

Homelessness, Foster Youth, and Education

This Act directs the state housing and development authority to:

- Determine the number of homeless people, including homeless children, in the state, and the number of homeless people in the state who are not residents of the state;
- Oversee and encourage a regional homeless delivery system; and
- Facilitate the dissemination of information to help people access local resources related to homelessness, housing, and community development.

The Act extends the authority's power to coordinate and establish linkages between governmental and social services programs to include people or families facing or experiencing homelessness.

The Act requires the department of child services (DCS) to promote sibling visitation for every child who receives foster care. It allows a sibling or certain other individuals to request sibling visitation if one of the siblings is receiving foster care. The Act requires DCS to allow sibling visitation if it is in the best interests of the child receiving foster care. It provides that if DCS denies a request for sibling visitation, a child's guardian ad litem or court appointed special advocate may petition a juvenile court for sibling visitation. The Act requires a court to grant sibling visitation if the court determines sibling visitation is in the best interests of the child who receives foster care. The Act permits a court to appoint a guardian ad litem or court appointed special advocate if a child requesting sibling visitation is receiving foster care.

The law provides that a child may receive shelter and services or items directly related to providing shelter for homeless or low income individuals without the approval of a parent, guardian, or custodian. It requires an emergency shelter or shelter care facility to notify DCS not later than 24 hours after a child enters the shelter or facility unless the child is an emancipated minor. The bill requires DCS to conduct an investigation concerning the child not later than 48 hours after DCS receives notification and notify the child's parent, guardian, or custodian not later than 72 hours after the child enters the shelter or facility. It prohibits DCS from notifying the child's parent, guardian, or custodian as to the specific shelter or facility the child has entered if DCS has reason to believe the child is a victim of child abuse or neglect.

The Act requires the state department of education to establish an office of coordinator for education of homeless children. Under the Act, each school corporation must appoint a liaison for homeless children and report to the department of education the contact information for the liaison. The department of education must train new liaisons. Each school corporation that has an Internet web site must publish on the web site the contact information for the liaison.

The Act requires certain school corporations to transport a student in foster care to and from the school in which the student was enrolled before receiving foster care. It requires, after June 30, 2009, each school corporation to provide tutoring for a child who is in foster care or who is homeless if the school corporation determines a child has a demonstrated need for tutoring.

The Act allows a student who has resided in a school corporation for at least two consecutive years immediately before moving to an adjacent school corporation to attend school in the former school corporation without transfer tuition being charged if the principal and superintendent in both school corporations agree. It prohibits a student to enroll primarily for athletic reasons in a school in a school corporation where the student does not have legal settlement.

Submitted as:
Indiana

Suggested State Legislation

(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This Act shall be cited as “The Homelessness, Foster Youth, and
2 Education Act.”

3
4 Section 2. [*Definitions.*] As used in this Act:

5 (1) “Child” means a person as defined under [insert citation].

6 (2) “Homeless child” means a minor who lacks a fixed, regular, and adequate nighttime
7 residence. The term includes:

8 (a) a child who:

9 (I) shares the housing of other people due to the child’s loss of housing,
10 economic hardship, or a similar reason;

11 (II) lives in a motel, hotel, or campground due to the lack of alternative
12 adequate accommodations;

13 (III) lives in an emergency or transitional shelter;

14 (IV) is abandoned in a hospital or other place not intended for general
15 habitation; or

16 (V) is awaiting foster care placement;

17 (b) a child who has a primary nighttime residence that is a public or private place
18 not designed for or ordinarily used as a regular sleeping accommodation for human beings;

19 (c) a child who lives in a car, a park, a public space, an abandoned building, a bus
20 station, a train station, substandard housing, or a similar setting; and

21 (d) a child of a migratory worker who lives in circumstances described in
22 subdivisions (a) through (c).

23 (3) “Original school corporation” means the school corporation in which the school of
24 origin of a student in foster care is located.

25 (4) “School of origin” means the school that a student in foster care attended when the
26 student last had a permanent residence or in which a student in foster care was last enrolled.

27 (5) “Services or items” include food, clothing, personal hygiene products, health care,
28 and counseling.

29 (6) “Sibling” means a brother or sister by blood, half-blood, or adoption.

30 (7) “Transitional school corporation” means the school corporation in which a student in
31 foster care temporarily stays.

32

33 Section 3. [*System to Deliver Housing and Support Services to Homeless People.*]

34 (A) The [state housing and development authority] shall:

35 (1) Oversee and encourage a regional homeless delivery system that:

36 (a) considers the need for housing and support services;

37 (b) implements strategies to respond to gaps in the delivery system; and

38 (c) ensures individuals and families are matched with optimal housing
39 solutions;

40 (2) facilitate the dissemination of information to assist individuals and families
41 accessing local resources, programs, and services related to homelessness, housing, and
42 community development; and

- 43 (3) each year, estimate and reasonably determine the number of the following:
44 (a) People in [this state] who are homeless.
45 (b) People in [this state] who are homeless and less than [eighteen] years
46 old.
47 (c) People in [this state] who are homeless and not residents of [this state].
48

49 Section 4. [*Authority to Provide Services to Homeless Children.*]

50 (A) A child may receive shelter and services or items that are directly related to
51 providing shelter to the child from an emergency shelter; a shelter care facility; or a program that
52 provides services or items that are directly related to providing shelter to people who are
53 homeless or have a low income; without the notification, consent, or permission of the child's
54 parent, guardian, or custodian.

