



Board of Directors

June 13, 2014

Associate Commissioner
Family and Youth Services Bureau (FYSB)
Administration for Children and Families
1250 Maryland Ave, SW
Washington, DC 20024

RE: Runaway and Homeless Youth Proposed Rule – Document # 2014-08178

On behalf of the National Network for Youth, I submit the attached comments and recommendations to the proposed rules for the Runaway and Homeless Youth Act (42 U.S.C. 5601) published on April 14, 2014. The recommendations and comments are the result of conversations between youth providers, policy experts and interested parties from across the United States.

These proposed rules show a commitment to serving runaway and homeless youth and their families with excellence and reflect the full range of services Runaway and Homeless Youth Act grantees provide. For example, the addition of definitions such as case management, drop-in center, and supervised apartments recognize the different ways in which programs interact with and serve youth in their communities. Similarly, the definition for homeless youth allows Basic Center Program grantees to serve youth over the age of 18 when their states or localities have expanded the age range that can be served by these programs. In addition to the definition, I applaud these proposed regulations for more broadly reflecting the desire to allow communities to respond to the unique needs and challenges of their young people. Throughout my discussions with providers, not once did I hear programs voice concerns with the licensing requirements, and I believe this reflects the fact that there is support for having local and state standards ensure that youth are being served by safe and effective providers.

Additionally, I am pleased to see that despite having limited resources to distribute to providers, the regulations continue to emphasize awarding grants to a large number of programs. By providing grants to as many different programs as possible, we are able to ensure that more young people in more communities are able to benefit from Runaway and Homeless Youth Act programs.

The Network looks forward to continuing to work closely with both the Administration on Children and Families and service providers of runaway and homeless youth from across the United States. Together, the collective passion and experience will ensure that America's runaway and homeless youth are served with excellence. I hope that the attached comments and recommendations will be viewed as building upon the many enhancements already in the proposed rules and ultimately strengthen the final regulations for the Runaway and Homeless Youth Act.

Thank you for your consideration.

Sincerely,

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INTRODUCTION

The National Network for Youth (NN4Y) is a national education and advocacy organization focusing exclusively on issues affecting runaway and homeless youth in America. Our work is driven by the communities, organizations and individuals that work to prevent youth from becoming homeless and that provide crisis intervention services to youth who are experiencing homelessness. We are also advised by young people who are currently homeless or have experienced homelessness. Our members and their affiliates represent over 300 homeless youth programs throughout the United States and also include state youth advocacy organizations, national advocacy organizations and formerly homeless youth.

COMMENTS OF SUPPORT

The National Network is fully supportive of a significant update to the Runaway and Homeless Youth Act (RHYA) (42 U.S.C. 5601) regulations. The Network has repeatedly heard supportive comments from the field, indicating widespread support for updating these regulations. The establishment of program outcomes is critical and the professional field of runaway and homeless youth providers have been calling for outcome measures that ensure high standards and are responsive to the fluidity and flexibility of the young people they serve. Especially in light of such limited resources, communities desire to have the most effective, innovative and experienced programs to be prioritized in receiving federal grants. The field is rapidly progressing and the flexibility of the regulations to allow the field to grow is critical.

PROCESS FOR CREATING THESE RECOMMENDATIONS

The National Network created a [Resource Guide](#) to translate generally the federal rulemaking process and to specifically highlight the changes that have been proposed to existing Runaway and Homeless Youth Act (RHYA) regulations (45 C.F.R 1351). We have hosted three national conference calls to allow experts to voice their concerns with the proposed rules. These national discussions have allowed for consensus to be built in the field about what the RHYA regulations should and should not be saying at this time. Additionally, we have led discussions with national coalitions working on Juvenile Justice and Child Welfare federal policy. Their expertise and input have been included in these recommendations.

Specifically, the following 121 organizations and individuals endorse and support these recommendations:

National Organizations

1. Community Action Partnership
2. Covenant House International
3. First Focus Campaign for Children
4. HEAR US, Inc.
5. Human Rights Project for Girls
6. MANY

7. National Association for the Education of Homeless Children and Youth
8. National Center for Housing and Child Welfare
9. National Coalition for the Homeless
10. National Health Care for the Homeless Council
11. National Law Center on Homelessness & Poverty
12. National PTA
13. Polaris Project
14. Pupil Transportation Operation and Management Institute
15. School Social Work Association of America
16. StandUp for Kids
17. True Colors Fund

State Organizations

18. California Coalition for Youth
19. California Homeless Youth Project
20. Chicago Coalition for the Homeless
21. Children's Home Society of West Virginia
22. Coalition for Homeless Youth (New York)
23. Coalition to Abolish Slavery & Trafficking (CAST) (California)
24. Fastenau & Associates (California)
25. Florida Network of Youth and Family Services
26. Green Chimneys (New York)
27. Hawaii Youth Services Network
28. Illinois Collaboration on Youth
29. Indiana Youth Services Association
30. Lutheran Social Services (Wisconsin)
31. Social Services Purchasing Alliance (New Jersey)
32. Texas Homeless Education Office
33. The Mockingbird Society (Washington)
34. Vermont Coalition of Runaway & Homeless Youth Programs
35. Volunteers of America – Utah
36. Wisconsin Association for Runaway Services

