legal guardian, or (c) there is substantial evidence of imminent or serious harm if the minor teenage parent and child lived in the same residence with the minor teenage parent's own parent or legal guardian. The residency requirement may be waived if the Cabinet determines that living in the place of residence maintained by the parent, legal guardian, or adult relative is not in the best interest of the minor child or the minor teenage parent's current living arrangement is appropriate. 921 Ky. Admin. Regs. 2:006 § 1 (2011).

All parents under the age of 18 who have not completed high school or its equivalent must participate in an educational activity toward the attainment of a high school diploma/its equivalent or a Cabinet-approved alternate education or training program. Parents who have a child under 12 weeks old are exempt from this requirement. 921 Ky. Admin. Regs. 2:006 § 20 (2011).

Louisiana

FITAP (Family Independence Temporary Assistance Program)

FITAP provides assistance to minor parents and pregnant minors in their sixth month of pregnancy. La. Rev. Stat. Ann. § 46:231.2 (2011). Generally, minor unmarried parents must reside in the household of a parent, legal guardian, other relative, or in a foster home, maternity home, or other adult-supervised

supportive living arrangement in order to receive assistance. However, this requirement may be waived if (a) the minor parent has no parent or guardian who is living and whose whereabouts are known, (b) no living parent or legal guardian allows the minor parent to live in his/her home, (3) the minor parent lived apart from his/her own parent or legal guardian for at least 1 year before the birth of the child or the application for FITAP, (d) the physical or emotional health or safety of the minor parent or child would be jeopardized if they resided in the same household with the parent or legal guardian, or (e) there is otherwise good cause to waive the requirement. La. Admin. Code tit. 67, § 1227 (2011).

Parents who are under the age of 18 and have not completed high school or its equivalent must attend school or related education classes designed to obtain a high school diploma or its equivalent. Additionally, all recipients who are pregnant or have a child under the age of 1 must participate in parenting skills classes. La. Rev. Stat. Ann. §§ 46:231.3, 46:231.5 (2011).

Maine

TANF

Maine's TANF program provides assistance to parents and pregnant women 90 days before their due date. Me. Rev. Stat. Ann. tit. 22, § 3762 (3)(B)(5) (2011). Unmarried parents under the age of 18 may only receive benefits in the form of vouchers. Me. Rev. Stat. Ann. tit. 22, § 3763 (2011).

Generally, unmarried parents under the age of 18 must reside with a parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement in order to receive assistance. However, a minor parent may be exempt from this requirement if (a) the minor parent does not have a living parent or legal guardian whose whereabouts are known, (b) no living parent or legal guardian allows the minor parent to live in his/her home, (c) the minor parent lived apart from the his/her own parent or legal guardian for a period of at least 1 year before the birth of the child or the application for TANF, (d) the physical or emotional health or safety of the minor parent or child would be jeopardized if that minor parent or dependent child resided in the same residence with the minor parent's parent or legal guardian, or (e) there is other good cause for exemption. Me. Rev. Stat. Ann. tit. 22, § 3763(4) (2011).

Normally, a recipient who is the single custodial parent or a caretaker relative of a child under 1 year old and is personally providing care for that child is exempt from work or education requirements for no more than 12 months per single custodial parent or caretaker relative. Me. Rev. Stat. Ann. tit. 22, § 3763 (2) (2011). However, parents who are under the age of 20 and have not completed high school or its equivalent must participate in the ASPIRE-TANF program and attend courses to complete high school, regardless of the age of the youngest child. Me. Rev. Stat. Ann. tit. 22, § 3763 (3) (2011).

Maryland

FIP (Family Investment Program)

FIP provides assistance to parents and pregnant women. MD. Human Serv. § 5-308(a) (West 2011). Generally, parents under the age of 18 must live with a parent, legal guardian, or other adult relative in order to receive assistance. However, minor parents may live in an adult-supervised group living arrangement if (a) there is no available parent, legal guardian, custodian, or other adult relative with whom the minor parent can live, (b) the minor parent or child would be subject to physical or emotional harm, sexual abuse, or neglect in the home of any available adult relative, or (c) a social service worker finds that living with any available adult relative would not be in the best interest of the minor parent or child. Minor parents may also live independently if a social service worker confirms that the physical safety or emotional health of the minor parent or child would otherwise be in jeopardy. MD. Human Serv. § 5-312(b)(3).

Massachusetts

TAFDC (Transitional Aid to Families with Dependent Children)

TAFDC provides assistance to pregnant women 120 days before their due date. 106 Mass. Code Regs. 203.565 (2011). To receive assistance, parents under the age of 20 must live in the home of a parent or adult relative who is at least 20 years old (but not the child's other parent, if unmarried), an approved foster parent, or a legal guardian. However, if there is no adult relative that the teenage parent can live with, or if there is abuse, neglect, or substance abuse at home, the teenage parent must live in a supervised, structured setting through the Department's Teen Living Program.

In addition to cash assistance, TAFDC provides a number of services for teen parents. Teen parents may be eligible for child care while in school or at work. 106 Mass. Code Regs. 207.210 (2011). The Young Parents Program provides literacy and other skills training to pregnant and parenting TAFDC recipients between 14-22, who have not yet achieved a high school diploma or its equivalent. 106 Mass. Code Regs. 207.140 (2011).

Parents under the age of 20 who have not completed high school or its equivalent must attend primary/secondary school or a full-time GED program and participate in an approved training or employment-related activity for 20 hours per week. School attendance is not required for 3 months after the birth of a child. A teenage parent in a structured living program is required to enroll and make progress in high school or a GED program and participate in basic parenting skills, life skills, and pregnancy prevention classes. A structured living program also provides necessary rules and regulations to promote stability and provides regular counseling sessions. 106 Mass. Code Regs. 203.600 to 203.630 (2011). A teenage parent may also live independently if the Department determines s/he if the teenage parent has achieved the necessary educational and vocational goals and acquired sufficient independent living skills and parenting skills. 106 Mass. Code Regs. 203.640 (2011). The school attendance requirement may be waived for teen parents who are victims of domestic violence. 106 Mass. Code Regs. 203.110 (2011).

The Emergency Assistance Shelter Program to TAFDC Families provides temporary emergency shelter to eligible homeless TAFDC families and assists them in finding permanent housing. To be eligible, families must meet the TAFDC asset limits and have gross income less than or equal to 130% of the FPL. 106 Mass. Code Regs. 309.020 (2011). The Emergency Assistance Shelter Program to Non-TAFDC Families provides temporary emergency shelter to eligible homeless families who are not TAFDC recipients and assists them in finding permanent housing. To be eligible, families must have household gross income less than or equal to 130% of FPL and assets not greater than $2,500. The Housing Assistance Program provides housing search services to homeless families in temporary, emergency shelter. 106 Mass. Code Regs. 309.039 (2011).

Michigan

FIP (Family Independence Program)

FIP provides assistance to minor parents, who are defined as parenting or pregnant recipients who are under the age of 18 and not emancipated. Generally, minor parents must live with a parent, stepparent, or legal guardian in order to receive assistance. However, a minor parent may live in another adult-supervised household if (a) the minor parent's parent, stepparent, or guardian is unavailable or unwilling to allow the minor to live in his/her household, (b) there is reasonable belief of physical, sexual, or substance abuse occurring in the household, or (c) there are other risks to the physical or emotional health or safety of the minor parent or child. This requirement may be waived with respect to a minor parent who is at least 17, attending secondary school full-time, and participating in a Department service plan or a teen parenting program, if moving would require the minor to change schools. Mich. Comp. Laws Ann. § 400.57b (2011).

Minor parents who have not completed secondary school must attend school. Mich. Comp. Laws Ann. § 400.57e (2011).

Minnesota

MFIP (Minnesota Family Investment Program)

MFIP provides assistance to minor parents, who are defined as parenting or pregnant recipients under the age of 18 who have never been married or legally emancipated. Minn. Stat. Ann. § 256J.08 (59) (2011). Generally, minor parents must reside in the household of a parent, legal guardian, or other adult relative in order to receive assistance. However, a minor parent may live in an adult-supervised supportive living arrangement if (a) the minor parent has no living parent, other adult relative, or legal guardian whose whereabouts are known, (b) no living parent, other adult relative, or legal guardian allows the minor parent to live in their home, or (c) the physical or emotional health or safety of the minor parent or minor child would be jeopardized if the minor parent and the minor child resided in the same residence with the minor parent's parent, other adult relative, or legal guardian. An adult-supervised supportive living arrangement is either a private family setting which assumes responsibility for the care and control of the minor parent and his/her child, or some other living arrangement (not including a public institution) that is licensed by

the Commissioner of Human Services and ensures the minor parent receives adult supervision and supportive services, such as counseling, guidance, independent living skills training, or supervision. A minor parent may also be allowed to live independently if (a) the minor parent lived apart from the minor parent's parent or legal guardian for at least 1 year before either the birth of the minor child or the minor parent's application for assistance, or (b) an adult supervised supportive living arrangement is not available for the minor parent and child in the county in which the minor parent and child currently reside. Minn. Stat. Ann. § 256J.14 (2011).

Minor parents without a high school diploma or its equivalent must attend school. An 18- or 19- year-old parent without a high school diploma may choose between attending school or fulfilling the work requirements of MFIP. Minn. Stat. Ann § 256J.54 (2011).

Mississippi
TANF

Mississippi's TANF program provides assistance to minor parents, who are defined as parents under the age of 18. Generally, unmarried minor parents must live with a parent or other adult caretaker in order to receive assistance. However, an unmarried minor parent may be exempt from this requirement if (a) the minor parent has no living parent or suitable relative whose whereabouts are known, (b) no living parent, specified relative, or legal guardian will allow the minor parent to live in his or her home, (c) the minor parent has lived on her own, apart from adult supervision, for at least 1 year prior to the birth of the child or to making application for TANF, (d) the physical or emotional health or safety of the minor parent or her child would be endangered by residing with the minor parent's parent or other caretaker, or (e) there is other good cause to grant assistance to a minor parent living apart from adult supervision. Minor parents who have not completed high school or its equivalent are required to remain in school. School attendance requirements apply once the minor parent's child is 12 weeks old. Supportive services are available if the minor parent needs child care in order to remain in school. Miss. Admin. Code 18-5-6:C-4 (2011).

Missouri
Temporary Assistance

To receive Temporary Assistance, a never-married parenting or pregnant individual under the age of 18 must reside with a parent, legal guardian, other adult relative, or in some other adult-supervised supportive living arrangement. Exceptions to this requirement are allowed if (a) the minor parent has no parent or legal guardian who is living or whose whereabouts are known, (b) the Family Support Division determines that the physical health or safety of the minor parent or child would be jeopardized, (c) the minor parent has lived apart from any parent or legal guardian for a period of at least 1 year prior to the birth of the child or applying for benefits, or (d) the child abuse hotline has made a "reason to suspect finding" that the minor parent was a victim of abuse while residing in the home where he/she would be required to reside. Mo. Ann. Stat. § 208.040 (West 2011).

Montana
FAIM (Families Achieving Independence in Montana)

FAIM provides assistance to teen parents, who are defined as an individual under the age of 18 who is unmarried and either parenting or in the third trimester of pregnancy. Generally, teen parents must live with a parent, legal guardian, or other adult relative in order to receive assistance. However, a teen parent may live in an alternative setting if (a) the teen parent has no parent, legal guardian, or other adult relative who would qualify to serve as a guardian, and who will allow the teenage parent to live in their home, (b) physical, verbal, or emotional abuse exists in the home of any adult relative or guardian with whom the teen parent could otherwise live, (c) alcohol or drug abuse exists in the home of any adult relative or guardian with whom the teen parent could otherwise live, (d) any adult relatives with whom the teen parent could otherwise live do not live in Montana, (e) any adult relative with whom the teen parent could otherwise live is mentally ill, or (f) it would be dangerous to the teen parent's physical or emotional well being to live with any adult relatives with whom the teen parent could otherwise live. Mont. Admin. R. 37.78.206 (2011).

Teen parents who have not completed high school or its equivalent must participate in educational activities. Mont. Admin. R. 37.78.811 (2011). The Parents as Scholars Program provides assistance to a limited number of recipients who are or will be undergraduates in a two- or four-year post-secondary institution. Mont. Admin. R. 78.812 (2011).

Nebraska
ADC (Aid to Dependent Children)

ADC provides assistance to minor parents and pregnant minors in their third trimester. A minor parent living with a relative, guardian, or conservator is considered emancipated unless the minor parent is receiving support from his or her parent(s), guardian, or conservator. A minor parent who is married is considered emancipated, even if the minor parent is living in his or her parent's home. 486 Neb. Admin. Code § 2-007.2 (2011).

Nevada
TANF

Nevada's TANF program provides assistance to poor families. Nev. Rev. Stat. Ann. § 422A.080 (West 2011).

Unmarried minor parents must attend training to learn the skills necessary to care for a child and are encouraged to participate in a program that provides mentors for such parents. Nev. Rev. Stat. Ann. § 422A.535 (West 2011).

New Hampshire
FAP (Family Assistance Program)

In order to receive FAP assistance, an unmarried parent under 18 years of age must reside with a parent, legal guardian, other adult relative, or in another adult-supervised supported arrangement, unless (a) the minor parent resided separately from his/her parent or legal guardian for a period of at least 1 year before either the birth of his/her child or application for assistance, (b) the physical or emotional health or safety of the minor parent or dependent child would be jeopardized, or (c) there is otherwise good cause for the minor parent and dependent child to receive assistance while residing separate from a parent, legal guardian, other adult relative, or outside of an adult-supervised living arrangement. N.H. Rev. Stat. Ann. § 167:79 (2011).

A recipient who is married or is a single head of household and is under the age of 20 must attend secondary school, its equivalent, or participate in education directly related to employment for at least 20 hours per week. N.H. Rev. Stat. Ann. § 167:85 (2011).

New Jersey
WFNJ (Work First New Jersey)

In order to receive WFNJ assistance, never-married parenting or pregnant individuals under 18 years old must reside in a home maintained by a parent, legal guardian, or other adult relative unless it is determined that the adult relative (a) refuses or is unable to allow the applicant/recipient or that person's dependent child to reside in that adult's home, (b) poses a threat to the emotional health or physical safety of the applicant/recipient, (c) has physically or sexually abused the applicant/recipient or the applicant's/recipient's dependent child, or poses a risk of doing so, or (d) has exhibited neglect with respect to the needs of the applicant/recipient and the applicant's/recipient's dependent child. N.J. Stat. Ann. § 44:10-60 (West 2011).

Never-married parenting or pregnant individuals under 18 years old must regularly attend a high school or equivalency program of study unless the Commissioner determines that the minor parent lacks a reasonable prospect of being able to successfully complete high school or its equivalent. If the minor parent has completed secondary education, he or she must engage in a work activity. N.J. Stat. Ann. § 44:10-60 (West 2011).

New Mexico
NM Works

NM Works provides assistance to parents and pregnant women in their third trimester. N.M. Admin. Code § 8.102.400 (2011). Generally, unmarried recipients under the age of 18 who are pregnant or parenting must reside in the household of a parent, legal guardian, or other adult relative. However, unmarried minor parents may be exempted from this requirement if the Department refers the minor parent to a second-chance home, maternity home, or other appropriate adult-supervised supportive living arrangement. Unmarried minor parents may also be exempted if the Department determines that (a) the minor parent has no parent, legal guardian, or other appropriate adult relative who is living or whose whereabouts are known, (b) the minor parent is not allowed to live in the home of a living parent, legal guardian, or other appropriate adult relative, (c) the minor parent is or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the home of the parent, legal guardian, or other appropriate adult relative, (d) an imminent or serious harm exists to the minor parent and child if they live in the same residence with the parent, legal guardian, or other appropriate adult

relative, or (e) it is in the best interest of the minor parent to waive this requirement. N.M. Admin. Code § 8.102.400.12 (2011).

