

## COMMON CHALLENGES FOR YOUTH RETURNING FROM SECURE CONFINEMENT & STRATEGIES FOR OVERCOMING THEM



### Who are the youth returning from secure confinement?

Youth are incarcerated in Washington State for a variety of reasons. Not all incarcerated youth have committed crimes. They may be put into a local detention facility because they are in contempt of a civil court order in a dependency, truancy, child in need of services or at risk youth proceeding. They may be held in a county or regional detention center when they are arrested by the police for alleged criminal activity or because they have an outstanding warrant. Finally, youth who are found guilty of committing an offense under Washington's juvenile code may be incarcerated in a local detention facility or in one of the state institutions run by the Juvenile Rehabilitation Administration. These youth may have been incarcerated for 30 days or as long as four years. While not many in number, some youth that are more deeply involved in the justice system may have spent a good portion of their teen years in a state institution.

### What are the common challenges for youth returning from secure confinement, and why should we help youth overcome them?

Incarceration, even for a short time, can create challenges for youth as they return to school, treatment, home and community. In addition to practical barriers, like having to reenroll in school or missing treatment appointments, there is stigma associated with juvenile court involvement and apprehension about the risks that formerly incarcerated youth present to the community. One of the best ways to keep young people engaged and out of trouble is to ensure that they are connected to education, treatment, stable housing and positive support. Anticipating and addressing the common challenges faced by youth as they transition out of secure confinement can go a long way in ensuring their success and safety in the community.

## COMMON REENTRY CHALLENGES

**Access to Safe and Stable Housing**  
**Education Disruption and Exclusion**  
**Access to and Continuity of Treatment**

# HOUSING STRATEGIES



FOSTER CARE  
HOMELESSNESS  
CONFLICT IN THE HOME  
COURT ORDERED RESTRICTIONS

## FINDING AND KEEPING STABLE AND SAFE HOUSING AT THE TIME OF AND AFTER RELEASE

Having a safe and stable place to live can be a big challenge for youth involved in the juvenile justice system. Housing instability can be a risk factor that results in youth being placed in detention and staying in detention for longer periods of time. Housing instability can also result in youth not being able to access some disposition alternatives<sup>1</sup> and alternatives to secure detention. Some youth commit crimes that result in restrictions on where they can live. Unstable and unsafe housing can be more common for youth who are living in poverty, older youth who are dependent and in foster care, and youth who are experiencing conflict in the home. Finally, many youth may lack an adequate natural support system of family and friends who are able to support them through crises. They often have to resort to unsafe places to live or even living on the streets.

### Housing Strategies

- Start planning early.** Identify issues that may make it harder for a youth to have a place to live upon release. Is the youth in dependent or in foster care? Have victims living in their family home? In conflict with parents? Otherwise without family? Turning 18 and not able to return home?
- Youth who are in **foster care or other child welfare placement** may have options for housing, including placements that have mental health services and other supports. Help them reach out to their caseworker, guardian *ad litem* or public defender to advocate for a stable and supportive place to live.
- Youth who are having **conflict with their parents** may benefit from a temporary living situation with a relative or friend. Help them develop a plan with their family. Give them information about filing for a Child in Need of Services petition if the conflict requires a longer stay away from home.
- Shelters may offer a safe place to stay, food, and staff who can help youth find a longer term living situation or refer a youth for counseling and treatment. Develop relationships with **local teen homeless shelters**. Find out where they are located and the criteria for getting in. Encourage youth to go to a shelter instead of sleeping on the streets.
- Youth with restrictions on where they can live** need a lot of advance planning to ensure they are not released into an unsuccessful living situation or even homelessness. Some youth are not permitted to live in public housing because of their offenses. Other youth may not be able to return home due to the proximity to the victims of their offenses. Understanding the restrictions combined with early planning can help reduce the gaps between release and stable housing. Talk with the youth's public defender, JRA staff or probation counselor, treatment providers and other community support to ensure a solid plan and contingencies are in place. A judge may consider removing restrictions if support is in place. Talk to the youth about the possibility of relative placement, living with a friend or even filing a dependency if returning home is not an option.

## ADDRESSING DISRUPTIONS IN EDUCATION

Whenever a youth is arrested and detained, chances are that they will miss a day or more of school. When the time in detention is just for a few days, especially if it takes place over the weekend, the educational disruption can be minimal. However, for some youth, a detention stay of a week or more can result in more significant time out of school beyond the days that the youth is in detention. Planning and good communication can mitigate the education disruption associated with incarceration. Following are a number of common barriers that incarcerated youth face when trying to return to school after a period of exclusion.

**Enrollment delays** Incarcerated youth are entitled to education while they are in county detention or JRA facilities. The districts where the facilities are located have the responsibility for providing the educational services. If enrolled in a detention or JRA school, the youth is disenrolled from his or her home district. When released, the youth may have to reenroll in his or her home district. This process of reenrollment might take days or weeks to accomplish, especially if the parents do not know that reenrollment is necessary or if the district is hesitant to enroll the student.

### Strategies

- Anticipate enrollment issues. Before release, find out if the detention or JRA stay has resulted in disenrollment from the student's home school.
- Make sure that the youth and parents understand that they may need to reenroll in their home school after spending time in detention. Walk them through the enrollment process and encourage and/or help them connect with the enrollment office as soon as possible
- Be prepared for districts that reject students because of concerns about juvenile justice involvement. Advocate for the student's return. Districts must not discriminate based on prior incarceration. If safety concerns are raised, work with the family, school and community providers to support the student's prompt return.

