**LGBTQ Youth Homelessness**

**Nondiscrimination, Legal Issues, & Resources: An Interactive Map**

*Guide/Sources of Info for Volunteer Attorneys*

Nondiscrimination

* Most states do not have a statute or regulation that specifically protects LGBTQ youth from discrimination when accessing services or housing
  + The state of New York does: 9 CRR-NY 182-1.5 General requirements for runaway and homeless youth crisis services programs, (g) Nondiscriminatory treatment
* Most states do not have a separate agency or division serving youth-experiencing homelessness
  + A state’s department of human services, social services, or housing might have programs serving youth experiencing homelessness and may have agency nondiscrimination policy that includes sexual orientation and/or gender identity
  + Resource: <https://truecolorsunited.org/index/>
* Statewide public accommodation laws may offer nondiscrimination protection
  + Does the law cover services by a nonprofit? Or shelters? Or government contractors?
  + Resource: <https://www.lgbtmap.org/equality-maps/non_discrimination_laws>
* A growing number of municipalities have public accommodations or human rights ordinances that include sexual orientation or gender identity as protected classes.
  + Does the ordinance cover services by a nonprofit? Or shelters? Or government contract services?
  + Resource: <https://www.hrc.org/resources/mei-2019-see-your-citys-score>

Emancipation

* Most states have an emancipation statute
  + Variation: Some may use a different term or phrase, such as “relief of minor children from disabilities of nonage”
  + Tip: A number of state legal services and child advocacy organizations have put out facts sheets or guides to emancipation

Minor Guardianship

* Most states have a state statute on point
  + Variations:
    - Who may file or petition the court (anyone, relative, youth, etc.)
    - Age of consent/party status by minor
    - Different standard of proof for relatives v. nonrelative

Dependency

* Most states have a state statute on point
  + Variations:
    - Who may file (just the county or state? Any person? Youth themselves?)
    - State refuses to file, and then anyone can request judicial review or file
* Nondiscrimination - child welfare
  + Insert sentence from each state found on Lambda Legal’s map
  + Click on each state for specific information - [www.lambdalegal.org/map/child-welfare](http://www.lambdalegal.org/map/child-welfare)

Juvenile Justice – General

* States vary in whether youth are protected based on their SOGI and whether those protections exist in statute, regulation, or agency policy
* Resource: [www.lambdalegal/map/juvenile-justice](http://www.lambdalegal/map/juvenile-justice)
  + Include once sentence summary from Lambda Legal map of nature of protections and link to state

Runaway Status/Harboring a Runaway

* Most states have a statutes in the juvenile/delinquency/criminal code if being a runaway and/or harboring a runaway is a delinquency or crime

Consent to Health Care

* Usually found in state statute
  + Variations:
    - Age (general)
    - Age (reproductive health)
    - STI diagnosis and treatment
* Resources: <https://www.schoolhouseconnection.org/state-laws-on-minor-consent-for-routine-medical-care/>; <https://ndaa.org/wp-content/uploads/Minor-Consent-to-Medical-Treatment-2.pdf>

Identity Documents – Minors

* Is a name change possible on a driver’s license? Birth Certificate?
* What are the requirements?
* Is parental consent required/must a parent file a petition or initiate the process?
* Resource: <https://transequality.org/documents>

Minors & Survival Sex

* Whether or not minors may be charged for prostitution or related offenses
* Most states use “safe harbor” language when prostitution is not an offense
* Variation:
  + Do minors end up in child protective custody?
  + Are they referred to services voluntarily?
  + Are there requirements to cooperate with law enforcement?
* Resources: <https://www.ncjw.org/wp-content/uploads/2017/07/Fact-Sheet_Safe-Harbor_Updated-2016.pdf>; <https://www.ncjrs.gov/pdffiles1/ojjdp/grants/253244.pdf>

LGBTQ Youth Resources

* Insert organizations from Lambda Legal’s list with link -<https://www.lambdalegal.org/sites/default/files/publications/downloads/fs_resources-for-lgbtq-youth-by-state_1.pdf>