An unmarried minor parent who has not completed high school and who has a child at least 12 weeks of age must participate in educational activities directed toward the attainment of a high school diploma, its equivalent, or participate in an alternative educational or training program that has been approved by the Department. N.M. Admin. Code § 8.102.420.9 (B)(5) (2011)

New York
FA (Family Assistance Program)

FA provides assistance to parenting and pregnant minors who are "fit to bring up such child so that his or her physical, mental and moral well-being will be safe-guarded." N.Y. Soc. Serv. Law § 349, (McKinney 2011). Generally, unmarried pregnant or parenting recipients who are under 19 years of age must reside in the household of a parent, legal guardian, or other adult relative. However, a minor parent may be exempted from this requirement if (a) the minor parent has no living parent or legal guardian whose whereabouts are known, (b) no living parent, legal guardian, or adult relative allows the minor parent to live in his or her home, (c) the minor parent or child is being or has been subjected to serious physical or emotional harm, sexual abuse, or exploitation in the residence of the parent or guardian, (d) substantial evidence exists of imminent or serious harm if the minor parent or child were to live in the residence with the parent or legal guardian, or (e) the Social Services District determines that it is in best interest of the child to waive such requirement. When such an exemption exists, and unless the individual's current living arrangement is appropriate, the Social Services District will assist the individual in locating an adult-supervised supportive living arrangement, such as a maternity home or a second chance home. N.Y. Comp. Codes R. & Regs. tit.18, § 369.2 (2011).

Additional assistance may be provided through the Child Assistance Program (CAP), a district-optional component of FA. Recipients of FA are eligible for CAP if they are in the possession of a support order for each child enrolling in CAP and the parent named in the order is absent from the home. CAP assistance may also be provided where failure to obtain a support order is due to the fact that the absent parent is deceased, the custodial parent made diligent attempt to get the support order, the custodial parent has good cause for not obtaining the support order, or the child resides with both parents and paternity is acknowledged or adjudicated. N.Y. Comp. Codes R. & Regs. tit.18, §§ 366.0, 366.4.

North Carolina
Work First

Work First provides assistance to minor parents, who are defined as individuals under 18 years old who live with a parent or in another adult-supervised setting approved by the County Director or his designee. In certain counties, a minor parent may live independently upon recommendation of a social worker. N.C. State Plan, pp. 26, 27 (2011).

Minor parents must also stay in school to complete their high school education or its equivalent. When a minor parent has completed high school, has received a GED, or is suspended or expelled from school, the minor parent must participate in an appropriate educational, training, or other work activity. N.C. State Plan, p. 40 (2011). http://www.ncdhhs.gov/dss/workfirst/docs/TANF State Plan 10-09.pdf

North Dakota
TANF

North Dakota's TANF program provides assistance to parents and women in their third trimester of pregnancy. N.D. Cent. Code § 50-09-29 (2011). Generally, a minor parent must live with a parent, legal guardian, other adult relative, or in a state-approved adult supervised supported living arrangement in order to receive assistance. However, a minor parent may be exempt from this requirement if (a) the minor parent has no living parent or legal guardian, (b) no parent or legal guardian will allow the minor parent to live in their home, (c) the physical or emotional health or safety of the minor parent or child would be jeopardized if they lived with the minor parent's parent or legal guardian, or (d) after reasonable search, the whereabouts of the minor caretaker's parents or legal guardian are unknown. N.D. Admin. Code 75-02-01.2-31 (2011).

All recipients without a high school diploma or its equivalent must attend high school, an alternative high school, an adult learning center program, a general equivalency diploma program, education in English proficiency, or a basic/remedial education

program. N.D. Admin. Code 75-02-01.2-91 (2011). A bonus of $250 will be given to recipients upon completion of high school or a GED. N.D. Admin. Code 75-02-01.2-68 (2011).

Ohio
OWF (Ohio Works First)

OWF provides assistance to minor parents, defined as unmarried parents and women in their sixth month of pregnancy who are under age 18. Generally, minor parents must live with a parent, guardian, custodian, or specified relative in order to receive assistance. However, a minor parent may live an alternative adult-supervised living arrangement if (a) the minor parent does not have a living parent, guardian, custodian, or specified relative whose whereabouts are known, (b) no parent, guardian, custodian, or specified relative will allow the minor parent to live in their home, (c) the Department of Job and Family Services or a Public Children Services Agency determines that the physical or emotional health or safety of the minor parent or child would be in jeopardy if they lived in the same home as the parent, guardian, custodian, or specified relative, or (d) a Public Children Services Agency otherwise determines that it is in the best interest of the minor parent and child. An adult-supervised living arrangement is a family setting that has been approved, licensed, or certified by an appropriate agency and is maintained by a person who is at least 18 years old and who assumes responsibility for the care and control of or provides supportive services to a minor parent. Ohio Rev. Code Ann. § 5107.24 (West 2011).

Parenting and pregnant recipients under the age of 19 who have not completed high school or its equivalent must participate in an educational program designed to lead to the attainment of a high school diploma or its equivalent. Ohio Rev. Code Ann. § 5107.30 (West 2011).

Oklahoma
TANF

In order to receive benefits, parenting and pregnant recipients under the age of 18 must live in an approved adult-supervised setting unless legally emancipated under Oklahoma law. Okla. Stat. Ann. tit. 56, § 230.52(8) (West 2011).

Unmarried teen parents who have a child at least 12 weeks of age must participate in educational activities or work activities approved by the State. Okla. Stat. Ann. tit. 56, § 230.52(6) (West 2011).

Oregon
JOBS (Job Opportunities and Basic Skills Program)

JOBS provides assistance to minor parents and pregnant minors once pregnancy has reached the calendar month before the month in which the due date falls. Or. Admin. R. 461-135-0070(1)(e) (2011). Generally, parenting or pregnant individuals under the age of 18 must live with a parent or legal guardian in order to receive assistance. However, if the Department of Human Services determines that it is unsafe or impractical for the minor parent to reside with a parent or legal guardian then the minor parent may live in an alternative supervised living arrangement. Or. Admin. R. 461-135-0080) (2011).

A teen parent that does not have a high school diploma or GED must participate in educational activities. Exceptions are made for the first 16 weeks after the birth of a child, for teens who intend to go into an in-demand occupation that will lead to self-sufficiency but does not require a diploma or GED, and for teens in a job skills program, especially those 18 or 19 who is not achieving satisfying progress in school. Or. Admin. R. 461-190-0171 (2011). The Parents as Scholars JOBS component provides assistance to TANF parents who are or will be undergraduates to begin or continue their education at a two or four year educational institution. Or. Admin. R. 461-190-0199 (2011).

Pennsylvania
Pennsylvania TANF

Pennsylvania's TANF program provides assistance to minor parents, who are defined as individuals under the age of 18, have never been married, and are parenting or pregnant. 55 Pa. Code § 141.42. (2011). Generally, minor parents must reside in the home of the minor parent's parent, legal guardian, other adult relative, or in an adult-supervised supportive living arrangement in order to receive assistance. Minor parents may be given an allowance to return to the home of the minor parent's parent, legal guardian, or other adult relative. If the minor parent cannot return to the home of a parent, legal guardian or other adult relative, the State will provide assistance to locate a second-chance home, maternity home, or other appropriate adult-supervised supportive living arrangement. A minor may be exempt from

this requirement if no adult-supervised living arrangements are available and (a) neither a parent, legal guardian, nor other adult relative is able to retain or assume parental control over the minor parent because of a physical, emotional, mental, financial or other limitation, (b) the minor parent does not have a living parent, legal guardian, or other adult relative whose whereabouts are known, (c) neither a parent, legal guardian, nor other adult relative of the minor parent will allow the minor parent to live in the common residence, (d) the physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided with the minor parent's parent, legal guardian, or other adult relative, (e) the minor parent's parent, legal guardian, or other adult relative has exhibited neglect of the minor parent or minor parent's child, (f) the minor parent's child was conceived as a result of rape or incest committed by someone still residing in or visiting with other individuals residing in the residence, (g) the minor parent and dependent child no longer reside in the home of the parent, legal guardian, or other adult relative because of the threat or presence of physical or sexual abuse to the minor parent, minor parent's child, or any other child in the household, (h) the parent, legal guardian, or other adult relative lives in another area of Pennsylvania, in another state, or out of the country; the minor parent has not resided with the parent, legal guardian, or other adult relative for 12 months or more; and the minor parent is already enrolled in a vocational school, other educational program, job training, substance abuse treatment program, or is employed, (i) the parent, legal guardian, or other adult relative has spent the minor parent's assistance in an improper manner, or (j) other good cause. 55 Pa. Code § 141.21(q) (2011).

Rhode Island
R.I. Works

A minor parent is a parent under the age of 18. A minor who is a parent or in the sixth month of pregnancy must reside in the home of an adult parent, legal guardian, or relative. This shall not apply if (a) the minor parent or pregnant minor has no parent, legal guardian, or other adult relative who is living and/or whose whereabouts are known, (b) the Department determines that the physical or emotional health or safety of the minor parent, his/her child, or the pregnant minor would be jeopardized (refusal of a parent, legal guardian, or other adult relative to allow the minor parent., his/her child, or a pregnant minor to live in his/her home shall constitute a presumption that the health or safety would be so jeopardized), (c) the minor parent or pregnant minor has lived apart from his/her own parent or legal guardian for a period of at least 1 year before either the birth of any child to a minor parent or the onset of the pregnant minor's pregnancy, (d) there is good cause, under departmental regulations, for waiving the subsection, and (e) the individual resides in supervised supportive living arrangement to the extent available. A supervised supportive living arrangement includes enrolling and making satisfactory progress in a program leading to a high school diploma or a general education development certificate and requires participation in a parenting program. R.I. Gen. Laws §§ 40-5.2-8, 2-10 (2011).

Minor parents are exempt from school/work requirements only for the first 12 weeks after the birth of a child. R.I. Gen. Laws §§ 40-5.2-12 (2011).

South Carolina
Family Independence

Generally, unmarried minor mothers must live with their parent or guardian in order to receive assistance. However, a minor parent may live in an alternative living arrangement if (a) the minor parent has no living parent or legal guardian whose whereabouts are known, (b) no parent or legal guardian allows the minor parent to live in his or her home, (c) the minor parent lived apart from his or her own parent or legal guardian for at least 1 year before either the birth of the child or the application for assistance, (d) the physical or emotional health or safety of the minor parent or child would be jeopardized if they resided in the same residence with the parent or legal guardian, or (e) there is otherwise good cause for the minor parent and child to receive assistance while living apart from the minor parent's parent, legal guardian, adult relative, or an adult supervised supportive living arrangement. S.C. Code Ann. § 43-5-1220(A) (2011).

In addition, minor mother recipients must participate in a family skills training program that includes parenting skills, financial planning, and health information. S.C. Code Ann. § 43-5-1185 (2011). All recipients under 18 must maintain satisfactory school attendance. S.C. Code Ann. § 43-5-1215 (2011).

South Dakota
TANF

Generally, unmarried parents under the age of 18 must live with a parent, legal guardian, or adult relative and either have completed or must participate in educational activities toward a diploma/GED in order to receive assistance. S.D. Admin. R. 67:10:01:14 (2011). However, this requirement may be waived if there is no living adult relative or legal guardian that will allow the minor parent and child to live with them or if the Department determines that it is not in the best interests of the minor parent and child to live with an adult relative or legal guardian. In such a case, the Department may require the minor parent to live in an adult-supervised living arrangement that provides parenting skills, including child development, family budgeting, health and nutrition, and other skills to promote the minor parent's long-term economic independence and the well being of the child. S.D. Admin. R. 67:10:01:15 (2011).

Tennessee
Families First

Parenting and pregnant recipients who are under the age of 18 and have never been married must live with the applicant's parent, legal guardian, other adult relative, or in another suitable living arrangement approved by the Department. However, applicants are exempted from this requirement if (a) they do not have a parent, legal guardian, or other adult relative whose whereabouts are known, (b) they do not have a parent, legal guardian, or other adult relative who will allow the applicant to live in his or her home, or (c) the Department determines that there is good cause to exempt the applicant. Tenn. Code Ann. § 71-3-154(f) (2011).

Parents under the age of 18 who are not heads of household and have not completed high school or its equivalent must participate in education activities directed towards the attainment of a high school diploma or its equivalent. Parents under the age of 19 who are heads of household and have not completed high school or its equivalent must either participate in education activities directed towards the attainment of a high school diploma, its equivalent, or must work 30 hours a week. Parents with a child under 16 weeks old are exempt from these requirements. Tenn. Code Ann. § 71-3-154(e) (2011).

Texas
TANF

To be eligible for TANF assistance, unmarried minors must reside with a parent, legal guardian, or other adult relative, unless (a) the parent(s), legal guardian, or other adult relative(s) are deceased or their whereabouts are unknown, (b) the parent(s), legal guardian, or other adult relative(s) will not allow the minor to live in the home, (c) the State determines that the minor parent or child is or has been subjected to serious physical or emotional harm, sexual abuse or exploitation in the adult's home, or (d) that State otherwise determines that it is in the child's best interest to waive the requirement. Tex. State Plan, p5 (2011).

In order to receive assistance, parents under the age of 19 who do not have a high school diploma or its equivalent must attend school regularly. Parents under the age of 19 who do have a high school diploma or its equivalent must work at least 30 hours a week. Tex. Hum. Res. Code Ann. § 31.0031 (Vernon 2011).

Utah
FEP (Family Employment Program)

FEP provides assistance to parents and pregnant women in their third trimester of pregnancy. Utah Admin. Code r. 986-200 (204) (2011). Generally, recipients under the age of 18 must live with a parent, legal guardian, or other adult relative. However, minor parents may live in an alternative living arrangement approved by the Department if (a) the minor parent has no living parent or guardian whose whereabouts are known, (b) has no living parent or guardian that will allow the minor parent to live in his or her home, (c) the minor parent lived apart from his or her own parent or legal guardian for at least 1 year before either the birth of the child or the application for FEP and the minor parent was self supporting during this period of time, or (d) the physical or emotional health or safety of the minor parent or child would be jeopardized if they resided in the same residence with the minor parent's parent or guardian. Utah Admin. Code r. 986-200 (213) (2011).

In addition, minor parents must participate in parenting and life skills programs operated by the Department of Health. Minor parents who do not have a high school diploma must attend high school or an alternative to high school. Minor parents with

a high school diploma must participate in education and training and/or employment for at least 20 hours per week. Utah Admin. Code r. 986-200 (213) (2011).

Vermont
Reach Up

A minor parent is an individual under age 18 who is a parent or pregnant individual. Regardless of their school attendance, dependent status, age, the age of their youngest child, or participation in a supervised living arrangement, all minor parents must participate in Family Development Plan activities. The minor parent shall take part in case-managed support, education, and training activities. The minor parent shall attend school or an appropriate alternative education or training program. If the minor parent is not emancipated, the minor parent and the dependent child must reside with a parent or in an approved living arrangement. 12-3 Vt. Code R. § 203 (2011).

Virginia
VIEW (Virginia Initiative for Employment, Not Welfare)

Virginia's TANF program provides assistance to parents under age 18 who live with a parent, other adult relative, legal guardian, or another adult determined by the Department to be acting in place of a parent. However, if the local Department of Social Services determines, by clear and convincing evidence, that the physical or emotional health or safety of the minor parent or his/her dependent child would be jeopardized if the minor parent and dependent lived in the same residence with the minor parent's parent, other adult relative, or legal guardian, then the Department will refer the minor parent to an adult-supervised supportive living arrangement. 22 Va. Admin. Code § 40-35-60 (2011).

All parents under 16 years of age, as well as parents under 20 years of age and enrolled full-time in either elementary, secondary, career, or technical school, are exempt from the work requirements of VIEW. However, these recipients should participate in summer work if feasible. 22 Va. Admin. Code § 40-35-80 (2011).

