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By Maure Gildea

Effects of the RHYA on LGBTQ Homeless Youth

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Abstract

The United States government passed the Runaway and Homeless Youth Act (RHYA) in 1974. This piece of legislation provides federal funding for homeless youth programs, defines who is considered a homeless youth, and regulates what shelters and government agencies can do for youth who have run away from home or become homeless. This legislation, however, makes no mention of LGBT homeless youth, even though they are disproportionately represented in homeless youth populations. LGBT homeless youth often experience discrimination and abuse due to their unique identity, in addition to the other negative effects of homelessness on youth. Many are discriminated against or abused by police officers, foster care workers, and shelter staff, in addition to discrimination from other youth living in group homes. This paper examines the effects of the RHYA on LGBT youth specifically and the implications of a lack of research or specific legislation regarding this group. I examine the various ways in which this group can have fundamentally different experiences than non-LGBT homeless youth, none of which are considered in existing policy.

In the United States, LGBT homeless youth make up between twenty to forty percent of all homeless youth and experience unique stressors and struggles due to their sexual orientation and/or gender identity.¹ The Runaway and Homeless Youth Act, passed in 1974, does not go far enough to be inclusive to the LGBT community. LGBT youth are disproportionately represented in homeless youth populations, but are not mentioned at all in

¹ Brandon Andrew Robinson, "Child Welfare Systems and LGBTQ Youth Homelessness: Gender Segregation, Instability, and Intersectionality," *Child Welfare*, (March 2018).

the RHYA, the predominant piece of legislation regarding homeless youth. This paper ultimately argues that the RHYA is not inclusive of the LGBT community by investigating how the gaps in the legislation contribute to a lack of resources and greater difficulties for LGBT homeless youth.

Legislative Background

According to the RHYA, a homeless youth is defined as a person who is “not more than twenty-one years of age, for whom it is not possible to live in a safe environment with a relative and who have no other safe alternative living arrangement.”² The RHYA provides federal funding for homeless youth programs, which implement services intended to help youth positively develop: “safety and structure, belonging and membership, self-worth and social contribution, independence and control over one’s life, and closeness in interpersonal relationships.”³ The RHYA is broken into three major parts: grants for youth shelters, transitional housing for older homeless youth, and street outreach.

The bulk of the federal funding is allocated to shelter grants, which must go only to special designated youth shelters. These are both expensive to run and not well funded by the RHYA, and as a result there exists very few. This specific type of shelter has strict requirements laid out by the Federal Government, including “a maximum capacity of not more than twenty youth” and a maximum stay limit of twenty-one days for those under eighteen.⁴ The handful of these shelters that do exist are only in major cities, which leaves out the many homeless LGBT youth who are from rural or suburban areas.⁵ As such, these shelters often fail to provide the kind of protection for youth that they were intended to. For example, the main priority of youth shelters is to reunite runaways with their families, so typically, parents or guardians will be contacted and told the location of their child.⁶ However, because abuse is a major reason why youth run away, most children do not want to be reunited with their families or social services.⁷ The scarce amount of these shelters that do exist are often dangerous in the long

2 US Department of Health and Human Services, Family and Youth Services Bureau, “Runaway and Homeless Youth Program Authorizing Legislation.”

3 Ibid.

4 Ibid.

5 Sean McCandless, “LGBT Homeless Youth and Policing,” Public Integrity, (November 2018).

6 Ibid.

7 Ibid.

run and are therefore avoided by youth.

A much better alternative for homeless youth is transitional housing, which aims to create greater stability for youth. Transitional housing is intended for youth ages sixteen to twenty-one, however only those eighteen or older often can utilize these services due to state laws regarding who can legally rent housing.⁸ This type of housing is an alternative to other options and allows homeless youth to live independently with help from the state. Transitional housing is a good option for youth as it allows them to get out of an abusive home situation without having to stay in a shelter and move around frequently. The stability it brings makes it a good option for homeless youth, but because they are funded even less than shelter grants, there are very few beds available in transitional housing.