Local Organizations and Individuals

37. Alternative House (Fairfax, VA)
38. Alternatives for Battered Women (Rochester, NY)
39. Attention Homes (Boulder, CO)
40. Better Way Guidance (Jackson, MS)
41. Bill Wilson Center (San Jose, CA)
42. Bridges for Youth and Families (Ithaca, NY)
43. Catholic Charities of Herkimer County (Ilion, NY)

44. Central Missouri Stop Human Trafficking Coalition (Columbia, MO)
45. Clyde Harrelson, PhD Student at University of North Carolina – Chapel Hill (Chapel Hill, NC)
46. Community Attention (Charlottesville, VA)
47. Compass House (Buffalo, NY)
48. Comprehensive Juvenile Services, Inc. (Fort Smith, AR)
49. Covenant House Florida (Fort Lauderdale, FL)
50. Dave Schrandt, Homeless Liaison at Cypress-Fairbanks Independent School District (Houston, TX)
51. Deborah Price, Homeless Tutor/Advisor at Families in Transition (Palmer, AK)
52. DreamCatcher Youth Services (Oakland, CA)
53. Epworth Children & Family Services (St. Louis, MO)
54. Family of Woodstock, Inc. (Ulster County, NY)
55. Felicia Garnes, Detective at Leland Police Department (Leland, NC)
56. Fresno Economic Opportunities Commission (Fresno, CA)
57. Gateway Community Services (Lansing, MI)
58. Good Shepard Services (New York, NY)
59. Hollywood Homeless Youth Partnership (Hollywood, CA)
60. Home Start, Inc. (San Diego, CA)
61. Homeless Children’s Education Fund (Pittsburgh, PA)
62. Hudson River Housing, Inc. (Poughkeepsie, NY)
63. Human Development Center (Superior, WI)
64. Interface Children & Family Services (Camarillo, CA)
65. Jane Harper, Board Director, National Network for Youth, (Pinellas Park, FL)
66. Kids in Crisis (Fairfield County, CT)
67. Kids in Need Youth Program (Rhinelander, WI)
68. Larkin Street Youth Services (San Francisco, CA)
69. Lighthouse Youth Services (Cincinnati, OH)
70. Los Angeles LGBT Center (Los Angeles, CA)
71. LUK Crisis Center, Inc. (Fitchburg & Worcester, MA)
72. Mary Herrington, Richmond Regional Homeless Education Program Coordinator at Richmond Public Schools (Richmond, VA)
73. MCCNY Charities, Inc. (New York, NY)
74. Mecosta Osceola Youth Attention Center (Big Rapids, MI)
75. Morgan County System of Services, Inc. (Decatur, AL)
76. New Beginnings, Inc. (Lewiston, ME)
77. New Morning Youth & Family Services (Placerville, CA)
78. Northwest Family Services, Inc. (Alva, OK)
79. Northwest Youth Services (Bellingham, WA)
80. Ozone House Youth and Family Services (Ann Arbor, MI)
81. Pathfinders Milwaukee, Inc. (Milwaukee, WI)
82. PathWays PA (Holmes, PA)

83. Paula Zier, Coordinator at Title I Hope (Las Vegas, NV)
84. Penquis Journey House (Dexter, ME)
85. Pinellas County Homeless Education Assistance Team (HEAT) (Largo, FL)
86. Portia Hegmon, Student Services Supervisor at Jackson-Madison County School System (Jackson, TN)
87. Preble Street (Portland, ME)
88. Probation Officer, Monroe Circuit Court Probation Department (Bloomington, IN)
89. Project 16:49 (Beloit, WI)
90. Promise House, Inc. (Dallas, TX)
91. Rays of Freedom (San Antonio, TX)
92. Ruby Lewis & Associates (Detroit, MI)
93. Sasha Bruce Youthwork, Inc. (Washington, DC)
94. Social Advocates for Youth (Santa Rosa, CA)
95. Sojourners Care Network (McArthur, OH)
96. Saint Luke in the Fields Church (New York, NY)
97. Staircase Youth Services, Inc. (Ludington, MI)
98. StandUp for Kids – DC (Washington, DC)
99. Synergy Services, Inc. (Kansas City, MO)
100. The Center for Youth Services (Rochester, NY)
101. The Children’s Center, Inc. (Galveston, TX)
102. The Children’s Village (Dobbs Ferry, NY)
103. The Franciscan Center, Inc. (Buffalo, NY)
104. The Night Ministry (Chicago, IL)
105. The NYC Association of Homeless and Street-Involved Youth Organizations (New York, NY)
106. The Youth and Family Project, Inc. (West Bend, WI)
107. Third Level Crisis (Traverse City, MI)
108. Urban Peak (Colorado Springs and Denver, CO)
109. W.E. Rucker-Hughes, Homeless Liaison at Riverside Unified School District Homeless Education Program (Riverside, CA)
110. Waking the Village (Sacramento, CA)
111. Walker’s Point Youth & Family Center (Milwaukee, WI)
112. Wilson Commencement Park (Rochester, NY)
113. Youth Bridge, Inc. (Fayetteville, AR)
114. Youth and Family Services – Channel Islands YMCA (Santa Barbara, CA)
115. Youth and Shelter Services, Inc. (Ames, IA)
116. Youth Service Bureau of St. Josephine County, Inc. (South Bend, IN)
117. Youth Services Bureau of Monroe County (Bloomington, IN)
118. Youth Services of Southern Wisconsin (Madison, WI)
119. Youth Services of Tulsa (Tulsa, OK)
120. YouthCare (Seattle, WA)
121. Zoila Perez-Sanchez, Homeless Liaison at Fairfield-Suisan Unified School District (Fairfield, CA)