Washington
WorkFirst

WorkFirst provides assistance to unmarried parenting and pregnant applicants under age 18 that reside in an appropriate living arrangement. Appropriate living situations include a place of residence that is maintained by the applicant's parent(s), legal guardian, or other adult relative as their own home or an environment maintained by an agency that the Department finds would provide an appropriate supportive living arrangement. Grant assistance shall not be provided under this chapter if the applicant does not reside in the most appropriate living situation, as determined by the Department, taking into consideration the statement/opinion of the minor parent. Wash. Rev. Code Ann. § 74.12.255(1) (West 2011).

West Virginia
West Virginia Works

In order to receive assistance, minor parents must live with their parents or in an adult-supervised setting. Teen parents are required to attend school if they do not have a high school diploma or its equivalent. W.V. State Plan, p. 6 (2009). West Virginia does not provide assistance to pregnant women who have no other minor children. W.V. State Plan, p. 7 (2009).

Minor parents who are eligible for cash assistance are also eligible for other services, including child care, transportation for participation in required activities, drivers' education courses, relocation payments, a GED achievement bonus, a high school graduation achievement bonus, and a 6 month self-sufficiency bonus. W.V. State Plan, p. 15-17 (2009).

Wisconsin
W-2 (Wisconsin Works)

Parenting and pregnant recipients under the age of 18 who do not have a high school diploma or its equivalent must attend school. Parents with a child under 45 days old are exempt from this requirement. Wis. Stat. Ann. § 49.26(g) (West 2011). 18- and 19-year old recipients may choose whether to attend high school, enroll in an approved course of study, or participate in employment-related activities. Wisconsin Works Manual, 8.3.2.1 (2011). Minor custodial parents, regardless or their income and assets, are eligible to meet with a financial and employment planner who will provide them with information regarding Wisconsin Works eligibility, available child care services, employment and financial planning, family planning services, community resources, eligibility for food stamps, and other food and nutrition programs. Wis. Stat. Ann. § 49.159(2) (West 2011).

Wyoming
POWER (Personal Opportunity with Employment Responsibility)

Wisconsin provides financial assistance through POWER. Unmarried parents under the age of 18 must reside in the household of a parent or in a supervised setting with a relative or guardian in order to receive assistance, unless there are charges of incest. Wyo. Stat. Ann. §§ 42-2-102 to -104 (2011).

Minor parents are required to attend school if they are under 16 or have not completed the tenth grade. Wyo. Stat. Ann. § 21-4-102 (2011). Students must maintain a "C" or equivalent grade point average and attend school full-time. Wyo. Stat. Ann. § 42-2-109 (2011).

American Samoa
American Samoa does not have a TANF program.

District of Columbia
TANF

The District of Columbia's TANF program provides assistance to parents and pregnant women in their third trimester. D.C. Code § 4-205.43 (2011). Generally, pregnant or parenting recipients under the age of 18 must reside with a parent, adult relative, or legal guardian in order to receive assistance. However, the Family Services Administration (FSA) may waive this requirement based on a number of factors, including (a) the teen parent's maturity, (b) the period of time the teen parent has lived independently, (c) the minor teen's access to supportive services, and (d) the teen parent's demonstration of independent living and parenting skills. If FSA determines that an alternative living situation is appropriate, then the teen parent may live in a second chance home, maternity home, or other adult-supervised supportive living arrangement. D.C. Mun. Regs. tit. 29, § 5801 (2011).

Pregnant or parenting recipients under the age of 20 who have not completed high school must attend high school or an approved alternate education/training program. Recipients with a child under 12 weeks of age are exempt from this requirement. D.C. Mun. Regs. tit. 29, § 5800 (2011).

Guam
TANF

There are no statutory or regulatory provisions specific to unaccompanied youth (or minor parents). Background federal regulations apply.

Northern Mariana Islands
Northern Mariana Islands does not have a TANF program.

Puerto Rico
TANF

There are no statutory or regulatory provisions specific to unaccompanied youth (or minor parents). Background federal regulations apply.

Virgin Islands
(FIP) Family Improvement Program

There are no statutory or regulatory provisions specific to unaccompanied youth (or minor parents). Background federal regulations apply.

Rights Of Unaccompanied Youth To Public Education

Unaccompanied youth experiencing homelessness have the right to the same free, public education and opportunities for academic success as housed students. The federal McKinney-Vento Homeless Assistance Act (McKinney-Vento Act) also provides additional protections to many unaccompanied youth. 42 U.S.C. §§ 11301-11435 (2006). Subtitle VII-B of the McKinney-Vento Act establishes an array of rights for unaccompanied youth in homeless situations. The Act defines unaccompanied youth as young people who are not in the physical custody of parents or guardians. *Id.* § 11434A(6). Homelessness is defined broadly, to include a wide variety of temporary, inadequate living situations, such as staying temporarily with friends or relatives due to a loss of housing, economic hardship or a similar reason; living in emergency and transitional shelters; staying in motels, hotels, campgrounds or trailer parks due to the lack of alternative adequate accommodations; sleeping in parks, cars, abandoned buildings, train or bus stations, and other public spaces; and awaiting foster placement. *Id.* § 11434A(2).

Unaccompanied youth must be provided with equal access to appropriate secondary education and support services. Youth in homeless situations also have the right to remain in one school, even if their lack of housing forces them to move to a different area. As long as it is feasible, unaccompanied youth can stay in the same school for the entire time they are homeless. The school district must provide transportation to and from that school by providing free passes for public transportation, reimbursement for gas, or other transportation services. 42 U.S.C.A. § 11432 (2010).

Unaccompanied youth who are covered by the McKinney-Vento Act also have the right to enroll in school immediately, even if they lack documents normally required for enrollment. Every school district must appoint a liaison who is responsible for assisting unaccompanied youth with enrollment, transportation, and other issues. Liaisons and state Departments of Education must also ensure that school personnel are made aware of the specific needs of runaway youth and other youth experiencing homelessness.

Protections for unaccompanied youth are also explicitly included in the Individuals with Disabilities Education Act (IDEA) as amended, which mandates that children with disabilities receive a free, appropriate public education. 20 U.S.C. §§ 1400-1450 (2006). IDEA requires, as part of its "child find" program, that all children with disabilities, including those who are homeless, be identified, located, and evaluated. *Id.* § 1412(a)(3)(A). It expressly commands each State education agency to ensure that pertinent requirements of the McKinney-Vento Act are met. *Id.* § 1412(a)(11)(A)(iii). For children whose parents are unknown, including homeless children, IDEA requires that the State assign an independent surrogate for the child if needed. *Id.* § 1415(b)(2). The surrogate, like parents, has the right to examine all records relating to the child, to participate in meetings with respect to identification, evaluation, and educational placement of the child under IDEA, and to obtain an independent educational evaluation in appropriate circumstances. *Id.* § 1415(b)(1). The surrogate, like parents, may file complaints and participate in due process hearings to resolve disputes regarding special education services. *Id.* § 1415(b)(6)-(7).

In addition to the federal protections discussed above, several states also have adopted statutes or regulations to ensure access to education for unaccompanied young people. For example, Colorado enacted its own version of the McKinney-Vento Act in 2002. Colo. Rev. Stat. §§ 22-1-102, 22-1-102.5, 22-33-103.5 (2011). The statute reinforces the protections of the federal law and has garnered attention and results for unaccompanied youth in Colorado. Illinois has conferred statutory protections on unaccompanied youth since 1995. 105 Ill. Comp. Stat. 45/1-5 to 3-5 (2011). In fact, many of the changes to the McKinney-Vento Act enacted in 2002 were inspired by successful provisions in the Illinois statute. New York's statute enacting McKinney-Vento is notable for extending protections to students to remain in their schools of origin even in the year after they find permanent housing if that is the student's terminal year in a school (e.g. a homeless student who finds housing in 11th grade can still finish his 12th grade year in his same school). N.Y. Educ. Law § 3209 (2011). Many other states have incorporated provisions of the McKinney-Vento Act into their laws, including California, Connecticut, Delaware, Idaho, Maine, Maryland, North Carolina, North Dakota, Ohio,

Tennessee, and Virginia. Cal. Educ. Code § 48850(a)(1) (West 2011); Conn. Gen. Stat. § 17b-800a (2011); 14 Del. Code Ann. § 202 (2011); Idaho Code Ann. § 33-1404 (2011); Me. Rev. Stat. Ann. tit. 20-A, § 5205(7) (2011); Md. Code Ann., Educ. § 8-412 (2011; N.C. Gen. Stat. § 115C-366 (2011); N.D. Cent. Code § 15.1-19-08 (2011); Ohio Rev. Code Ann. § 3313.64(F)(13) (LexisNexis 2011); Tenn. Code Ann. § 49-6-5001(c)(3) (2011); Va. Code Ann. §§ 22.1-3(A)(6), 22.1-3.1, 22.1-270, 22.1-271.2 (2011). Many of these and other jurisdictions have also incorporated provisions of the Act into their regulations, including Maine, Maryland, and New Jersey. 05-071 Me. Code R. Ch. 14 (2011); Md. Code Regs. § 13A.05.09.01 et seq. (2011); N.J. Admin. Code §§ 6A:17-2.1 to 2.9 (2011). Following litigation in Pennsylvania brought by the Law Center and the Education Law Center, Pennsylvania issued model guidance for local school districts: http://homeless.center-school.org/providers/290/BEC_ECYEH_09-2011.pdf.

For more information on the McKinney-Vento Act and the education rights of unaccompanied youth, visit the Law Center's website at www.nlchp.org.

Recommendations

- Establish by Constitution or law all children and youths' right to education, regardless of economic or housing status;
- Ensure immediate and continuous enrollment in school for homeless youth;
- Ensure transportation is provided to homeless students for school attendance and extracurricular activities;
- Prohibit exclusion of homeless students from any school activity due to their homeless status;
- Prohibit denial of admission of homeless students to school due to failure to produce records required for enrollment;
- Ensure the assignment of an educational advocate to each homeless student to assist the student in school enrollment, attendance, and completion;
- Include plans for meeting subsistence needs and attaining affordable housing in education plans of homeless students;
- Waive academic and extracurricular fees for homeless students;
- Establish a right to civil action for homeless students to enforce their educational rights under the state Constitution or laws; and
- Ensure prompt dispute resolution procedures with appropriate assistance and deference to homeless families and youth who are not proficient in the law.

Harboring Unaccompanied Youth

Background

Young people who are separated from their guardians, whether by their own volition or due to their guardian's refusal to provide ongoing care to them, may quickly find themselves unable to meet their basic survival needs without assistance from others. They may seek out emergency shelter and additional supports from other family members, the families of their friends, neighbors, private and nonprofit institutions, and organizations and agencies in the community.

Some states and territories have enacted statutes that explicitly prohibit the "harboring" of runaway youth by individuals and organizations not holding legal custody of the young person. Other jurisdictions have enacted contributory delinquency, custodial interference and minor concealment statutes that, while not explicit, could potentially be interpreted by law enforcement officials to prohibit the harboring of unaccompanied youth.

Both types of statutes have been enacted to preserve family connections, protect the rights of families to raise their children, prevent states from unnecessarily assuming custodial responsibilities, and discourage the removal of young people by non-custodial adults from their legal guardians for exploitative purposes. At the same time, these statutes may pose a risk to those individuals and organizations that have a legitimate purpose in providing safe havens for young people currently away from their guardian.

Fast Facts

- **16** jurisdictions explicitly make it a crime to harbor a runaway;
- At least **1** jurisdiction makes it a crime to harbor any child under age 18;
- At least **15** jurisdictions make it a crime to contribute to the delinquency or dependency of a minor;
- At least **10** jurisdictions make it a crime to interfere with custodial rights; and
- At least **5** jurisdictions make it a crime to conceal a minor.

Purpose and Findings

Three issues were researched for this analysis: whether the statutes explicitly prohibit the harboring of young persons; if not, whether other statutes exist that could be interpreted to prohibit such harboring; and, whether exemptions from a harboring prohibition exist in each statute.

Sixteen jurisdictions explicitly make it a crime to harbor a runaway: Colorado, Delaware, District of Columbia, Georgia, Illinois, Iowa, Massachusetts, Michigan, Mississippi, North Dakota, Tennessee, Texas, Utah, Vermont, Washington and American Samoa. The District of Columbia applies its statute only to persons who harbor young people who run away from the child welfare system. One jurisdiction, Oklahoma, makes it a crime to harbor an endangered runaway child, who is defined as a youth who needs medicine or other special services. Another jurisdiction, Ohio, makes it a crime to harbor any person under the age of 18.

At least thirty-six jurisdictions include provisions criminalizing various interactions with young people that could be interpreted to encompass harboring runaways. At least fifteen jurisdictions criminalize contributing to the delinquency or dependency of a minor: Alabama, Alaska, Arizona, Arkansas, California, Louisiana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, Virginia, West Virginia, the Northern Mariana Islands, and the Virgin Islands. At least ten jurisdictions criminalize interference with custodial rights: Connecticut, Idaho, Indiana, Kentucky, Maryland, Missouri, Montana, Oregon, Pennsylvania, and Wyoming. At least five jurisdictions criminalize the concealment of a minor: Hawaii, Kansas, Minnesota, Missouri, and Wisconsin. Please note that the statutes in the sixteen jurisdictions with explicit runaway harboring statutes may also have these child protection provisions as well. Only two jurisdictions, Maine and Guam, do not include any provisions that could be interpreted as prohibiting harboring runaways.

Of the fifty-four jurisdictions with some version of an anti-harboring statute, at least sixteen offer some exemption from the harboring action being considered a crime, including exclusions for agencies and organizations providing crisis intervention services or operators of youth emergency shelters

(e.g., Georgia, Illinois), individuals and organizations who notify law enforcement or child welfare officials of their harboring and the location of the young person (e.g., Florida, Idaho), persons who notify guardians of the harboring and the location of the young person (e.g., Texas) and persons harboring the young person for brief time periods ranging from less than eight hours (Utah) to less than 72 hours (North Dakota).

Sixteen jurisdictions explicitly make it a crime to harbor a runaway.

Analysis

With less than one-third of jurisdictions having explicit statutes that prohibit the harboring of runaways, a majority of jurisdictions must rely on broader child protection provisions to keep unaccompanied young people safe from harm outside the family environment and to avert unwarranted trespass across legally established guardian-child custodial boundaries.

Given the uncertainty as to whether or not harboring of runaways actually falls within the scope of these more general statutes, further research into the application of the laws, such as through an examination of case law, is needed.

Too few jurisdictions explicitly ensure protection from legal action for individuals and organizations with reasonable justification for harboring an unaccompanied young person, such as when there is proof or suspicion of abuse or neglect by the guardian or if the young person requests a safe haven.

Also, a number of statutes compel individuals and organizations considering harboring a young person to notify a law enforcement and/or child welfare official and report their harboring act in order to avert the commission of a crime. Any such mandatory reporting requirements may lead unaccompanied youth to avoid seeking care for fear of being reported, either to their families or to public authorities. While such laws may be premised on concern for the youth's well-being, our experience indicates the best method for ensuring that well-being is to remove barriers to youth seeking services, enabling caregivers to provide services, build trust and rappport with the youth, and potentially ultimately reconnect them to their family (where safe) or other state services. While any reporting statutes may have a chilling effect on youths accessing services, those with clear exemptions from reporting requirements for reasonable cause and that contain "Good Samaritan" protections from liability for caregivers both provide leeway for caregivers to take in unacommpanied youth and enable providers to tell youth up front that their needs come first. Where the caregivers are subject to mandatory reporting requirements for child abuse or neglect, jurisdictions should allow at least 72 hours, with further discretion thereafter if needed, before reporting becomes mandated. This would allow time for the service provider to build rapport with youths and address their immediate health and safety needs before having to alienating them by reporting them to child welfare authorities.

