

**Texas Statutes Related to Homeless Unaccompanied Youth**

DEFINITIONS	RUNAWAY	SHELTER	CONTRACT	HEALTH	BENEFITS
<ul style="list-style-type: none"> <li>➤ Child is 10-16; between 17 &amp; 18 and under court supervision (FC 51.02); or never married person under 18 (FC 101.003)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Voluntarily absent from home without consent for substantial length of time without intent to return (FC 51.03)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Shelter may not provide care for youth after 15 days without consent from family or from the minor if they meet criteria or a minor qualified for emergency assistance (qualifications for TANF) and is on waiting list for housing (FC 32.201)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Emancipated minors can contract (FC 31.001)</li> <li>➤ Can petition at 16 if lived separately from parent, manages own financial affairs, or is unmarried &amp; pg or parenting* - provider may rely on minor's written statement that they meet criteria</li> </ul>	<ul style="list-style-type: none"> <li>➤ Can consent to medical, dental psychological or surgical treatment if on active duty; 16 &amp; lives apart from parent; manages own affairs criteria; unmarried and has custody of child and:</li> <li>➤ Consents to diagnosis &amp; treatment of reportable, infectious, contagious and communicable diseases; consents to drug treatment (FC 32.003)</li> <li>➤ Consent of parents not necessary for treatment</li> </ul>	<ul style="list-style-type: none"> <li>➤ Minor who is pregnant or parenting is allowed to receive TANF if:                             <ul style="list-style-type: none"> <li>➤ They reside with a parent, adult relative or guardian or;</li> <li>➤ If parents deceased, whereabouts unknown or won't allow child to live with them</li> <li>➤ State determines that it is in minor's best interest to waive the requirement (Texas State Plan for TANF 2010)</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>➤ Minor is unmarried, under 18, not emancipated (FC 101.003)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Age range is 10-17</li> </ul>	<ul style="list-style-type: none"> <li>➤ If don't meet criteria stated above must try to notify parents within 24 hours or appropriate agency (748.4201 DFPS GRO and RTC)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Texas doesn't have "mature minor" concept</li> </ul>	<ul style="list-style-type: none"> <li>➤ Can consent to counseling for suicide prevention, chemical/drug addiction, and physical, sexual or emotional abuse (FC 32.003)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Texas SSI Supplement Program allows unaccompanied youth (ages 16-18) with disability to access these benefits if mentally competent and not under the care of an individual, agency or court (NAEHCY)</li> </ul>
<ul style="list-style-type: none"> <li>➤ Homeless youth = under 25, unstably housed; situation likely to last 60+ days; disability or multiple barriers to employment, no lease/ownership interest (Hearth Act)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Status offense in Texas (FC 51.02)</li> <li>➤ Could be considered a Child in Need of Supervision (CHINS) (FC 51.03)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Can consent on own to shelter (FC 32.202) and transition living program (FC 32.203) stay and services if 16/17 and resides on own and manages own affairs or is unmarried and pg/parenting.</li> </ul>	<ul style="list-style-type: none"> <li>➤ Minor 14 and older (without parent/guardian) can enter into contracts for annuities, life, term or endowment insurance (Insurance Code 1104.003)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Providers not held liable except for any negligent behavior or willful misconduct (FC 32.004)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Unaccompanied youth can apply for food stamps without parent/guardian signature and can't be denied due to lack of address or photo ID (USDA)</li> </ul>
<ul style="list-style-type: none"> <li>➤ Unaccompanied child is someone under 18 (HUD Data Collection Guidance)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Parents can be subjected to court ordered treatment (FC 51.115)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Length of stay: 15 days without a placement extension; w/extension under 5=up to 30 days; 5 and older up to 90 days (DFPS Licensing 748.4205 &amp;748.4207)</li> </ul>		<ul style="list-style-type: none"> <li>➤ Providers have the option to notify parents (FC 32.003)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Children/youth can apply for Medicaid/CHIP without a parent/guardian.</li> </ul>
<ul style="list-style-type: none"> <li>➤ Homeless includes doubling up and other unstable housing situations (McKinney Vento)</li> </ul>	<ul style="list-style-type: none"> <li>➤ Illegal to harbor under 18</li> <li>➤ Affirmative defense is notification of parent or agency within 24hrs (Penal Code 25.06)</li> </ul>			<ul style="list-style-type: none"> <li>➤ Excludes immunizations (FC 32.101)</li> </ul>	

**Variations in Options for Homeless Unaccompanied Youth in Other States**

STATE	CONTRACT	RUNAWAY/SHELTER
AK, CA, KS, LA, MT, OK	➤ Can contract for “necessities” to live independently	
MO	<ul style="list-style-type: none"> <li>➤ Specifies purposes for which contracts can be entered into (i.e housing, medical care)</li> <li>➤ Eligibility criteria include youth must be 16 or 17; homeless and self-supporting (no parent/legal guardian) and living independently of parents with parental consent</li> </ul>	
OR	<ul style="list-style-type: none"> <li>➤ No parental consent needed</li> <li>➤ Define minor as not emancipated and unmarried, living apart from parent/guardian, 16-17 or under 16 and pregnant/parenting</li> <li>➤ Specifically for residential unit and utilities</li> <li>➤ Binding on minor</li> <li>➤ Define circumstances when police/courts may be involved but do not have CHINS statute</li> </ul>	
LA		<ul style="list-style-type: none"> <li>➤ Allows for max of 72 hours to contact parent/guardian (child over 11 years of age) and ability not to contact if compelling reason (i.e. abuse)-but must contact proper authorities (RS 14:403)</li> <li>➤ Up to 21 days if parent cannot be located</li> <li>➤ Has “FINS” designation – Family In Need of Supervision</li> </ul>
AK, CT, MO, RI		➤ Considered CHINS only if left home without cause or justification
GA		➤ Not a crime to harbor if registered service providers and notifies parent/guardian or agency within 72hrs
IL		➤ Notifies within 48 hours
ND		➤ Not a crime if provides shelter for less than 72 hours to a child who has been subjected to abuse
AL		➤ Affirmative defense if child is in physical danger, needed shelter and it is reported within 12 hours to law enforcement
WY		➤ Affirmative defense if not taken away or not returned at child’s (14 and older) own instigation and without criminal intent