**Loss of credit, class time and missed instruction** Incarcerated youth are entitled to education while they are in detention or a JRA institution. These educational programs are provided by the districts in which the facilities are located. Even though youth may be in class and doing school work, these efforts may not be recognized by their home schools or districts when the youth are released. Youth might fail the class or lose credit because of missed seat time. They may return and fall behind because of missed instruction and the challenge of catching up.

### Strategies

- Advocate with the school to give the youth time and the opportunity to make up work and tests.
- Help youth ask for and get instructional support to catch up on missed lessons.
- Partner with schools and community programs to provide tutoring and other support so that youth can quickly get back on track.
- Work with districts to develop agreements with detention and institution schools to give credit for work and attendance during a period of incarceration.

## EDUCATION STRATEGIES



**ENROLLMENT DELAYS  
SCHOOL DISCIPLINE  
LOSS OF CREDIT  
MISSED CLASSES  
ATTENDANCE**



**Attendance problems** Youth involved in the juvenile justice system may have attendance problems for a variety of reasons. Being behind in school, feeling bullied or unwelcome at school, family or home stressors, transportation problems, history of school discipline, and a wide variety of other issues can be the source of attendance issues. Because the reasons vary so widely, the solutions to reduce absenteeism need to be individualized and creative.

### Strategies

- Take the time to talk to youth about the underlying reasons for the absences. Brainstorm the ways that attendance can improve – changing schools or schedules, more academic support, better transportation, etc.
- Help the youth and family request support from the school or community providers to address the underlying reasons for the absences.
- Help navigate the truancy court process if the youth is under a petition or order. Advocate for support from the school or community to help address the underlying issues around attendance.
- Recognize that detention time may make attendance worse because of the further disconnection from school. Advocate for community based interventions to support the youth rather than detention.

**School discipline** Youth who are released from incarceration may have outstanding school discipline that is unresolved. Districts may require that the student wait out the length of the original suspension or expulsion before returning to school. Students have a right to challenge school discipline, but the timelines for appealing are very short and may have run out while the student has been in detention. If appeal deadlines have run out, the only path back for a youth is to petition for readmission.

### Strategies:

- Determine whether the student has appealed the school discipline or if there is still a chance to appeal the discipline. A discipline hearing provides the opportunity to challenge the allegations **and** the punishment.
- Help the student prepare a petition for readmission. Gather information that supports the student's return to school. Engagement in treatment, probation or other programming helps the school know that the student is getting help. Success at work, home, in detention, or other settings also demonstrate that the student is on track.
- Remember that students with IEPs or 504 plans\* have additional protections to ensure that they are not being inappropriately excluded from school. They are also entitled to educational services even when expelled or suspended. Make sure they have advocacy on these issues.

*\*Students with disabilities may qualify for special education and related services under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973. Eligible students will have an Individualized Education Program (IEP) or a Section 504 Plan that spells out the services and supports they need.*

# CONTINUITY OF HEALTH CARE



## ENSURING CONTINUITY OF PUBLICLY FUNDED HEALTH AND MENTAL HEALTH CARE

Continuity of health care is important to ensuring a successful transition from incarceration back to the community. Medication management, consistency of counseling and providers, crisis planning are all important aspects of health care that work better if disruption is minimized. For low income youth who rely on Medicaid and other publicly funded sources of health care coverage, a period of incarceration can disrupt services and funding.

Federal law prohibits states from using federal Medicaid funds when an otherwise eligible person is incarcerated. Low income youth who are eligible for Medicaid may experience a disruption in their regular health care or Medicaid eligibility because they are incarcerated in detention or a JRA institution. Because it involves a longer stay, Medicaid eligible youth incarcerated in JRA institutions will very likely have their Medicaid eligibility and benefits terminated. Stays in detention for more than a month will also likely trigger termination of Medicaid eligibility. State law requires JRA to start the process of reapplication prior to release so that there is little or no delay in resuming health care benefits. The law is less clear about how youth being released from county detention can get help to reapply for Medicaid if eligibility is terminated. Without Medicaid coverage, youth being released from incarceration may have a delay in accessing mental health treatment, medication and medication management, substance abuse and chemical dependency treatment and other basic health care.

### Strategies

- Talk with youth about their health issues and make a plan with them on how they will get their health care needs met in the community.
- Prior to release, assess whether the youth qualifies for Medicaid and start the process of reapplying for eligibility. [http://hrsa.dshs.wa.gov/applehealth/apply\\_now.shtml](http://hrsa.dshs.wa.gov/applehealth/apply_now.shtml)
- Make referrals and contact community health care providers prior to release and set up appointments to ensure that youth are connected to community support.
- Help youth understand and sign releases of information where appropriate so that treatment records can be shared and planning can start as soon as possible.



TeamChild is an equal opportunity program. Auxiliary aids and services are available upon request to individuals with disabilities.

### LEAP

Learning, Employment and Achieving Potential for Youth with Juvenile Justice Involvement

The Young Offender program is funded by the U.S. Department of Labor from July 1, 2009 through June 30, 2012; the program received funds totaling \$6,230,520 equal to 100% of the cost of operating the program.