Noteworthy Statutes

Wyoming's custodial interference provisions are worth examination because they establish as affirmative defenses to these otherwise criminal actions that the action was necessary "to preserve the child from an immediate danger to his welfare; or the child was not less than fourteen (14) years old and the child was taken away or was not returned at his own instigation and without intent to commit a criminal offense with or against the child." This provision clearly empowers the young person to express his or her wishes regarding their custodial relationship, and thus empowers the harboring agent to act in accordance with the youth's request. Wyo. Stat. Ann. § 6-2-204 (2011).

Alaska's statute criminalizing the aid, inducement, causation or encouragement of a child to be absent from a guardian without having the guardian's permission provides an affirmative defense for such harborers if the person reasonably believed that the child was in physical danger, needed shelter, or reported the name of the child and his/her location within 12 hours to a peace officer, law enforcement officer or Department of Health and Social Services. The explicit mention of need for shelter as a reasonable purpose for harboring, as well as the option for reporting the young person's location to the child welfare system distinguish this statute. Alaska Stat. § 11.51.130 (2011).

New Jersey's statute provides homeless youth with a statutory right to access walk-in shelters. The law

allows youth care organizations throughout the state to provide safe, stabilizing services to youth in crisis. Initial walk-in access to basic shelter programs is available to homeless youth, age 21 or younger, without parental notification or a court order. After proper notification to a juvenile-family crisis intervention unit, an admitted homeless youth may remain at the basic shelter for up to ten days without the consent of the youth's parent or legal guardian. Where abuse and/or neglect is suspected and an official report is filed, the youth may remain in the shelter for up to 30 days pending disposition of the case. N.J. Stat. Ann. § 9:12A-7 (2011).

Recommendations

- Adopt explicit exemptions for reasonable cause in anti-harboring, custodial interference, contributory delinquency, and minor concealment prohibitions in those jurisdictions that make it a crime to harbor a runaway youth;
- Amend anti-harboring, custodial interference, contributory delinquency, and minor concealment prohibitions to ensure affirmative defenses for "Good Samaritans" who provide temporary shelter to an unaccompanied youth at the young person's request or on the confirmation or reasonable suspicion of abuse by a guardian, as well as for licensed human services agencies and professionals acting within the scope of their duties; and
- Amend mandatory child abuse or neglect reporting statutes to permit licensed human services agencies and professionals acting within the scope of their duties to provide shelter and supports to unaccompanied youth for at least 72 hours before being required to report the location of the young person to guardians or authorities, and additional discretion if needed to ensure the safety and well-being of the youth.

Research Methodology and Limitations

To compile state and territorial statutes regarding harboring of runaways, our search used the following terms: Harboring, Harbor, Runaway, Conceal, Custody, Contributing to Delinquency, Provide, Shelter and Interfere (Interference).

The methodology for searching the jurisdiction statutes for anti-harboring provisions was to first search for laws that explicitly addressed "harboring" of "runaways." If no such provision was identified during the search, we then proceeded to search for secondary, general child protection provisions that could be interpreted to prohibit or limit harboring. Three types of provisions were searched: concealment of a minor, interference with custodial rights, and contributing to the delinquency or dependency of a minor.

We did not summarize certain aspects of anti-harboring laws. For instance, we did not inventory the level of offense assigned to such crimes.

Harboring Unaccompanied Youth Statutes

Alabama

There is no specific law referring to the harboring of runaways. However, it is unlawful for any parent, guardian, or other person to cause a child to become delinquent, dependent, or in need of supervision by aiding, encouraging, or neglecting the child. Harboring a runaway may fall within this category. Ala. Code § 12-15-111 (2011).

Alaska

There is no specific law referring to the harboring of runaways. However, contributing to the delinquency of a minor is a crime. Any person either over the age of 19 or who has been emancipated who aids, induces, causes, or encourages a child under the age of 18 to be absent from a guardian without having the guardian's permission or without the guardian's knowledge can be found to be contributing to the delinquency of a minor. However, a person may have an affirmative defense to the crime if the person reasonably believed that the child was in physical danger or needed shelter, or if within 12 hours after committing the offense the person reported to a peace officer, a law enforcement agency, or the Department of Health and Social Services the name of the child and where the child was located. Harboring a runaway may fall within this category. Alaska Stat. § 11.51.130 (2011).

Arizona

There is no specific law referring to the harboring of runaways. However, any person who causes a child to be dependant or delinquent through an act or through encouragement may be guilty of a crime. Harboring a runaway may fall within this category. Ariz. Rev. Stat. Ann. §§ 13-3612 to -3613 (2011).

Arkansas

There is no specific law referring to the harboring of runaways. However, contributing to the delinquency of a minor is a crime. A person contributes to delinquency when that person aids, causes, or encourages a minor to, among other things, be habitually absent from home without good or sufficient cause and without the consent of his guardian. Harboring a runaway may fall within this category. Ark. Code Ann. § 5-27-209 (2011).

California

There is no specific law referring to the harboring of runaways. However, it is a crime for a person to commit an act or omission that would cause a minor to become a juvenile delinquent, a truant, uncontrollable by the minor's guardian, or a dependent child or ward of the juvenile court. Harboring a runaway may fall within this category. Cal. Penal Code § 272 (2011); Cal. Welf. & Inst. Code § 300 (2011); Cal. Welf. & Inst. Code §§ 601-602 (2011).

Colorado

A person may commit a crime if that person harbors a runaway. If a person knowingly provides shelter to a minor without the guardian's consent or if the person intentionally fails to release the minor upon the request of a law enforcement official to the official, fails to disclose the known location of the minor when requested to do so by a law enforcement official, obstructs a law enforcement official from taking the minor into custody, assists the minor to avoid or attempt to avoid a law enforcement official, or fails to notify the guardian of the child or a law enforcement officer that a minor has been given shelter within 24 hours of giving the shelter. A defense to this crime is that the person had custody of the minor at the time. Colo. Rev. Stat. § 18-6-601 (2011).

Connecticut

There is no specific law referring to the harboring of runaways. However, it is a crime to interfere with the custody of a child. Custodial interference occurs when a relative of a child that is less than 16 years of age entices the child away from a lawful guardian, even though the person has no right to do so, with the intention of keeping the child for a period of time. Interference may also occur when a person refuses to return a child under 16 years of age to the child's guardian upon request. Harboring a runaway may fall within this category. Conn. Gen. Stat. § 53a-98 (2011).

Delaware

It is a crime to knowingly encourage, aid, abet, or conspire with a child so that the child may run away from the home of the child's guardian. It is also a crime to knowingly and illegally harbor a child who

has run away from the child's home. Del. Code Ann. tit. 11, § 1102 (2011).

Florida

There is no specific law referring to the harboring of runaway youth. However, it is a crime for any person who is not an agent of the Department of Juvenile Justice or the Department of Children and Family Services to knowingly shelter an unmarried minor for more than 24 hours or provide aid to an unmarried minor who has run away from home without the consent of the minor's guardian or the notification of a law enforcement officer. Harboring a runaway may fall within this category. Fla. Stat. § 984.085 (2011).

Georgia

A person commits the crime of interfering with the custody of a child if he/she knowingly harbors a child who has absconded or knowingly or recklessly takes or entices a child away from the individual who has lawful custody of the child. The crime does not apply, however, to registered service providers if they notify the child's parent, guardian, or legal custodian within 72 hours. If that is not possible or if they suspect that the child has been neglected or abused, then they must notify the Department of Human Services within 72 hours. Ga. Code Ann. § 16-5-45 (2011).

Hawaii

There is no specific law referring to the harboring of runaway youth. However, it is a crime for a person to conceal a minor if the person knows that he/she has no right to do so. Harboring a runaway may fall within this category. Haw. Rev. Stat. § 707-727 (2011).

Idaho

There is no specific law referring to the harboring of runaway youth in general. However, it is a crime for a person to knowingly and intentionally house or otherwise accommodate a child who is under the age of 17 without having the authority of the child's guardian, the state of Idaho or a department within the state, or the person who has legal custody of the child. Harboring a runaway may fall within this category. It will be an affirmative defense to this crime if the person has notified the custodial guardian or a law enforcement agent of the child's location. It will also be an affirmative defense if shelter is given because the child is being legally detained, emergency aid is required, or there is reasonable evidence to believe that the child has been abused by the custodial guardian. Idaho Code Ann. § 18-1510 (2011).

Illinois

It is a crime for any person, other than an agency or association providing crisis intervention services or the operator of a youth emergency shelter, to harbor a runaway unemancipated minor for more than 48 hours without the knowledge and consent of the minor's guardian and without notifying law enforcement authority. 720 Ill. Comp. Stat. 5/10-6 (2011).

Indiana

There is no specific law referring to the harboring of runaway youth in general. The state does recognize, however, that it is a crime for a person, who has the intent to deprive another person of the custody or visitation rights of a child, to knowingly or intentionally conceal a child who is under the age of 18. Harboring a runaway may fall within this category. Ind. Code § 35-42-3-4 (2011).

Iowa

It is a crime for any person to harbor a runaway child with the intent of allowing the runaway child to remain away from home against the wishes of the child's parent, guardian, or custodian. However, the crime does not apply to a shelter care home that is licensed or approved by the Department of Human Services. The parent, guardian, or custodian has a right of action against any person who harbors a runaway. Iowa Code §§ 710.8- 710.9 (2011).

Kansas

There is no specific law referring to the harboring of runaway youth. However, it is a crime to shelter or conceal a runaway with the intent to aid the runaway in avoiding detection or apprehension by law enforcement agents. It is a crime to fail to reveal, upon inquiry by a law enforcement officer, any information one has regarding a runaway, with the intent to aid the runaway in avoiding detection or apprehension. It is also a crime to cause or encourage a child under 18 years of age to become or remain a child in need of care. 2010 Kan. Sess. Laws ch. 136, sec. 80(a) (H.B. 2668 (Kan. 2009)). If a person provides shelter to a child whom the person knows is a runaway, that person shall promptly report the child's

location either to a law enforcement agency or to the child's parent or other custodian. Kan. Stat. Ann. § 38-2231 (2011).

Kentucky

There is no specific law referring to the harboring of runaway youth. The state, however, does recognize that it is a crime for a person to take or keep from lawful custody any person entrusted by authority of the law to the custody of another person or institution. Harboring a runaway may fall within this category. Ky. Rev. Stat. Ann. § 509.070 (2011).

Louisiana

There is no specific law referring to the harboring of runaway youth. However, the state does recognize the crime of contributing to the delinquency of a juvenile when a person over the age of 17 intentionally helps or encourages a child under the age of 17 to absent himself/herself from home without the permission of a guardian. Harboring a runaway may fall within this category. La. Rev. Stat. Ann. § 14:92 (2011).

Maine

There is no specific law referring to the harboring of runaway youth.

Maryland

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for a relative of a child to harbor the child knowing that the custody of the child belongs to another. A person may not harbor a child under the age of 12 with the intent of denying the child's parent or legal guardian custody of the child. Md. Code Ann., Fam. Law § 9-304 (2011); Md. Code Ann., Crim. Law § 3-503 (2011).

Massachusetts

It is a crime for any person to knowingly and willfully conceal or harbor a child who has taken flight from the custody of the court, a parent, a legal guardian, the Department of Children and Families or the Department of Youth Services. The statute provides a defense to a defendant who concealed or harbored a child in reasonable good faith that the child would be at risk of physical or sexual abuse if the child returned to his custodial residence, unless the defendant concealed or harbored such child with intent to abuse the child or if the defendant committed abuse on that child. Mass. Gen. Laws ch. 119, § 63A (2011).

Michigan

It is a crime for any person to knowingly and willfully conceal or harbor a runaway child who has run from his/her guardian or the custody of the court. Mich. Comp. Laws § 722.151 (2011).

Minnesota

There is no specific law referring to the harboring of runaway youth. However, it is a crime to cause or contribute to a child being a runaway. It is also a crime to conceal a child from the child's guardian with the intent to deprive the guardian of their custodial rights. Harboring a runaway may fall within these categories. It is an affirmative defense to both of these crimes if the concealment occurred because the person believed that the child needed to be protected from abuse or if the person believed that he/she had the permission of the guardian to conceal the child. It is also a crime to encourage, cause or contribute to a minor's need for protection or services. However, that statute does not apply to licensed social service agencies and outreach workers who provide services to runaways within the scope of their professional duties. Minn. Stat. §§ 260C.425, 609.26 (2011).

Mississippi

It is a crime for any person to knowingly harbor, conceal, or aid in harboring or concealing any child who has absented himself/herself from home without the permission of the child's guardian. Miss. Code Ann. § 97-5-39 (2011).

Missouri

There is no specific law referring to the harboring of runaway youth. However, any person who knowingly permits or aids a child to runaway or who conceals such a child from an institution under the control of the Youth Services Division with the intent of helping the child evade pursuit is guilty of a crime. Mo. Rev. Stat. § 219.061 (2011). It is also a crime to interfere with custody. Harboring a runway may fall within these categories. Mo. Rev. Stat. § 565.150.

Montana

There is no specific law referring to the harboring of runaway youth. It is the crime, however, of custodial

interference if a person, knowing that he/she has no legal right to the child, takes, entices, or withholds the child from lawful custody of a person or an institution. Harboring a runaway may fall within this category. Mont. Code Ann. § 45-5-304 (2011).

Nebraska

There is no specific law referring to the harboring of runaway youth in general. The state does recognize that it is a crime to harbor any juvenile who has escaped from the custody of the office of Juvenile Services. It is also a crime for any person to contribute to the delinquency of a child. Harboring a runaway may fall into either of these two categories. Neb. Rev. Stat. §§ 28-709, 28-912.01 (2011).

Nevada

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for a person to cause or encourage a child to be neglected, in need of supervision, or delinquent. Harboring a runaway may fall within this category. Nev. Rev. Stat. Ann. § 201.110 (2011).

New Hampshire

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. N.H. Rev. Stat. Ann. § 169-B:41 (2011).

New Jersey

There is no specific law referring to the harboring of runaway youth. A lessee or tenant, however, may be removed from the premises for harboring a delinquent. N.J. Stat. Ann. § 2A:18-61.1 (2011).

New Mexico

There is no specific law referring to the harboring of runaway youth. It is, however, a crime to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. N.M. Stat. Ann. § 30-6-3 (2011).

New York

There is no specific law referring to the harboring of runaway youth. However, it is a crime to knowingly act in any way that would be harmful to the physical, mental, or moral welfare of a child. Harboring a runaway may fall within this category. N.Y. Penal Law § 260.10 (McKinney 2011).

North Carolina

There is no specific law referring to the harboring of runaway youth. The state does consider it a crime, however, if a person aids, causes, or encourages a juvenile to be in the position where the juvenile could be adjudicated as delinquent, abused, neglected, or undisciplined. Harboring a runaway may fall within this category. N.C. Gen Stat. § 14-316.1 (2011).

North Dakota

It is a crime to willfully harbor a runaway minor, knowing that the child is being sought by law enforcement officials. This crime will not apply to those people who are giving temporary sanctuary for less than 72 hours to a runaway who has been physically, mentally, or sexually abused. It also does not apply to violence shelters or safe homes that provide temporary shelter to a minor and their guardian. N.D. Cent. Code § 12.1-08-10 (2011).

Ohio

There is no specific law referring to the harboring of runaway youth in general. The state does consider it a crime, however, to harbor a child under the age of 18 with the intent to keep the child from the guardian. An affirmative defense to this crime is the notification, within a reasonable time, to law enforcement authorities that the child is being harbored or that the party harboring the child reasonably believed that such conduct was necessary to preserve the child's health or safety. Harboring a runaway may fall within this category. Ohio Rev. Code Ann. § 2919.23 (2011).

Oklahoma

It is a crime to knowingly aid, cause, or encourage a minor to be, remain, or become a delinquent or runaway. It is an affirmative defense to this crime that the person aiding the runaway child reasonably believed the child was in danger and notified either the Department of Human Services or a local law enforcement agency of the child within twelve hours of aiding the child. It is also a crime for any person to knowingly and willfully harbor an endangered runaway child, defined as a runway child who needs medicine or other special services. Okla. Stat. tit. 21 §§ 856, 856.2 (2011).