The final part of the RHYA is the Sexual Abuse Prevention Program, commonly known as street outreach. The intention of street outreach is to give grants to nonprofit private agencies for the purpose of “providing street-based services to runaway and street youth who have been subjected to, or are at risk of being subjected to, sexual abuse, prostitution, sexual exploitation, severe forms of trafficking in persons.”⁹ Many homeless youths eventually turn to sex work in the form of prostitution or pornography in exchange for money or critical supplies like food.¹⁰ It is apparent that the RHYA is incredibly problematic for youth because it lacks sufficient funding and programs. With this legislative background in mind, it is now possible to further examine the impact of the RHYA in the context of LGBT homeless youth.

Problems with RHYA

Interactions with Police

There are a variety of reasons why homeless youth have frequent interactions with law enforcement. For example, youth typically attempt to blend in and hide their homelessness to avoid being sent home to an abusive environment by police.¹¹ Youth will often choose to sleep on the street in order to avoid being forced to stay in shelters where they will be sent back

8 op. cit., fn. 2.

9 Ibid.

10 op. cit., fn. 5.

11 Ensign, “Health and Human Rights of Homeless Youth,” *Homelessness in America*, (2008).

to an abusive situation and may be abused further.¹² However, youth can still get in trouble with the police for a variety of reasons, such as anti-homeless laws in cities regarding sleeping on the street, parking cars in public places, or staying in homeless camps.¹³ Additionally, many homeless youth cannot obtain a traditional job due to a lack of education, legal identification card, or access to transportation and other key resources. This forces many to get involved in illegal ways of earning money, such as “stealing, selling drugs, and engaging in sex work,” which in turn, leads to more run-ins with law enforcement.¹⁴ Once a crime, such as selling drugs, is on a youth’s permanent legal record, it becomes much more difficult for them to attain a legal job or permanent housing later in life. This can lead to a cycle of youth committing crimes to survive, getting in trouble with the law, not being able to get a legal, stable job or housing, and then continuing to rely on illegal methods of earning money to support themselves financially. While the RHYA does fund its street outreach program that attempts to help youth avoid sex work, it does not have any similar programs to help youth avoid resorting to other kinds of crimes in order to survive. Implementing similar programs to the street outreach program could help to reduce the number of youth committing crimes in order to obtain essential resources.

While these experiences are common across all homeless youth, LGBT youth are more likely to face harassment at the hands of law enforcement officers due to homophobia and transphobia because their gender expression or partner can make them more visible. Police officers who are homophobic can present a danger to homeless LGBT youth. Researcher Sean McCandless conducted a study on a group of formerly homeless LGBT youth (now adults). The group consisted of two lesbians, one transgender female, and three gay men, and all six reported both “fear of and harassment from police” while they were homeless youths.¹⁵ One man in the study reported that while he was living on the street, a police officer saw him holding hands with his boyfriend in public and reportedly “looked like he wanted to puke.”¹⁶ Another example from the study included a transgender woman who was living in her car and was pulled over for speeding. The police officer that

12 Alex Abramovich, “Preventing, Reducing, and Ending LGBTQ2S Youth Homelessness: The Need for Targeted Strategies,” *Social Inclusion*, (2016).

13 *op. cit.*, fn. 5.

14 *Ibid.*

15 *Ibid.*

16 *Ibid.*

pulled her over reportedly laughed at her and “mocked her” after the sex listed on her driver’s license did not match her appearance.¹⁷ It is clear that police officers are often biased against LGBT homeless youth. This is harmful because of the psychological impacts of being discriminated against that LGBT youth face, and because it also encourages more officers to ignore the needs of youth who may need help.

