

Rights and Responsibilities of Unaccompanied Homeless Youth in New York City

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McKinney- Vento Homeless Act

Insuring that children who are
homeless receive a free,
appropriate public education

Child is **homeless** if any of the following:

- lives in emergency or transitional housing
- doubled up
- awaiting foster care placement
- lives in public spaces

And is school age (up to 21 years old)

Unaccompanied Homeless Youth

- Meets McKinney-Vento requirements and is not living with a parent or legal guardian
- Can enroll immediately in a New York City public school, if resides in New York City

“Emancipated Minor”

- No court procedure to obtain the status of an emancipated minor
- “Emancipation” not a universally-defined concept in New York State
- No general status of being “emancipated”
- Term usually , but not always, used for minors (people under eighteen years old)

Emancipated for
purpose of child
support

Parent obligated to provide financial support until child is 21 years old, unless child is emancipated

- Actual emancipation:
 - Economic independence
 - Military service
 - Marriage
- Constructive emancipation:
 - Withdrawal from parental supervision without good cause

Emancipated for
purpose of public
assistance
("welfare") and
Medicaid benefits

A person over 16 and under 18 years of age who:

- Has completed compulsory education [or still in school]
- Is living separate and apart from parent(s)
- Is not in receipt of foster care
- Is not in need of foster care

Additional requirements for public assistance eligibility if the young person is pregnant or a parent

Emancipated for
purpose of public
education

New York City Department of Education Chancellor's Regulation A-101:

- Independent and living apart from parent(s)
- Not in need or receipt of foster care

Right to leave home without permission

Police officer may return a child under the age of eighteen who has run away to person legally responsible for the child's care, if child has run away "without just cause"

Parent or legal guardian could also start a "Person in Need of Supervision" (PINS) case to force a minor to return home

No concept of "emancipation" for purpose of right to leave home without permission. Only way to have a right to stay away would be to be the subject of a court order that displaces the authority of the parent(s) – for instance, a custody order or Family Court neglect proceeding.

Foster care

ACS obligated to investigate situations where minor may have been the subject of abuse, neglect or abandonment. A minor considered “emancipated” in some other context could still be subject to ACS investigation.

Financial aid for college

For child to be able to seek financial aid for college without involving parent(s), relevant status is as an “independent student”, not “emancipation”.

Automatically considered independent based on certain statuses – e.g. certified as an unaccompanied homeless youth by a high school or school district homeless liaison; married; military veteran; in foster care after age 13

Otherwise, can seek a “dependency override” based on student’s “unusual circumstances”

Social Security benefits

In limited circumstances, a minor may be able to be payee for own disability, survivors', or other Social Security-related benefits

Minors and Health Care

- **Minor who understands the risks and benefits of proposed and alternative treatments can consent to:**

Reproductive health care

Mental health services under many circumstances

Certain alcohol and drug abuse services

Sexual assault treatment

- **Minors can also receive health care treatment in an emergency**

Undocumented Youth

Entitled to:

- Free public school education
- Emergency shelter if homeless
- Health insurance if under nineteen years old
- Health insurance for emergency medical services
- Be the payee for another person who may be eligible for benefits (e.g. their child)