Oregon

There is no specific law referring to the harboring of a runaway youth. However, it is a crime for any person, with no legal right to do so, to take, entice, or keep another person from the other person's lawful custodian. Harboring a runaway may fall within this category. Or. Rev. Stat. § 163.245 (2011).

Pennsylvania

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to do anything to corrupt or try to corrupt the morals of a minor. Harboring a runaway may fall within this category. 18 Pa. Cons. Stat. § 6301 (2011). It is also a crime to knowingly or recklessly take or entice any child under 18 years of age from the custody of his/her parent, guardian, or other lawful custodian when that person has no privilege to do so. It is a defense if the person believed the actions were necessary to preserve the child from danger to his/her welfare, if the child is at least 14 years of age and was taken away on his/her own instigation without enticement or purpose to commit a criminal offense with or against the child, or the person is the child's parent, guardian, or lawful custodian and acts consistent with any order entered by a court of competent jurisdiction. § 2904.

Rhode Island

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to knowingly or willfully encourage or aid a child under the age of 16 to violate any laws or ordinances. Harboring a runaway may fall within this category. R.I. Gen. Laws § 11-9-4 (2011).

South Carolina

There is no specific law referring to the harboring of runaway youth. It is a crime, however, for any person over the age of 18 to knowingly and willfully aid or cause a child to repeatedly desert the child's home without just cause or the consent of the parent. Harboring a runaway may fall within this category. S.C. Code Ann. § 16-17-490 (2011).

South Dakota

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to harbor or employ a child of compulsory school age who is truant and not legally excused of attendance during the school term. Harboring a runaway may fall within this category. S.D. Codified Laws § 13-27-18 (2011). It is also crime to contribute to the abuse, neglect, or delinquency of a child or to cause a child to become a child in need of supervision. Harboring a runaway may also fall within this category. § 26-9-1.

Tennessee

It is a crime to knowingly harbor or hide a runaway child, defined as a child away from the home, residence or any other residential placement of the child's parent(s), guardian or other legal custodian without their consent, without notifying the child's custodian, guardian or law enforcement within 24 hours. It is also a crime to conceal the whereabouts of a runaway child or aid a child in escaping from the child's custodian, guardian, or law enforcement authorities. Tenn. Code Ann. §§ 39-15-414, 37-1-102(25(A)(iv) (2011).

Texas

It is a crime to harbor a runaway child if the person harboring the child knew or should have known that the child is under 18 and has escaped the custody of a state officer or is voluntarily absent from the child's home without consent from the parents. It is an affirmative defense to the crime if the person notifies the child's guardian or the agency in which the child was staying of the location of the child within 24 hours of finding out the child had escaped from custody or was voluntarily absent from home without consent of the guardian. Tex. Penal Code Ann. § 25.06 (2009).

Utah

Any person who knowingly and intentionally harbors a runaway minor who is away from home without consent of the minor's parent is guilty of a crime. A person may not be guilty of harboring a runaway if he/she notifies the guardian of the minor's location or reports the minor's location to Child and Family Services within 8 hours after the person knows the minor is away from home. Utah Code Ann. § 62A-4a-501 (2011).

Vermont

A person commits a crime if they knowingly shelter a runaway child, intentionally help a child become a runaway, or knowingly harbor a runaway. The crime only exists if the child's parent or guardian has reported the child's absence to a law enforcement

agency. Vt. Stat. Ann. tit 13, § 1311 (2009).

Virginia

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to cause a child to be delinquent, in need of services, in need of supervision, abused, or neglected. Harboring a runaway may fall within this category. Va. Code Ann. § 18.2-371 (2009).

Washington

When that person harbors a minor knowing the minor is away from home without the consent of the guardian and the shelter is provided without the guardians consent, they are subject to civil liability if they fail to report the youth within 8 hours. Harboring a minor is a crime when the person intentionally obstructs law enforcement officers when they are trying to take the minor into custody, assists the minor in avoiding the custody of law enforcement officers, fails to release the minor to law enforcement officers upon request, or fails to disclose the whereabouts of the minor to law enforcement officials after assisting the minor in going to the location. It is an affirmative defense that the person had custody of the minor through court order. Wash. Rev. Code § 13.32A.080 (2011).

West Virginia

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a child. Harboring a runaway may fall within this category. W.Va. Code § 49-7-7 (2011).

Wisconsin

There is no specific law referring to the harboring of runaway youth. However, it is a crime to intentionally conceal, take away, or withhold a child from the child's guardian, as well as causing a child to leave the child's guardian. Harboring a runaway may fall within this category. It is an affirmative defense that the person that takes the child has parental authority to protect the child from harm, has the consent of the legal guardian to take the child, or is otherwise ordered by law to have the child. Wis. Stat. § 948.31 (2011).

Wyoming

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to fail or refuse to return a minor to the person who has custody of the minor. It is also a crime to entice or take a minor from the custody of the guardian. An affirmative defense to these actions is that the action was necessary in order to protect the child from abuse, or that the child was over the age of 14 and the child wanted to be taken away and not returned, provided that the person took the child without intent to commit a criminal offense with the child. Wyo. Stat. Ann. § 6-2-204 (2011). If the person knowingly conceals or harbors the child from a guardian and refuses to reveal the location of the child, this may be a crime as well. Wyo. Stat. Ann. § 6-4-403.

American Samoa

It is a crime for a person to aid or abet any child committed to the custody of the Corrections Bureau in running away from the facility in whose care he has been placed. A person is guilty of a crime if he knowingly harbors the child or aids in abducting him from persons to whose care and service he has been properly committed. Am. Samoa Code Ann. § 45.1026 (2009).

District of Columbia

There is no specific law referring to the harboring of runaway youth in general. The District does recognize, though, that it is a crime to harbor, conceal, or aid a child who is absent without permission from a home or institution in which they have been placed by the Board of Public Welfare. D.C. Code § 4-125 (2011).

Guam

There is no specific law referring to the harboring of runaway youth.

Northern Mariana Islands

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. 6 N. Mar. I. Code § 5105 (2007).

Puerto Rico

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to keep a child from his guardian. Harboring a runaway may fall within this category. P.R. Laws Ann. tit. 33, § 4763 (2011).

Virgin Islands

There is no specific law referring to the harboring of runaway youth. It is a crime, however, to contribute to the delinquency of a minor. Harboring a runaway may fall within this category. V.I. Code Ann. tit. 14, § 481 (2011).

Services And Shelters For Unaccompanied Youth

Background

Youth away from their guardians typically need care and assistance from others. In addition to relatives, mentors, and adult friends who may provide informal assistance, there exists a network of public, private, and nonprofit agencies with formal responsibility for offering supports and opportunities to unaccompanied youth specifically or young people generally.

The states bear constitutional responsibility for ensuring the health, safety, and welfare of their citizens. When parents and guardians are unable or unwilling to care for their children, states generally take on the responsibility. They may do so by assuming custodial responsibility directly or may delegate care and assistance responsibilities to private entities. Accordingly, states and territories have established laws to ensure the protection of young people when they are in the custody of the state or outside of the immediate supervision of a parent or guardian. One type of child protection law, organizational licensure, requires entities providing services to young people to meet certain health and safety, clinical practice and staff qualifications standards in order to operate legally in the jurisdiction. Proof of licensure may also be a condition for the entity's receipt of public or private funds.

Fast Facts

- **16** jurisdictions explicitly assign responsibility for providing services and/or shelter to runaway and/or homeless youth to a designated executive branch agency;
- **15** jurisdictions establish in statute a licensure requirement explicitly for runaway and homeless youth shelters or programs;
- At least **25** jurisdictions regulate runaway and homeless youth shelters and programs via a broader child-caring license; and
- At least **10** jurisdictions explicitly authorize the expenditure of funds, or authorize local units of government to expend funds, for programs and services targeted to runaway and homeless youth. At least **13** authorize the expenditure of funds for homeless services without specifying if there is a focus on youth.

Purpose and Findings

Three shelter and services issues were researched for this analysis: which jurisdictions assigned responsibility for providing services to runaway and homeless youth to a particular executive branch agency; which jurisdictions require runaway and homeless youth shelters to be licensed, and through what authority; and which jurisdictions establish and/or authorize funding for targeted runaway and homeless youth programs. Also compiled were statutes regarding homeless shelters and services generally, recognizing that in some cases homeless youth (particularly those at or over the age of majority) may be served through a jurisdiction's general (typically, adult) homeless assistance system rather than its child- and youth-serving systems.

The statutes of sixteen jurisdictions include provisions that explicitly assign responsibility for providing programs and services and/or shelter to runaway and/or homeless youth to a designated executive branch agency: Alabama, Florida, Idaho, Illinois, Maine, Maryland, Minnesota, Mississippi, New Jersey, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina and Vermont. In eleven of those jurisdictions, responsibility rests with a human services agency. In one state (Alabama) such responsibility rests with a juvenile justice agency.

Fifteen jurisdictions establish in statute a licensure requirement explicitly for runaway shelters or programs and/or homeless youth shelters or programs: Alaska, Colorado, Florida, Illinois, Louisiana, Maine, Massachusetts, Minnesota, Mississippi, New Hampshire, Texas, Virginia, Washington, Wisconsin and District of Columbia. In fourteen of those jurisdictions, responsibility for issuing the license rests with a human service agency. In the District of Columbia, such authority rests with the mayor. In a few jurisdictions the distinct licensure requirement appears to apply only to certain types of runaway and homeless youth programs (such as HOPE centers in Washington). Other runaway and homeless youth shelters and programs may be subject to licensure under another statute, such as a broad child-caring license. Some of the unaccompanied youth-specific licensure statutes articulate requirements and prohibitions conditional for licensure, particularly the length of time a young person may stay in such a facility and the facility's obligation to notify guardians

and/or public agencies of the youth's location.

At least twenty-five jurisdictions regulate runaway and homeless youth shelters and programs via a broader child-caring license. These statutes tend not to prescribe any of the standards for licensure, leaving the establishment of such criteria to the licensing agency.

Two states (Nevada and Ohio) expressly delegate authority to review and approve youth shelters to local units of government.

The statutes of ten jurisdictions include provisions that explicitly authorize the expenditure of funds, or authorize local units of government to expend funds, for programs and services targeted to runaway and homeless youth: Alaska, California, Illinois, Minnesota, Missouri, Nebraska, New Jersey, North Dakota, Utah, and Wisconsin. The statutes of an additional thirteen jurisdictions authorize the expenditure of funds for homeless services, without specifying whether they are targeted towards youth: Alabama, Arizona, Connecticut, Georgia, Idaho, Iowa, New Hampshire, New York, Oregon, South Carolina, Utah, and Guam. It is important to note both that the presence of such authorization language does not necessarily mean that appropriations actually occur and that the lack of such authorization language does not mean that appropriations for targeted runaway and homeless youth programs do not, in fact, take place.

Analysis

One-fifth of state and territorial statutes explicitly assign responsibility for providing services and/or shelter to runaway and/or homeless youth to a designated executive branch agency. Further research is necessary to uncover whether these "assignment" statutes lead to greater levels of state support for unaccompanied youth than those jurisdictions without such provisions. Other jurisdictions contemplating the addition of such language to their statutes should follow the precedent of most of their peers and assign such responsibility to a human services agency.

While state and territorial regulation of runaway and homeless youth shelters and programs is nearly universal, there is a near-even split between those jurisdictions that license such entities under unaccompanied youth-specific authority and those jurisdictions that license such entities under a broader child-caring category. On its face, unaccompanied youth-specific licensure appears to provide the legislature an opportunity to directly articulate the paramount standards of such programs, particularly length of stay and guardian/public authority notification matters. However, the standard provisions are far from detailed in the unaccompanied youth-specific or child-caring approaches, suggesting that the "meat" of licensure requirements is provided through regulatory or administrative, not statutory, law. Accordingly, definitive judgment on the merits of unaccompanied youth-specific facility licensure compared to child-caring facility licensure should be withheld pending further examination of the complete body of licensure law.

The fact that less than one-third of jurisdictions authorize by statute the expenditure of funds on programs for unaccompanied youth, again, is indicative of state neglect of this vulnerable group of young people. Ideally, all jurisdictions should provide such targeted support.

Noteworthy Statutes

Florida's statute is worthy of examination because of the detailed responsibilities assigned to the Department of Children and Family Services (DCFS) with regard to runaways. Not only is DCFS responsible for coordinating efforts to assist runaway youth, including community outreach, family services, shelter care, crisis intervention and counseling, but also to establish standards for services offered for runaways, including guidelines focused on an intake system, counseling, and case management. Fla. Stat. § 409.441 (2009).

Minnesota's Runaway and Homeless Youth Act is helpful in that it obligates the Commissioner of Human Services to coordinate housing supports for homeless youth and mentions funding considerations. Minn. Stat. § 256K.45 (2009).

Louisiana's statute regulating runaway and homeless youth residential facilities merits consideration for several reasons. First, it gives the facility sufficient time (not more than 72 hours) to notify the guardian of the youth's location, and the latitude to not contact the guardian if there is a compelling reason not to do so. Youth have the right to leave the facility at any time. They may remain at the facility up to 72 hours without a guardian's consent and up to 15 days with a guardian's consent. Facilities are required to provide care to the young person until the state

human services agency or a court makes a placement decision. Facilities are required to serve all runaway and homeless youth and a scope of services is described. Last, facility staff are granted immunity from liability except in acts of gross negligence and intentional misconduct. La. Rev. Stat. Ann. §§ 46:1352-1356 (2009).

California's statute authorizes several sources of funding for runaway and homeless youth programs and services, including through the Runaway Youth and Families in Crisis Project and through the Youth Center and Youth Shelter Bond Act program. Cal. Welf. & Inst. Code § 1787 (2009) and Cal. Welf. & Inst. Code § 2011 (2009).

Recommendations

- Explicitly assign responsibility for offering opportunities and supports for runaway and homeless youth to a human services agency;
- Consider the merits of unaccompanied youth-specific facility licensure compared to child-caring facility licensure and establish separate licensure for unaccompanied youth programs if there are clear benefits to doing so;
- Explicitly include shelters and programs for runaway and homeless youth as an illustration of the type of facility subject to child-caring facility licensure, if the jurisdiction does, in, fact intend to r egulate such entities under this broader category; and
- Authorize and appropriate state and local funds for programs and services targeted to runaway and homeless youth.

Research Methodology and Limitations

To compile statutes regarding shelters and services for runaway and homeless youth, our search used the following terms: Shelter, Child, Child Care Facility, Emergency, Runaway, Homeless, License, Youth and Welfare.

It was beyond our means in this project to review, summarize and compare the extensive body of regulatory and administrative law that govern the licensure and regulation of shelters and programs for runaway and homeless youth. We hope that the summaries provided will at least direct inquirers to the appropriate licensing agency in each jurisdiction should additional information be desired.

In a number of instances, it was difficult to determine whether runaway and homeless youth shelters were, in fact, covered by a child-caring facility or other licensure category. In those cases, we contacted a runaway and homeless youth-serving organization operating in that jurisdiction to verify their licensure status and the licensing agency.

There may be more than one category of licensure that covers facilities serving runaway and homeless youth. For example, programs that accept referrals from the juvenile justice system may be regulated by the juvenile justice authority. Programs with addiction and mental health services for unaccompanied youth may be regulated as health care treatment facilities.

Services And Shelters For Unaccompanied Youth Statutes

Alabama

Runaway Services

The Department of Youth Services is responsible for providing services to runaway youth. Ala. Code § 44-1-24 (2011).

Child Care Facilities

The Department of Human Resources biennially licenses all institutions and agencies caring for, receiving, or placing minor children and may revoke such license for cause. Ala. Code § 38-2-6 (2011).

Homeless Shelters

Counties and municipalities may acquire, rehabilitate, develop, and establish homeless shelters and may fund any organization that operates a homeless shelter. Ala. Code § 11-96A-3 (2011).

