

To: Legislative Colleagues

From: Representatives Amy Loudenbeck and Senator Alberta Darling

Date: February 6, 2019

Re: Co-sponsorship of LRB-1459/1 relating to: a minor contracting for admission to a shelter facility or transitional living program

Deadline: Thursday, February 14, 2019

Dear Colleagues,

LRB 1459/1 is a legislative proposal that would allow a minor who is 17 years of age and is confirmed to be both unaccompanied (not in the physical custody of a parent or guardian) and homeless (living situation is not “fixed, regular, and adequate”) to contract for admission to a shelter facility or transitional living program.

The McKinney-Vento Homeless Assistance Act (Title X, Part C of the No Child Left Behind Act) requires every school district and charter school to designate an appropriate staff person as the local educational agency liaison. LRB-1459/1- requires that this designated liaison verify that the minor is an unaccompanied andhomeless youth and is not under the supervision of another social services agency or court jurisdiction. In terms of numbers, approximately 2,283 unaccompanied youth were identified statewide in 2017. Data by individual school district is available on the DPI website - [The Homeless Student Enrollment by Public School District \(current as of 2/28/2018\)](#).

Unaccompanied and homeless youth are vulnerable to human trafficking, exploitation, and abuse. Often disconnected from family and friends, these youth are particularly susceptible to traffickers who will lure them with the promise of food, warmth, and even false love. Providing these young people with an opportunity for safe shelter and other supports so they can complete their education and become self-supporting adults will reduce their risk for negative outcomes.

These are youth that may be living alone or with family member or friend who is not a parent or guardian, in an unstable setting such as a vehicle or other substandard housing. The reasons that the youth become detached from their parents are numerous, but could include drug or alcohol addiction, domestic violence mental illness, incarceration, death or extreme economic hardship. These kids are from homes that are broken and under current law they have no practical options to receive emergency shelter services without the consent of a parent or guardian. The verification by the McKinney-Vento liaison is a rigorous process that is already in place under current law, so there is no additional documentation required on the part of the school district. A flowchart for making determination is available

at <https://dpi.wi.gov/sites/default/files/imce/homeless/pdf/Homeless%20Eligibility%20Flowchart%20Update%202017.pdf>

LRB-1459/1 provides a much-needed mechanism for homeless and unaccompanied 17 year old trying to finish high school to access safe and stable housing at a shelter facility or transitional living program.

If you are interested in co-sponsoring LRB-1459/1, please call Rep. Loudenbeck's office at 266-9967 or Senator Darling's office at 266-5830. Authors will be added to both versions unless otherwise requested.

Analysis by the Legislative Reference Bureau

Under this bill, a minor is presumed to be competent to contract for admission to a shelter facility or transitional living program if the minor is 17 years of age; a local educational agency liaison designated under the federal McKinney–Vento Homeless Assistance Act confirms that the minor is an unaccompanied youth as defined under that act; and the minor is not under the supervision of a county department of social or human services, a licensed child welfare agency, the Department of Children and Families, or the Department of Corrections under the Children's Code or the Juvenile Justice Code or under the jurisdiction of the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code. Under the bill, a shelter facility is a temporary place of lodging for homeless individuals or families. Under the McKinney–Vento Homeless Assistance Act, an unaccompanied youth is a homeless child or youth not in the physical custody of a parent or guardian. The bill exempts this type of contract with a minor from the defense of infancy, which under current law is a defense to liability under a contract that is available to minors.