Additionally, the RHYA does not address police interactions with LGBT homeless youth. Police officers also interviewed in McCandless’ study described difficulty in dealing with LGBT homeless youth. Several officers described a need for new laws and police department policies that explicitly address the unique concerns of LGBT homeless youth. For instance, if youth are caught committing a crime on the streets, they not only have to face the legal system but also the threat of returning home to an abusive home environment. As one woman in the study reported, “my mom beat me when she found out I liked girls” and she continued to be abused after being sent home by police.¹⁸ After that, she began living in her car because she felt she was better off there than going home and risking being “killed” by her abusive mother.¹⁹ The RHYA makes no mention of these situations that youth are forced into. The only policy currently is to send youth home who are caught living on the streets, no matter what kind of situation that means returning to.

Finally, many departments simply don’t sufficiently train officers on how to handle these kinds of situations. For example, one officer in McCandless’ study described “difficulty changing department cultures,” explaining that, “some officers just don’t know the proper way to talk to someone who’s gay or transgender” and that can lead to negative, discriminatory interactions with youth.²⁰ These youth then will grow up to be distrustful of the police and state institutions in general. If the RHYA were to implement required training for police officers who interact with homeless LGBT youth, it could help youth have fewer negative interactions with police and potentially be more trusting and cooperative with law enforcement officials. Researcher Sean McCandless suggests several changes to existing law, such as “reduced criminal penalties for LGBT homeless youth engaging

17 Ibid.

18 Ibid.

19 Ibid.

20 Ibid.

in crimes used to survive or that occur as part of victimhood.”²¹ New laws could help youth get back on their feet after an arrest so they can move forward without the burden of a criminal record holding them back from housing or employment opportunities.

Transgender Youth Experiences

Transgender youth in particular face discrimination at shelters in various ways. Many shelters ask a series of questions via forms and interviews to determine who gets to stay in the shelter. Things as simple as the wording on these intake forms at shelters can be problematic, as these forms typically only offer options to check male or female, and do not offer any specific area to disclose information regarding gender identity.²² One individual interviewed as part of a study of transgender youth described that they attempted to explain to shelter workers that they needed subway passes to get to their doctors’ appointments for hormone replacement therapy, their requests were ignored.²³ The RHYA makes no mention of transgender homeless youth or their unique mental and physical health needs. Something as simple as requiring youth shelters to offer a third option or box to disclose information regarding gender identity could go a long way to helping transgender youth feel more respected and understood in shelters.

Additionally, transgender youth specifically can have higher rates of discrimination and violence compared to other homeless LGB youth.²⁴ Transgender homeless youth are often especially unsafe at shelters which require them to be assigned to beds according to their sex assigned at birth and not their gender identity. These kinds of insensitive shelter policies can put youth at increased risk of discrimination, abuse, and rape. Sex-segregated bathrooms, locker rooms, and dressing areas within these facilities are also inappropriate and often dangerous for transgender youth.²⁵ The RHYA does not consider the safety of transgender homeless youth and the dangers they often face when staying in youth shelters. Rules that would force shelters to allow youth to utilize facilities matching their gender identity could help make trans youth much safer.

21 Ibid.

22 op. cit., fn. 12.

23 Ibid.

24 Ibid.

25 Ibid.

Health Concerns

Access to safe and affordable medical and mental health care is extremely difficult for homeless youth to attain. This is due in part to their age: those under eighteen years of age cannot legally consent to medical care without the permission of their parent or legal guardian. Many youths are either uninsured or underinsured and thus do not have access to health care services, as they cannot afford to pay for them out of pocket.²⁶ Even those able to access care may have trouble contacting and scheduling appointments with doctors, due to how the hours during which doctors operate often conflict with school or work.²⁷ Finally, youth are often afraid of their parents or guardians being contacted regarding their condition, since youth under eighteen cannot revoke their parents right to view their medical records.²⁸ This leaves youth in a position where they must decide between receiving treatment, if they have access to it at all, or retaining their anonymity in order to avoid suffering abuse from their family. This is a common problem across all homeless youth, not just LGBT youth specifically. However, LGBT youth are particularly disadvantaged because of the discrimination and bias they can experience in the medical field.