Alaska

Runaway Shelters

A private residence may only be a shelter for runaways if it is designated and has a permit for providing shelter for runaway youth from the Department of Health and Social Services. Alaska Stat. § 47.10.392 (2011).

A youth may not reside at a shelter for runaways for longer than seven days unless special circumstances exist. Alaska Stat. § 47.10.394 (2011).

If there is anything to suggest that a youth admitted to a shelter for runaways has been the victim of abuse or neglect, the Department of Health and Social Services must be contacted within one working day. Alaska Stat. § 47.10.394 (2011).

A shelter for runaways will not be held accountable for any civil liability stemming from admitting or refusing to admit a runaway minor to the shelter/home, nor an action nor omission by a runaway minor who is admitted unless gross, intentional, or reckless misconduct has occurred. Alaska Stat. § 47.10.398 (2011).

Runaway Programs

Programs for runaway minors must obtain a license from the Department of Health and Social Services in order to operate. The Department is responsible for reviewing and inspecting programs for runaway minors before granting them a license. Only corporations and municipalities may be granted licenses. Alaska Stat. § 47.10.300 (2011); Alaska Stat. § 47.10.310 (2011).

The Department is also responsible for allocating grants to programs for runaway minors. Alaska Stat. § 47.10.300 (2011).

Programs for runaway minors must assess runaways admitted to the program and refer the runaways to the appropriate services. Family reunification efforts must also be made. If abuse or neglect is suspected or reported, the Department must be contacted within one working day. Alaska Stat. § 47.10.310 (2011).

A runaway minor may remain at a program for runaway minors for up to 45 days without guardian consent, unless in the custody of the Department. A runaway may stay for an additional period of 45 days with the consent of the runaway's guardian. Alaska Stat. § 47.10.320 (2011).

The officers, directors, and employees of a licensed program for runaways may not be held accountable for any civil liability unless gross, intentional, or reckless misconduct has occurred. Alaska Stat. § 47.10.350 (2011).

Arizona

Child Care Facilities

The Department of Economic Security is responsible for licensing child welfare agencies. The Department must evaluate applicants before granting them licenses and has the power to suspend or revoke a license. A child welfare agency is any agency or institution maintained by a person, firm, corporation, association, or organization that

receives children for care and maintenance or for 24-hour social, emotional, or educational supervised care. Ariz. Rev. Stat. § 8-501 (2011); Ariz. Rev. Stat. § 8-505 (2011); Ariz. Rev. Stat. § 8-506.01 (2011).

Homeless Services

The Department of Public Welfare administers short-term crisis services, including the operation of emergency shelters for homeless individuals. It shall make payments to emergency shelters that provide services to the homeless. Ariz. Rev. Stat. § 46-241.01 (2011); Ariz. Rev. Stat. § 46-241.05 (2011).

The Department of Economic Security administers the Homeless Coordination Office, which identifies needs, solicits funding, and assists in coordinating federal, state, and local resources and activities in providing assistance to homeless persons. Ariz. Rev. Stat. § 41-1954 (2011).

Arkansas

Child Care Facilities

Emergency youth shelters must receive licenses from and follow the rules and regulations established by the Child Welfare Agency Review Board. The Review Board sets standards for health and safety, conditions of facilities, assessment and supervision of children, and staff qualifications. The Review Board may also suspend or revoke licenses and fine facilities for violations. Ark. Code Ann. § 9-28-405 (2011).

California

Runaway and Homeless Youth Services

The Runaway Youth and Families in Crisis Project was established to prevent at risk youth from engaging in delinquent or criminal behavior and to reduce the number of at risk families engaging in neglectful, abusive, and criminal behavior. The program includes emergency shelter programs for both runaway youth and families in crisis, transitional living shelter services, and low-cost family resolution services. Cal. Welf. & Inst. Code §§ 1787-88 (2011).

Runaway youth shelters that operate under The Runaway Youth and Families in Crisis Project must provide food, counseling and referral services, screening for health needs and referrals to appropriate health care providers, and long term family reunification planning services. There is also a fourteen-day stay limit and a requirement that projects notify parents that their children are staying at a project site consistent with state and federal parental notification requirements. Cal. Welf. & Inst. Code § 1788 (2011).

Family and crisis resolution services that operate under The Runaway Youth and Families in Crisis Project shall include: parent training, family counseling, long-term family reunification planning, and follow up services. Cal. Welf. & Inst. Code § 1788 (2011).

Transitional living services that operate under The Runaway Youth and Families in Crisis Project shall include: long-term shelter, independent living skills programs, employment skills training and home responsibilities training. Cal. Welf. & Inst. Code § 1788 (2009).

An advisory group produces an annual report focused on runaway and homeless youth. The group maintains a list of homeless and runaway youth service providers, compiles statistics on homeless and runaway youth, and locates possible sources of funding for runaway and homeless youth services. Cal. Welf. & Inst. Code § 1786 (2011).

The Office of Criminal Justice Planning monitors the implementation of the Homeless Youth Emergency Service Pilot Projects. The goal is to provide shelter and services to homeless youth. Cal. Welf. & Inst. Code § 13704 (2011).

The Department of the Youth Authority awards funds for runaway shelters and shelters for abused and neglected youth through The Youth Center and Youth Shelter Bond Act Program. Recipients of Youth Center and Youth Shelter Bond Act Program funding must comply with requirements concerning the duration of shelter operation. At least 70% of the funding awarded through the Youth Center and Youth Shelter Bond Act Program must go towards runaway shelters. Cal. Welf. & Inst. Code § 2011 (2011); Cal. Welf.

& Inst. Code § 2012 (2011); Cal. Welf. & Inst. Code § 2020 (2011).

California's policy is to facilitate and support the development and operation of housing for homeless youth. Housing includes emergency, transitional, or permanent housing tied to supportive services that assist homeless youth in stabilizing their lives and developing the skills and resources they need to successfully transition to independent, self-sufficient adulthood. Cal. Gov't Code § 11139.3 (2011).

Homeless Services

The Department of Social Services is responsible for providing emergency assistance to needy and homeless families. Cal. Welf. & Inst. Code §§ 11450 11450.04 (2011).

Certain armories in the state are designated locations for homeless shelters during the period from October 15th through April 15th each year. Counties electing to use armories for homeless shelters must obtain a license from the Military Department and must assume responsibility for funding and operating the shelter. Cal. Gov't Code §§ 15301-15301.3 (2011).

The Department of Housing and Community Development administers the Emergency Housing and Assistance Program, which provides facility operating grants for emergency shelters, transitional housing projects, and supportive services for homeless individuals and families. Cal. Health & Safety Code §§ 50800 50801.5 (2010).

Colorado

Homeless Youth Shelters

Licensed child care facilities and licensed homeless youth shelters may provide both crisis intervention services and alternative residential services to homeless youth. Colo. Rev. Stat. § 26-5.7-105 (2010). A homeless youth shelter provides services and mass temporary shelter for a period of three days or more to youths who are at least fifteen years of age, or older. Colo. Rev. Stat. § 26-6-102 (2010).

A license for the operation of a homeless youth shelter must be obtained from the Department of Human Services. Licensed shelters must meet the standards prescribed by the Department of Human Services and must pay a fee to obtain a license. Colo. Rev. Stat. § 26-6-104 (2010); Colo. Rev. Stat. § 26-6-106 (2010).

Youth may remain in a homeless youth shelter for no longer than two weeks. Colo. Rev. Stat. § 26-5.7-105 (2010).

The homeless youth shelter shall make a concerted effort to reunite the youth with the youth's family. If this proves unsuccessful, the shelter shall inform the family of the availability of counseling services, long term residential facilities, and referral to the county department. Colo. Rev. Stat. § 26-5.7-105 (2010).

Upon admitting a youth to a shelter, the shelter shall immediately notify the youth's guardian of the youth's whereabouts and mental and physical condition. The shelter shall also arrange transportation to the youth's home or to a long-term residential facility agreed upon by the youth and the youth's guardian. Colo. Rev. Stat. § 26-5.7-106 (2010).

If the youth and the youth's guardian cannot be reunified and cannot agree on a long-term residential placement, the shelter may refer the youth to the county department. If the youth has stayed at the shelter for two weeks and the youth's guardian cannot be found or has renounced responsibility for the youth, the shelter may arrange for supervised independent living, or may place the youth with a relative or in a child care facility. Colo. Rev. Stat. § 26-5.7-108 (2010).

Connecticut

Child Care Facilities

A child care facility may not care for or board a child without a license obtained from the Commissioner of Children and Families. Conn. Gen. Stat. § 17a-145 (2011).

A Youth Service Bureau may be established to deliver individual and group counseling, parent training and family therapy, work placement and employment counseling,

alternative and special educational opportunities, recreational and youth enrichment programs, outreach programs to insure participation and planning by the community in youth services, preventive programs, and programs that develop positive youth involvement. Conn Gen. Stat. § 10-19m (2011).

Homeless Services

The Commissioner of Social Services may make grants to public and private organizations to develop and maintain programs for homeless individuals, including emergency shelters and transitional living programs. Shelters receiving grants from the Commissioner shall maintain safe and sanitary conditions, shall not suspend or expel residents without good cause, and shall provide a process by which a resident may file a grievance concerning the shelter. Conn. Gen. Stat. § 17b-800 (2011).

Delaware

Child Care Facilities

A person, institution, agency, or organization may not conduct child care without a license from the Office of Child Care Licensing within the Department of Services for Children, Youth and Their Families. Child care includes, among other things, residential child care facilities and supervised independent living programs. Del. Code Ann. tit. 31, § 342 (2011); Del. Code Ann. tit. 31, § 344 (2011).

Homeless Services

The Department of Health and Social Services is responsible for enforcing minimum standards for facilities housing eight or more homeless adults and children on a temporary basis. Del. Code Ann. tit. 29, §§ 7960-7968 (2011).

Florida

Runaway Services

The Department of Children and Family Services is responsible for coordinating efforts to assist runaway youth, including community outreach, family services, shelter care, crisis intervention, and counseling. Fla. Stat. Ann. § 409.441 (2011).

The Department is also required to establish standards for services offered to runaways, including guidelines focused on an intake system, counseling, and case management. Fla. Stat. Ann. § 409.441 (2011).

Youth Shelters

The Department is also responsible for licensing runaway shelters. Runaway shelters may not operate without a license. Requirements for a license include meeting regulations concerning the staff, administrative procedures, the provision of food, education, and shelter, and the cleanliness and safety of a facility. The Department must monitor licensed facilities and may require the facilities to comply with regulations in order to keep their license. Fla. Stat. Ann. § 409.175 (2011).

Runaway shelters may also be required to register with a qualified association. Qualified associations maintain standards which all child care facilities and shelters registered with them are required to meet. The qualified association may report violations to the department and may deny registration to any facility that does not comply with its standards. Fla. Stat. Ann. § 409.176 (2011).

Homeless Services

The State Office on Homelessness exists within the Department of Children and Family Services is responsible for monitoring services for the homeless, as well as for allocating grants to organizations offering services to the homeless. The Office also works with local efforts to service the homeless and helps them develop standards for shelter care and other services. Fla. Stat. Ann. § 420.622 (2011); Fla. Stat. Ann. § 420.623 (2011).

Georgia

Child Care Facilities

The Department of Human Resources is responsible for licensing child welfare agencies, using regulations and standards established by the Board of Human Resources. A child welfare agency is any child-caring institution, child-placing agency, or maternity home. Ga. Code Ann. § 49-5-12 (2011).

Homeless Shelters

The State Housing Trust Fund for the Homeless Commission maintains the Housing Trust Fund for the Homeless which allocates funds for residential housing projects, including homeless shelters and low income housing. Ga. Code Ann. §8-3-301 (2011); Ga. Code Ann. §8-3-308 (2011).

Hawaii

Child Care Facilities

Child care institutions are those institutions maintained for the care and maintenance of children. The Department of Human Services is responsible for establishing regulations and standards for and licensing child care institutions. Haw. Rev. Stat. §§ 346-16, 346-17 (2011).

Homeless Shelters

The Department of Human Services is responsible for administering and operating homeless shelters and programs for the homeless throughout the state. Haw. Rev. Stat. §346-362 (2011).

The Department will also develop, in consultation with the four counties, a procedure for identifying locations that shall be used for temporary emergency shelters for homeless individuals and families. Haw. Rev. Stat. § 346-375 (2011)).

Idaho

Homeless Youth Services

The Department of Health and Welfare is responsible for cooperating with the federal government in extending services to homeless youth. Idaho Code Ann. § 56-202 (2011).

Child Care Facilities

In order for a children's institution to operate, it must obtain a license from the Board of Health and Welfare. A children's institution is a person or an organization that operates a residential facility for children not related to that person if that person is an individual, for the purpose of providing child care. Idaho Code Ann. §§ 39-1202, 1209 (2011).

Homeless Shelters

The Idaho Housing Trust fund allocates money for homeless shelters, sets standards for the use of the money allocated, and monitors compliance with these standards. Idaho Code § 67-8103 (2011); Idaho Code Ann. § 67-8109 (2011).

Illinois

Homeless Youth and Runaway Services

The Department of Children and Family Services is responsible for protecting and promoting the health, safety, and welfare of homeless children. 20 Ill. Comp. Stat. 505/5 (2011).

The corporate authorities of municipalities, county boards and township boards may appropriate funds to private nonprofit organizations for the purpose of providing services to homeless and runaway youth, including shelter, food, clothing, counseling, and family reunification efforts. 55 Ill. Comp. Stat. 5/5-1090 (2011); 60 Ill. Comp. Stat. 1/215-15 (2011); 65 Ill. Comp. Stat. 5/11-5.2-3 (2011).

The Department of Children and Family Services is responsible for establishing rules and regulations concerning the return of runaway youth. 20 Ill. Comp. Stat. 505/5 (2011).

Youth Shelters

A youth emergency shelter cannot operate without a license or permit from the Department of Children and Families. The Department publishes licensing standards that must be maintained in order to obtain and keep a license. The standards include staff size and training, facility cleanliness and safety, financial ability, and resident rights and treatment. 225 Ill. Comp. Stat. 10/4 (2011); 225 Ill. Comp. Stat. 10/7 (2011); 225 Ill. Comp. Stat. 10/8 (2011).

The Department of Child and Families also has the authority to license youth transitional housing programs, which provide shelter or housing to homeless minors who are granted partial emancipation. 20 Ill. Comp. Stat. 505/4b (2011).

Indiana

Youth Shelters

Counties in the state have the authority to establish emergency shelters for children to be operated by the county or by a public or private organization. Ind. Code Ann. § 31-27-3-4 (2011).

An emergency shelter for children may not operate without a child caring institution license from the Division of Family and Children. Licensing standards include compliance with health, safety, sanitation, staff, and food regulations. Ind. Code Ann. §§ 31-27-3-1 to 37-27-3-13 (2011).

An emergency shelter that provides services to homeless people may provide services to a child without the notification, consent, or permission of the child's parent, guardian, or custodian. Within 24 hours, the shelter must notify the Department of Children and Families of the name of the child, the location of the shelter, and whether the child alleges abuse or neglect. The Department must then conduct an investigation within 48 hours after receiving notification. The Department must also notify the child's parent, guardian or custodian that the child is in a shelter within 72 hours after the child enters the shelter, unless the Department has reason to believe the child is a victim of abuse or neglect. Ind. Code Ann. §§ 31-36-3-2 to 31-36-3-2 (2011).

A youth shelter, its director, employees, agents and volunteers are immune from civil liability resulting from any act or omission related to admitting, caring for, or releasing a runaway or homeless youth, except in the case of gross negligence or willful and wanton misconduct. Ind. Code Ann. §§ 35-30-25-4 to 35-30-25-5 (2011).

The Juvenile Court may also establish detention and shelter care facilities. Ind. Code Ann. § 31-31-8-3 (2011).

Homeless Shelters

The County Board of Commissioners has the authority to establish homeless shelters. Ind. Code Ann. § 12-30-3-2 (2011).