55 (B) Except as provided in subsection (D), if a child voluntarily enters an emergency
56 shelter or a shelter care facility, the shelter or facility shall notify the [department], not later than
57 [twenty-four] hours after the child enters the shelter or facility, of the following:

- 58 (1) The name of the child.
59 (2) The location of the shelter or facility.
60 (3) Whether the child alleges that the child is the subject of abuse or neglect.

61 (C) The [department] shall conduct an investigation concerning the child not later than
62 [forty-eight] hours after receiving notification from the emergency shelter or shelter care facility
63 under subsection (A) of this section.

64 (D) The [department] shall notify the child's parent, guardian, or custodian that the child
65 is in an emergency shelter or a shelter care facility not later than [seventy-two] hours after the
66 child enters the shelter or facility. However, if the [department] has reason to believe that the
67 child is a victim of child abuse or neglect, the [department] may not notify the child's parent,
68 guardian, or custodian as to the specific shelter or facility the child has entered.

69 (E) An emergency shelter or a shelter care facility is not required to notify the
70 [department] of a child who is an emancipated minor.

71
72 Section 5. [*Providing Educational Services to Homeless Children.*]

73 (A) The [state department of education] shall establish an [office of coordinator for
74 education of homeless children] as required by 42 U.S.C. 11431 et seq.

75 (B) Each school corporation shall appoint an employee to be the school corporation's
76 liaison for homeless children as required by 42 U.S.C. 11431 et seq.

77 (C) Each school corporation shall report to the [department of education], by [August 1]
78 of each year, the name and contact information of the school corporation's liaison for homeless
79 children.

80 (D) Each school corporation that has an Internet web site shall post the contact
81 information of the school corporation's liaison for homeless children on the school corporation's
82 Internet web site.

83 (E) Each year, the [state department of education] shall provide training to people who
84 are appointed as liaisons for homeless children under this Act.

85 (F) Each school corporation shall provide tutoring for a child enrolled in a school
86 operated by the school corporation who is in foster care or a homeless child if the school
87 corporation determines the child has a demonstrated need for tutoring.

88 (G) If a student in foster care temporarily stays in the student's original school
89 corporation but outside the attendance area of the student's school of origin, the original school
90 corporation shall provide transportation for the student from the place where the student is
91 temporarily staying to the school of origin and from the school of origin to the place where the

92 student is temporarily staying.

93 (H) The original school corporation and the transitional school corporation shall enter
94 into an agreement concerning the responsibility for and apportionment of the costs of
95 transporting the student to and from the school of origin if:

96 (1) the school of origin of a student in foster care is located in a school
97 corporation other than the school corporation in which the student is temporarily staying;

98 (2) the school of origin is located in a school corporation that adjoins the school
99 corporation in which the student is temporarily staying; and

100 (3) the student does not elect to attend a school located in the school corporation
101 in which the student in foster care is temporarily staying.

102 (I) If the original school corporation and the transitional school corporation described in
103 subsection (H) are unable to reach an agreement under subsection (H), the responsibility for
104 transporting the student in foster care to and from the school of origin is shared equally between
105 both school corporations, and the cost of transporting the student to and from the school of origin
106 is apportioned equally between both school corporations.

107 (J) A school corporation in which a student had legal settlement as described in
108 subsection (H)(3) for at least [two] consecutive years immediately before moving to an adjacent
109 school corporation:

110 (1) shall allow the student to attend an appropriate school within the school
111 corporation in which the student formerly resided;

112 (2) may not request the payment of transfer tuition for the student from the
113 school corporation in which the student currently resides and has legal settlement or from the
114 student's parent; and

115 (3) shall include the student in the school corporation's [ADM]; if the principal
116 and superintendent in both school corporations jointly agree to enroll the student in the school.

117 (K) If a student enrolls under this section in a school described in subsection (J)(1), the
118 student's parent must provide for the student's transportation to school.

119 (L) A student to whom this section applies may not enroll primarily for athletic reasons in
120 a school in a school corporation in which the student does not have legal settlement. However, a
121 decision to allow a student to enroll in a school corporation in which the student does not have
122 legal settlement is not considered a determination that the student did not enroll primarily for
123 athletic reasons.

124

125 Section 6. *[Foster Care Sibling Visitation.]*

126 (A) The [department] shall make reasonable efforts to promote sibling visitation for every
127 child who receives foster care, including visitation when one sibling receives foster care and
128 another sibling does not. A child, a child's foster parent, a child's guardian ad litem, a court
129 appointed special advocate, or an agency that has the legal responsibility or authorization to care
130 for, treat, or supervise a child may request the [department] to permit the child to have visitation
131 with the child's sibling if the child or the child's sibling, or both, receive foster care. If the
132 [department] finds that the sibling visitation is in the best interests of each child who receives
133 foster care, the [department] shall permit the sibling visitation and establish a sibling visitation
134 schedule.

135 (B) If the [department] denies a request for sibling visitation under subsection A of this
136 section, the child's guardian ad litem or court appointed special advocate may petition the
137 [juvenile court] with jurisdiction in the [county] in which the child receiving foster care is
138 located for an order requiring sibling visitation.

139 (C) If the [juvenile court] determines it is in the best interests of the child receiving foster
140 care to have sibling visitation, the [juvenile court] shall order sibling visitation and establish a

141 schedule for the sibling visitation.

142 (D) The [juvenile court] may appoint a guardian ad litem or court appointed special
143 advocate if a child receiving foster care requests sibling visitation.

144 (E) The provisions of [insert citation] apply to a guardian ad litem or court appointed
145 special advocate appointed under this section.

146

147 Section 7. [*Severability.*] [Insert severability clause.]

148

149 Section 8. [*Repealer.*] [Insert repealer clause.]

150

151 Section 9. [*Effective Date.*] [Insert effective date.]