Additionally, in comparison to the general homeless youth population, LGBT homeless youth have distinct and unique health concerns, which the RHYA makes no effort to address. For example, mental health care is critically important for this subgroup specifically, even compared to other homeless youth. While the experience of being homeless at a young age is incredibly stressful, it becomes even more problematic when it is caused by something fundamental to the person, such as sexual orientation or gender identification. Youth often feel guilt and shame regarding their sexuality because it is often the cause of much of their troubles. One study estimated that the LGBT youth population (age group ten to twenty-four) is two-point-five to three times more likely to suffer from a mental health condition such as major depression or generalized anxiety disorder, and four times more likely to attempt suicide than their heterosexual peers.²⁹ Youth are discriminated against and often kicked out of their homes because of

26 *op. cit.*, fn. 11.

27 *Ibid.*

28 *Ibid.*

29 Stephanie Dolamore and Lorenda A. Naylor, "Providing Solutions to LGBT Homeless Youth: Lessons from Baltimore's Youth Empowered Society," *Public Integrity*, (November 2018).

their sexuality, and the effect of these traumatic events on their developing emotional and cognitive processes is often detrimental to their mental health. For instance, researchers found that LGBT youth had “worse health outcomes than their heterosexual counterparts in almost every category,” which they theorized was due to “ostracism, discrimination, and stigma.”³⁰ The RHYA does not address the unique mental health concerns that LGBT homeless youth face. The addition of programs that would provide free counseling to youth could significantly improve mental health outcomes of youth.

The RHYA fails to address the unique physical and mental health concerns of LGBT homeless youth, which can make them more likely to take matters into their own hands. For example, on the streets transgender youth are often able to purchase hormones, silicone injections, and other medical procedures through the underground market which allow youth to “align their bodies to their gender identities.”³¹ Additionally, many youths who have yet to complete proper sexual education through school or other resources may be uninformed on how to avoid pregnancy, STI’s/STD’s, and be knowledgeable about the warning signs of abusive relationships. This lack of education can lead to greater sexual health problems for youth. Additionally, youth who are lesbian-identified and experiencing homelessness have “higher rates of unprotected sex than lesbians who were housed.”³² Even youth who are old enough and fortunate enough to have completed sexual education through a public high school are often not exposed to LGBT-specific sex ed. Adding additional sex education programs to the street outreach component of the RHYA could go a long way to preventing serious and negative health outcomes for youth. Furthermore, the addition of programs that provide free or extremely low cost physical and mental health services, such as clinics, could significantly improve the health and wellbeing of homeless LGBT youth.

Conclusion

The Runaway and Homeless Youth Act fails to address LGBT homeless youth and as such, the gaps in this law harm the mental and physical health

30 Ibid.

31 op. cit., fn. 12.

32 Nicholas Forge, et al., “Out of the System and onto the Streets: LGBTQ-Identified Youth Experiencing Homelessness with Past Child Welfare System Involvement,” Child Welfare, (March 2018).

of these youth. LGBT homeless youth experience discrimination and abuse in addition to the other negative effects of homelessness on youth, due to their unique identity. This group can have fundamentally different experiences than non-LGBT homeless youth due to the socially-ingrained perceptions that being LGBT is somehow fundamentally bad, which is not considered in existing policy. Many are discriminated against or abused by police officers and shelter workers. The gaps in the RHYA need to be filled to include the unique concerns and needs of LGBT homeless youth. This could help to prevent unnecessary discriminatory encounters with police, violence in shelters, having to commit crimes in order to survive, and other negative consequences of homelessness. Without any future changes, the kinds of bias and discrimination evidenced in this paper will simply continue. By updating the RHYA to consider the needs of LGBT homeless youth, the federal government could better the lives of hundreds of thousands of youth who are struggling across the country.