Iowa

Runaway Services

A county may develop a runaway treatment plan to address problems with chronic runaway children in the county. The plan shall identify the problems with chronic runaway children in the county and specific solutions to be implemented by the county, including the development of a runaway assessment center. Iowa Code § 232.195 (2011).

Homeless Shelters

The Iowa Finance Authority shall control a shelter assistance fund. The fund shall be spent on construction, rehabilitation, expansion or costs of operations of shelters for the homeless and victims of domestic violence. At least $546,000 shall be spent annually on homeless shelter projects. Iowa Code § 16.41 (2011).

Kansas

Child Care Facilities

A child care facility may not operate without a license from the Secretary of Health and Environment. A child care facility is a facility maintained by a person who has control or custody of one or more children under 16 years of age, unattended by parent or guardian, for the purpose of providing the children with food and/or lodging. An exception is made for children in the custody of the Secretary of Social and Rehabilitation Services who are placed with a prospective adoptive family or who are related to the person by blood, marriage, or legal adoption. Kan. Stat. Ann. §§ 65-503-504 (2011).

Child care facilities include a children's home, orphanage, maternity home, day care facility or other facility of a type determined by the Secretary to require regulation. Kan. Stat. Ann. § 65-503 (2011).

Homeless Shelters

In every county having a city whose population is not less than 53,000, the Board of County Commissioners may by unanimous vote, and shall upon petition of 30% of the electors of the county, procure

the necessary ground and erect and maintain suitable buildings for a parental home for children within the county who are homeless, deprived, wayward, miscreant, delinquent, children in need of care or juvenile offenders. Kan. Stat. Ann. § 38-505 (2011).

Kentucky

Child Care Facilities

A child caring facility may not operate without a license from the Cabinet of Health and Family Services. The Cabinet also sets standards and regulations that must be followed by licensed facilities. A child caring facility is an institution or group home providing residential care on a 24 hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility. Ky. Rev. Stat. Ann. § 199.640-41 (2011).

Louisiana

Youth Shelters

Runaway and homeless youth residential facilities must obtain a license from the Division of Licensing and Certification of the Department of Children and Family Services. La. Rev. Stat. Ann. § 46:1352 (2011).

The staff of a runaway and homeless youth residential facility must notify the guardian of a runaway of the runaway youth's admission to the facility as soon as possible but not more than 72 hours after the runaway youth has been admitted. The staff may choose not to contact the runaway youth's guardian only if there are compelling circumstances that justify the decision. La. Rev. Stat. Ann. § 46:1353 (2011).

A runaway youth may elect to leave the facility to return home at any time. A runaway youth may remain at a facility for up to 72 hours without guardian consent. If a guardian gives consent, a runaway youth may remain in a facility for up to 15 days. If the guardian of a runaway youth cannot be found, the youth may remain in a facility for up to 21 days. If a report is filed with the state, the facility shall be required to provide care for a youth until a decision about the youth's placement is reached by the Department of Social Services or by a court. La. Rev. Stat. Ann. § 46:1353 (2011).

A runaway and homeless youth facility is authorized to provide services to all runaway and homeless youth, including counseling, family reunification efforts, arranging of services, and explaining of the youth's rights. La. Rev. Stat. Ann. § 46:1354 (2011).

Liability for staff of homeless and runaway facilities is limited to acts of gross negligence and intentional misconduct. La. Rev. Stat. Ann. § 46:1356 (2011).

Maine

Runaway and Homeless Youth Services

The Department of Human Services may provide short term emergency services to homeless and runaway youth that shall not exceed 72 hours in duration. Me. Rev. Stat. Ann. tit. 22, § 4023 (2011).

The Department of Human Services is to establish and support a comprehensive program for homeless youth by contracting with organizations and agencies licensed by the Department that provide street outreach, shelter, and transitional living services for homeless youth. Me. Rev. Stat. Ann. tit. 22, § 4099-E (2011).

Youth drop-in services are to provide walk-in access to crisis intervention and ongoing supportive services, including one-to-one case management services on a self-referral basis and street and community outreach programs to locate, contact and provide information, referrals and services to homeless youth, youth at risk of homelessness and runaways. Emergency shelters are to provide homeless youth and runaways with referrals and walk-in access to short-term residential care on an emergency basis. Transitional living programs are to help homeless youth find and maintain safe, dignified housing, as well as possibly to provide rental assistance and related supportive services. Me. Rev. Stat. Ann. tit. 22, § 4099-E (2011).

The Department collects data from its licensed organizations and agencies to ensure that appropriate and high-quality services are being delivered to homeless

youth, youth at risk of homelessness and runaways, and shall use the data to monitor the success of the contracts and programs as well as changes in the rates of homelessness among youth in the State. Me. Rev. Stat. Ann. tit. 22, § 4099-F (2011). The Department may issue rules for the effective administration of the comprehensive program. Me. Rev. Stat. Ann. tit. 22, § 4099-G (2011).

Youth Shelters

Emergency shelters for children may not operate without a license from the Department of Human Services. Me. Rev. Stat. Ann. tit. 22, § 7801 (2011).

Licensing standards shall be established by the Department regarding staff qualifications, rights and responsibilities of children, staff, and guardians, the nature, provision, documentation, and management of care and services, and the physical environment. 22 Me. Rev. Stat. Ann. § 8102 (2011).

Maryland

Runaway Services

The Department of Juvenile Justice shall develop a program to help find homes for runaway youth. Md. Code Ann., Hum. Servs. § 9-232 (2011).

Child Care Facilities

Child care institutions may not operate without a license from the Social Services Administration of the Department of Human Resources, unless the institution accepts only children placed by the Department of Health and Mental Hygiene or the Department of Juvenile Services. Md. Code Ann., Fam. Law § 5-509 (2011).

The Department of Juvenile Services is responsible for adopting regulations for child care homes and institutions. Md. Code Ann., Hum. Servs. § 9-234 (2011).

Homeless Services

The governor is authorized to establish homeless shelters and provide other services to homeless individuals and families. These shelters and services are regulated by the Department of Human Services. Md. Code Ann., Hum. Servs. §§ 6-419-6-420 (2011); Md. Code Ann., Hum. Servs. §§ 6-425-27 (2011).

Massachusetts

Youth Shelters

Temporary shelter care facilities operate to receive children under eighteen years of age for temporary shelter during the day or night when such children request shelter therein, or when such children are placed there by a placement agency, a law enforcement agency, or a court. Mass. Gen. Laws ch. 15D, § 1A (2011).

A temporary shelter care facility must obtain a license from the Department of Early Education and Care in order to operate. The Department shall establish rules and regulations that must be followed in order to obtain and keep a license. Mass. Gen. Laws ch. 15D, § 6 (2011); Mass. Gen. Laws ch. 15D, § 8 (2011).

A temporary shelter care facility may provide shelter for an unaccompanied youth for up to 72 hours without guardian consent if the youth's welfare would be endangered if shelter were not provided. At the expiration of the 72 hour period, the shelter must have secured consent from the youth's guardian to continue providing shelter, referred the youth to the Department of Human Services, or terminated the care and custody it is providing. Mass. Gen. Laws ch. 119, § 23 (2011).

Michigan

Youth Shelters

The county Department of Welfare may operate an emergency receiving center for the temporary care of homeless youth. A youth shall remain in the center's care until the youth can be placed in a permanent residence, foster care, the youth's home, or any somewhere else deemed best for the child's health, safety, and welfare. These centers must maintain the standards set out by the State Department of Social Services regarding places of juvenile detention. Mich. Comp. Laws Serv. § 400.18d (2011).

Child Care Facilities

A person, partnership, firm, corporation,

association, or nongovernmental organization shall not establish or maintain a child care organization unless licensed by or registered with the Department of Social Services. A child care organization is a governmental or nongovernmental organization having as its principal function the receiving of minor children for care, maintenance, training, and supervision. Mich. Comp. Laws Serv. § 722.111 (2011); Mich. Comp. Laws Serv. § 722.115 (2011).

Minnesota

Homeless Youth and Runaway Services

The Commissioner of Human Services must report on the coordination of services for homeless and runaway youth, including youth drop-in centers, street and community programs, emergency shelter programs, and transitional living programs. Minn. Stat. § 256K.45 (2010).

Youth drop-in centers must provide walk-in access to crisis intervention and ongoing supportive services including one-to-one case management services on a self-referral basis. Minn. Stat. § 256K.45 (2010).

Street and community outreach programs must locate, contact, and provide information, referrals, and services to homeless youth, youth at risk of homelessness, and runaways. Minn. Stat. § 256K.45 (2010).

Emergency shelter programs must provide homeless youth and runaways with referral and walk-in access to emergency, short-term residential care. The program shall provide homeless youth and runaways with safe, dignified shelter, including private shower facilities, beds, and at least one meal each day; and shall assist a runaway with reunification with the family or legal guardian when required or appropriate. Minn. Stat. § 256K.45 (2010).

Transitional living programs must help homeless youth and youth at risk of homelessness to find and maintain safe, dignified housing. Minn. Stat. § 256K.45 (2010).

Youth Shelters

Upon admitting a youth for care and shelter, an emergency shelter must notify the youth's guardian of the youth's whereabouts and condition within 72 hours, unless notifying the guardian is not in the best interest of the youth. Minn. Stat. § 260C.501 (2010).

The Commissioner of Human Services shall establish a statewide grant program called the out-of-wedlock pregnancy prevention program. The goal of this program is to prevent or reduce the incidence of out-of-wedlock pregnancies among homeless, runaway, or thrown-away youth. One of the specific goals of the program is to significantly increase the number of existing short-term shelter beds for these youth by providing funds for shelters, transitional and independent living programs, and family reunification efforts. The Commissioner is responsible for allocating funds for this purpose. Minn. Stat. § 256K.35 (2010).

An individual, corporation, partnership, voluntary association, other organization, or controlling individual may not operate a residential or a nonresidential program without a license from the Commissioner of Human Services. Minn. Stat. § 245A.03 (2010).

Mississippi

Homeless Youth Services

The Department of Human Services must cooperate with the United States Children's Bureau to extend the state's services to homeless youth. Miss. Code Ann. § 43-15-3 (2011).

Youth Shelters

The Division of Family and Children's Services is the licensing authority for residential child-care agencies, including runaway shelters. It is responsible for setting licensing standards concerning health, safety, finances, and administration. It is also responsible for inspecting licensed facilities, investigating complaints, and revoking and suspending licenses when appropriate. Miss. Code Ann. § 43-15-103 (2011); Miss. Code Ann. § 43-15-105 (2011).

Missouri

Youth Services

The Board of Directors of each county shall administer a Community Service Children's Fund that will fund, among other things, temporary shelter for homeless and runaway youth for up to 30 days. Mo. Rev. Stat. § 210.861 (2011).

Child Care Facilities

A residential care facility may not operate without a license from the Division of Family Services of the Department of Social Services or the Department of Health and Senior Services. A residential care facility is a facility providing 24-hour care in a group setting to children who are unrelated to the person operating the facility and who are unattended by a parent or guardian. Mo. Rev. Stat. § 210.481 (2011); Mo. Rev. Stat. § 210.486 (2011).

Homeless Shelters

The governing body of each county may establish a homeless assistance program that will provide funding to emergency shelters. Mo. Rev. Stat. § 67.1063 (2011).

Montana

Child Care Facilities

A youth care facility may not operate without being licensed or registered by the Department of Public Health and Human Services. The Department of Public Health and Human Services shall inspect and register or license youth care facilities. A youth care facility is a facility providing care to youth, including youth foster homes, youth group homes, child-care agencies, transitional living programs, and youth assessment centers. A youth shelter facility is a facility the regularly receives children under temporary conditions until the appropriate authority has made other provisions for the children's care. Mont. Code Ann. § 52-1-103 (2010); Mont. Code Ann. § 52-2-113 (2010); Mont. Code Ann. § 52-2-602 (2010).

A temporary placement of a youth in a shelter care facility for less than 45 days is exempt from review by the appropriate youth placement committee. Mont. Code Ann. § 41-5-124 (2010).

The Department of Public Health and Human Services must issue a license for any care facility. Mont. Code Ann. §§ 52-2-621 - 623 (2010).

Nebraska

Youth Shelters

Any municipal corporation may contract with and provide funds to any person to provide juvenile emergency shelter care. Juvenile emergency shelter care is temporary 24-hour physical care and supervision in crisis situations and at times when an appropriate foster care resource is not available to persons eighteen years of age or younger. Neb. Rev. Stat. § 13-317 (2011).

Child Care Facilities

A child caring facility may not operate without a license from the Department of Health and Human Services. Neb. Rev. Stat. § 43-701 (2011).

Homeless Shelters

The Homeless Shelter Assistance Trust Fund exists to fund homeless shelter providers. The Department of Human Services shall establish criteria and guidelines for funding eligibility. Neb. Rev. Stat. § 68-1604 (2011); Neb. Rev. Stat. § 68-1608 (2011).

Local Housing Agencies established under the Nebraska Housing Agency Act have the power to establish and operate homeless shelter facilities. Neb. Rev. Stat.§ 71-15,113 (2011).

Nevada

Youth Shelters

Each county may establish an approved youth shelter that will provide services to runaway and homeless youth. Approved youth shelters must comply with all federal, state, and local laws pertaining to their services and are subject to county review and approval. Nev. Rev. Stat. Ann. § 244.424 (2011); Nev. Rev. Stat. Ann. § 244.428 (2011).

Upon admitting a runaway or homeless youth, the shelter must make a reasonable,

bona fide attempt to notify the youth's guardian of the youth's admission, unless abuse or neglect is evident. State and local law enforcement agencies must also be notified and the youth must be evaluated by a licensed professional to determine the youth's circumstances and need for services or counseling. Nev. Rev. Stat. Ann. § 244.428 (2011).

An approved youth shelter, its directors, its employees, its agents, and its volunteers are immune from civil liability unless the act or failure to act was caused by gross negligence or intentional or reckless misconduct. Nev. Rev. Stat. Ann. § 244.429 (2011).

New Hampshire

Youth Shelters

A homeless youth shelter may not operate without a license from the Department of Health and Human Services. The Department may establish requirements that must be met in order for a facility to obtain and retain a license. The Department has the power to revoke or suspend a facility's license for failing to meet the established standards. N.H. Rev. Stat. Ann. § 170-E:25 (2011); N.H. Rev. Stat. Ann. § 170-E:27 (2011); N.H. Rev. Stat. Ann. §§ 170-E:34-E:35 (2011).

The homeless youth shelter must attempt to notify a youth's guardian of the youth's admission for services within 72 hours of the youth's admission, unless compelling reasons not to notify the youth's guardian exist. If a youth's guardian cannot be reached, the shelter must notify the Department within 30 days of the youth's admission for services. N.H. Rev. Stat. Ann. §170-E:27-a (2011).

Homeless Shelters

The Department of Health and Human Services administers the emergency shelter program, which provides safe and sanitary short-term shelter to the poor and destitute. The Department may contract with and fund private non-profit organizations for providing emergency shelters. N.H. Rev. Stat. Ann. §§ 126-A:26-A:27 (2011).

New Jersey

Homeless Youth Services

The Department of Children and Families is responsible for the establishment and support of a comprehensive program for homeless youth. N.J. Rev. Stat. § 9:12A-5 (2011).

A municipality may appropriate funds to a private, nonprofit organization for services, including emergency shelters, for runaway and homeless youth. N.J. Rev. Stat. § 40:5-2.10b (2011).

Youth Shelters

A street outreach program will contact youth through mobile outreach, providing access to temporary shelter, family reunification efforts, counseling, food, clothing, medical care, and other services. N.J. Rev. Stat. § 9:12A-6 (2011).

A shelter shall attempt to notify a youth's guardian of a youth's admission to the shelter within 24 hours of admission, unless there are compelling reasons not to notify the youth's guardian of the youth's whereabouts and condition. N.J. Rev. Stat. § 9:12A-7 (2011).

A shelter shall notify the Division of Youth and Family Services of a youth's admission to the shelter within 24 hours of admission to determine if the youth is in the custody of the Division. If the youth is not in the custody of the Division, the Division and the shelter will determine what services should be provided to the youth. If the youth is not in the custody of the Division nor believed to be abused or neglected, a juvenile-family crisis intervention unit must be contacted within 24 hours. N.J. Rev. Stat. § 9:12A-7 (2011).

A homeless youth may remain in a shelter for up to ten days without a guardian's consent. During this time, a juvenile-family crisis intervention unit must attempt to reunite the youth with the youth's family or provide services for the youth if reunification is not in the youth's best interests. N.J. Rev. Stat. § 9:12A-7 (2011).

A homeless youth may be allowed to remain in the shelter for up to 30 days beyond the original 10 days. N.J. Rev. Stat. § 9:12A-7 (2011).

New Mexico

Homeless Youth Services

The Human Services Department is responsible for service and care of homeless youth. N.M. Stat. Ann. § 27-1-3 (2011).

Child Care Facilities

The Children, Youth and Families Department is responsible for overseeing and improving child care facilities and multi-service homes. N.M. Stat. Ann. § 9-2A-8 (2011).

New York

Runaway and Homeless Youth Services

Counties must develop a service plan for runaway and homeless youth that will be reviewed by the Commissioner of Children and Family Services. The Commissioner shall allocate funding for the operation of these plans. N.Y. Exec. Law § 420 (McKinney 2011).

Runaway programs must be approved by the Office of Children and Family Services and must abide by regulations issued by the Office. Runaway programs may provide nonresidential crisis intervention and residential respite services to needy youth. Residential respite services may be provided for no more than 21 days. Transitional independent living support programs may also provide services to youth in need of crisis intervention or respite services. N.Y. Exec. Law § 532-a (McKinney 2011).

Runaway programs shall provide assistance to runaway and homeless youth, explain their legal rights and the services available to the youth, work towards family reunification, and examine the youth to determine whether referral to child protective services is appropriate. N.Y. Exec. Law § 532-b (McKinney 2011).

Youth may stay at a runaway program on a voluntary basis for no longer than 30 days. A youth who consents and has the written consent of a guardian may remain for up to 60 days. N.Y. Exec. Law § 532-b (McKinney 2011).

A youth's guardian must be notified within 72 hours, preferably within 24 hours, of being admitted to a runaway program of the youth's whereabouts and condition, unless there are compelling reasons why the guardian should not be notified. N.Y. Exec. Law § 532-c (McKinney 2011).

Homeless Shelters

The Commissioner of Social Services may contract with and provide funding for nonprofit and charitable organizations to operate homeless shelters. Social Services Districts shall establish health and safety standards that must be maintained by these shelters. The Department of Social Services also may allocate funding to municipalities for homeless shelters. N.Y. Soc. Serv. Law § 131-v (McKinney 2009); N.Y. Soc. Serv. Law § 43 (McKinney 2011).

North Carolina

Child Care Facilities

The Department of Health and Human Services licenses child care facilities. The issuance of such licenses shall be in accordance with the policies and rules of the Child Care Commission. N.C. Gen. Stat. §§ 110-85-110-86, 110-88, 110-90 (2011).

Homeless Shelters

The North Carolina Housing Trust Fund may provide funding for the construction and rehabilitation of homeless shelters. N.C. Gen. Stat. § 122E-6 (2011).

North Dakota

Runaway and Homeless Youth Services

The Children's Services Coordinating Committee may plan for and coordinate services for runaway and homeless youth. It is also responsible for distributing funds to children's service organizations and programs. N.D. Cent. Code § 54-56-03 (2011).

Child Care Facilities

It is the responsibility of the Department of Human Services to formulate standards and make appropriate inspections and investigations in accordance with such standards in connection with all licensing activities delegated by law to the Department, including child care facilities and persons or organizations receiving

and placing children. The Department also requires those facilities, persons, and organizations to submit reports and information as the Department determines necessary. N.D. Cent. Code § 50-06-05.1 (2011).

Homeless Shelters

The Real Estate Broker Trust Account shall disburse funds for housing and shelter for the homeless and poor. N.D. Cent. Code § 43-23.4-02 (2011).

Ohio

Youth Shelters

A runaway shelter may not operate without complying with state law and the rules adopted by the Board of Alcohol, Drug Addiction, and Mental Health Services of the district in which the shelter is located. The Board has the authority to enforce the rules it creates and to ask each runaway shelter to submit information about the services that they offer. Ohio Rev. Code Ann. §§ 5119.64-5119.68 (2011).

Oklahoma

Youth Shelters

The Office of Juvenile Affairs is authorized to enter into agreements to establish or maintain community-based youth service programs, including shelters. Okl. Stat. Ann. tit. 10A, § 2-7-305 (2011).

Child Care Facilities

A child care facility may not operate without a license from the Department of Human Services. A child care facility is any public or private child care residential facility, child placing agency, foster family home, group home, child care center, part-day child care program, family child care home, or large family child care home providing either full-time or part-time care for children away from their own homes. Okl. Stat. Ann. tit. 10, § 401 (2011); Okl. Stat. Ann. tit. 10, § 402 (2011).

Homeless Services

Every county in the state shall relieve and support all indigent persons. Each Board of County Commissioners are authorized to create and operate shelters. Shelters over a certain value must be approved by a county-wide vote. Okl. Stat. Ann. tit. 56, § 33 (2011).

Oregon

Runaway and Homeless Youth Services

The State Commission on Children and Families is responsible for coordinating statewide planning for delivery of services to runaway and homeless youth and their families. Or. Rev. Stat. Ann. § 417.799 (2009).

Child Care Facilities

Private child caring agencies must obtain a license from the Department of Human Services in order to operate. A child caring agency could be, among other things, any private agency or private organization providing residential care to children. Or. Rev. Stat. Ann. § 418.205 (2009); Or. Rev. Stat. Ann. § 418.215 (2009).

Homeless Services

The Emergency Housing Account shall be administered by the Housing and Community Services Department to assist homeless persons and those persons who are at risk of becoming homeless. Funds may be used for the operation of homeless shelters. Or. Rev. Stat. Ann. § 458.650 (2009).

Pennsylvania

Child Care Facilities

Any social services facility may not be maintained, operated or conducted without having a license issued by the Department of Public Welfare. Social service facilities include nonprofit agencies regularly engaged in the affording of child or adult care. 62 Pa. Cons. Stat. Ann. § 1001 (2011); 62 Pa. Cons. Stat. Ann. § 1002 (2011).

Generally youth service providers who report suspected child abuse are immune from civil and criminal liability that might result from reporting suspected abuse to law enforcement. 23 Pa. Cons. Stat. Ann. § 6318 (2009).

Rhode Island

Child Care Facilities

The Department of Children, Youth and Families is responsible for licensing, monitoring, and evaluating all facilities that provide services to youth. R.I. Gen. Laws § 42-72-5 (2011).

South Carolina

Homeless Youth Services

The Department of Social Services may cooperate with the federal government in extending services to homeless youth. S.C. Code Ann. § 43-1-110 (2010).

Child Care Facilities

The Department of Social Services shall establish licensing rules and regulation for all child welfare agencies. The Department may revoke the license of any facility that fails to maintain the standards set out by the Department. S.C. Code Ann. § 63-13-20 (2010); S.C. Code Ann. § 63-13-80 (2010).

Homeless Shelters

Among the Housing Trust Fund's purposes is providing funding for the building and rehabilitation of homeless shelters. S.C. Code Ann. § 31-13-450 (2010).

South Dakota

Child Care Facilities

All child welfare agencies must obtain a license from the Department of Social Services in order to provide such services as the provision of group care and the maintenance, supervision, and protection of children on a regular full-time basis as a substitute for regular parental care, with or without compensation, in a nonfamily group setting, which shall be known as a residential treatment center, group care center or a group home. S.D. Codified Laws § 26-6-14 (2011).

Tennessee

Youth Shelters

Every runaway house in the state must be registered with the Department of Children's Services. The Department shall establish minimum standards that every runaway house must comply with in order to be registered. The standards include separate living quarters for males and females, accurate records, health and safety requirements, counseling and treatment services, and programs for the facility's residents. Tenn. Code Ann. § 37-2-503 (2011); Tenn. Code Ann. § 37-2-505 (2011).

A runaway house may give a runaway youth shelter for up to 72 hours. The youth may only be removed from this sanctuary by court order. Tenn. Code Ann. § 37-2-506 (2011).

Within one hour of the runaway's arrival at the runaway house, the staff must make a good faith effort to notify either the youth's guardian or the juvenile court. Tenn. Code Ann. § 37-2-506 (2011).

Homeless Services

The Division of Housing and Emergency Shelters is responsible for coordinating efforts to provide services to homeless individuals, including homeless shelters. Tenn. Code Ann. § 71-1-112 (2011).

Texas

Youth Shelters

An emergency youth shelter may not operate without a license from the Department of Protective and Regulatory Services. Tex. Hum. Res. Code Ann. § 42.041 (2010).

The Department is responsible for establishing rules and standards that shelters must follow in order to obtain and keep a license. These rules and standards shall promote safety, health, appropriate supervision, and child welfare. Tex. Hum. Res. Code Ann. § 42.042 (2010).

Homeless Shelters

In order for a person or organization to operate a homeless shelter in a municipality it must first notify the municipality 61 days before it begins building the facility or, if the facility is already in existence, 61 days before the facility opens. If the municipality determines that the shelter is not in the municipality's best interest, it must inform the person or organization within 61 days of

receiving notice of the planned shelter that it does not consent to its operation. Tex. Loc. Gov't Code Ann. § 244.025 (2010).

Utah

Child Care Facilities

A human services program or a human services facility may not operate without a license from the Department of Human Services. Human services programs and facilities include youth programs, resource family homes, and facilities or programs that provide care, secure treatment, inpatient treatment, residential treatment, residential support, adult day care, day treatment, outpatient treatment, domestic violence treatment, child placing services, or social detoxification. Utah Code Ann. § 62A-2-101 (2011); Utah Code Ann. § 62A-2-108 (2011).

Homeless Shelters

Funding for homeless shelters may come from the Olene Walker Housing Loan Fund. Utah Code Ann. § 9-4-705 (2011).

Vermont

Homeless Youth Services

The Department of Social and Rehabilitative Services is responsible for providing services to homeless youth. Vt. Stat. Ann. tit. 33 § 4901 (2011).

Virginia

Homeless Youth Services

Each local Board of Social Services must provide, either directly or indirectly, any child welfare services not available through other agencies serving residents in the area. Child welfare services include protecting the welfare of all children including handicapped, homeless, dependent, or neglected children. Va. Code Ann. § 63.2-319 (2011).

Youth Shelters

In order for a child welfare agency to operate, it must obtain a license from the Department of Social Services. Va. Code Ann. § 63.2-1701 (2011).

The Board of Social Services has the power to establish regulations that must be followed and fees that must be paid in order for a shelter to obtain and renew a license. Va. Code Ann. § 63.2-1700 (2011).

A shelter must obtain the consent for placement in the shelter from a youth's guardian within eight hours of a youth's arrival and a signed placement agreement within 24 hours of the youth's arrival or by the end of the next business day. Va. Code Ann. § 63.2-1817 (2011).

Washington

Youth Shelters

The Department of Social and Health Services is responsible for licensing and regulating HOPE Centers. HOPE Centers are facilities that provide shelter and services to street youth. They may not operate without a license from the Department. Wash. Rev. Code Ann. § 74.15.020 (2011); Wash. Rev. Code Ann. § 74.15.250 (2011).

HOPE Centers must follow procedures to ensure that residents do not run away from the centers. They must also meet staffing requirements, data collection requirements, and treatment and service requirements. Wash. Rev. Code Ann. § 74.15.220 (2011).

HOPE Centers must facilitate the return of a street youth to the youth's legally authorized residence at the earliest possible date. Wash. Rev. Code Ann. § 74.15.220 (2011).

When appropriate, HOPE Centers must refer youth to the Department of Social and Health Services for services or dependency proceedings. Wash. Rev. Code Ann. § 74.15.220 (2011).

West Virginia

Child Care Facilities

The Department Human Service is responsible for licensing all child welfare agencies. Facilities must apply for a license and are subject to an investigation that shall include, but is not limited to: the facility's financial status, the character of the facility's personnel, and the facility's reputation. W. Va. Code Ann. § 49-2B-3 (2011); W. Va. Code Ann. § 49-2B-8 (2011).

Wisconsin

Runaway Youth Services

The Department of Social Services shall distribute $ 50,000 in each fiscal year as grants to programs that provide services for runaway children. Wis. Stat. § 48.481 (2011).

Youth Shelters

The Department of Health and Family Services has the power to license shelter care and child care facilities. Wis. Stat. § 48.48 (2011).

Within 12 hours of admitting a runaway youth into its care, a runaway home must contact an intake worker and notify the intake worker of the youth's whereabouts. The intake worker must then attempt to contact the youth's guardian as soon as possible. Wis. Stat. § 48.227 (2011).

A runaway youth may not be removed from a runaway home without court order. If a runaway youth's guardian does not consent to the runaway home's temporary care, then a hearing must be held in court to determine if the youth must return home or may remain in the shelter for a time period not to exceed 20 days. Wis. Stat. § 48.227 (2011).

Homeless Shelters

The Department of Commerce is responsible for allocating grants to organizations for the operation of homeless shelters. The Department may set out rules defining who is eligible for the grants. Wis. Stat. § 560.9808 (2011).

Wyoming

Child Care Facilities

A child caring facility is any person who operates a business that keeps or cares for any minor at the request of the parents, legal guardian, or an agency responsible for the minor. Wyo. Stat. Ann. § 14-4-101 (2011). The Department of Family Services is responsible for licensing child care facilities. Wyo. Stat. Ann. § 14-4-102 (2011).

American Samoa

No specific statute regarding services and shelters for unaccompanied youth was found in American Samoa.

District of Columbia

Youth Shelters

A runaway or homeless youth shelter may not operate without a license from the mayor. The mayor is also responsible for issuing rules that govern, among other things, standards of operation, qualifications of personnel, and licensing procedures. D.C Code Ann. §§ 7-2102-7-2103 (2011).

Homeless Shelters

The District of Columbia Interagency Council on Homelessness facilitates interagency, cabinet-level leadership in planning, policy-making, program development, project monitoring, and budgeting for the Continuum of Care of homeless services. D.C. Code Ann. § 4-752.01 (2011).

The Office of Shelter Monitoring within the Department of Human Services is responsible for monitoring homeless shelters and services. D.C. Code Ann. § 4-754.51 (2011).

Guam

Homeless Shelters

It is the duty of the Department of Public Health and Social Services to conduct an assessment of the homeless situation, establish shelter criteria, communicate plans, and apply for federal grants. The Department may also contract with shelters and provide essential services to homeless individuals and convert government owned property into homeless shelters. 10 Guam Code Ann. § 17102 (2011); 10 Guam Code Ann. § 17103 (2011).

Northern Mariana Islands

No specific statute regarding services and shelters for unaccompanied youth was found in the Northern Mariana Islands.

Puerto Rico

Child Care Facility

A child care facility may not operate without a license from the Department of the Family. P.R. Laws Ann. tit. 8, § 69 (2008).

Homeless Services

The Commission for the Implementation of the Public Policy Regarding the Homeless is responsible for reviewing and approving the service protocols presented by the departments, agencies, public corporations and instrumentalities of the Government of Puerto Rico providing homeless services. P.R. Laws Ann. tit. 8, § 1008 (2008).

Virgin Islands

Homeless Services

The Governor shall issue, in conjunction with the Virgin Islands Interagency Council on Homelessness and the Commissioner of the Department of Human Services, rules and regulations, including the establishment of standards of eligibility for emergency housing, providing for ongoing analyses of the homeless population, and an action plan that must be updated bi-annually. V.I. Code Ann. tit. 29, § 205 (2011).