BASIC INFORMATION ABOUT RUNAWAY AND HOMELESS YOUTH PROGRAM SERVICES

By way of introduction to the recommendations below, the following should be noted:

1. Runaway and Homeless Youth Act funded Street Outreach Program, Basic Center Program, and Transitional Living Program services are completely voluntary.
2. The population of young people served by Runaway and Homeless Youth Act grantees is high-risk and highly transient. Often, the young people are suffering from mental illness, substance abuse, untreated health needs and have suffered severe trauma both before homelessness and after becoming homeless. These young people may also exit a program and then come back later and successfully meet all of their goals on their second, third or fourth entry into these programs.
3. There is a need to collect data so that we can learn and understand more clearly the lives of these young people. There is also a need to appropriately and accurately measure program outcomes to ensure that the services provided to runaway and homeless youth are excellent and effective. However, the need for data should not be conflated with how a program is evaluated.
4. Program outcomes measured through performance standards should be reflective of the population they serve and allow for grantees to serve all runaway and homeless youth in need of services, including the highest risk youth. Unrealistic outcome measures would serve only to dissuade programs from serving extremely high-risk runaway and homeless youth populations, including human trafficked youth.

RECOMMENDATIONS

Subpart A—Definition of Terms

§ 1351.1 Significant Terms.

RECOMMENDATION 1: Remove the last sentence from the definition “Background check” and instead add a definition for “Volunteer” to § 1351.1 and define it as follows:

Volunteer, for the purpose of requiring a background check, means a person who has sustained unsupervised contact or engagement with clients served or proposed to be served by the agency. A person involved with the agency that has intermittent, episodic or no unsupervised contact with the clients served or proposed to be served by the agency is not considered a volunteer for the purposes of being required to have a background check.

Justification:

- (1) We agree with the intention that volunteers who regularly interact with clients undergo a background check, and the majority, if not all, agencies already follow this standard. However, the proposed rules lack clarity in defining who a volunteer is for purposes of conducting background checks, and there are large numbers of different categories of volunteers that are involved with community-based runaway and homeless youth act grantees. For example, volunteer service is often a religious or other community group coming in for a day of painting or to organize the donated items in storage. It is likely that these volunteers may never come into contact with a client served by the program and may never come back to the agency at all.

In instances like this example, it would cause undue burden for a program to conduct background checks on all of these volunteers.

- (2) Runaway and homeless youth programs are able to continue serving the youth and families in their communities because of high community involvement, including volunteer service. Runaway and Homeless Youth Act funding provides base funding that allows organizations to leverage local resources, including large numbers of volunteers. Because agencies rely on discretionary funding and volunteer support in order to accomplish their goals, the cost of conducting background checks on individuals who do not have sustained unsupervised contact with clients would impede the number of volunteers the agency is able to utilize. National standards and state laws do not require volunteers who do not interact with clients regularly and are not alone with clients to have an extensive background check before they can volunteer.

RECOMMENDATION 2: Clarify the definition for “congregate care” by adding the following highlighted text to the proposed definition:

Congregate care means a shelter type that combines living quarters and restroom facilities with centralized dining services, shared living spaces, and access to social and recreational activities, and which is not a family home.

Justification: This definition for “congregate care” would include a family home, and the text suggested above is for the purposes of adding clarity to the definition.

RECOMMENDATION 3: Expand the definition of “contact” to more accurately reflect the young people Street Outreach Programs are required to serve and provide more clarity about the location where the contact may occur. The definition should be expanded by adding the portions highlighted in green below:

Contact means the engagement between Street Outreach Program staff and youth who are at risk of homelessness or runaway status on the streets or homeless youth in need of services that could reasonably lead to shelter or significant harm reduction. This contact may occur on the streets, at a drop-in center, or other locations known to be frequented by homeless, runaway, and/or street youth.

Justification:

- (1) 42 U.S.C. §§ 5714-41 states that the purpose of Street Outreach Programs is to provide “street-based services to runaway, homeless and street youth...” § 1351.32 states the performance standards that Street Outreach Program (SOP) grantees must achieve, and it also states that “Grantees shall contact youth who are or who are at risk of homelessness or runaway status on the streets...” Therefore, what constitutes a contact should include the full range of youth that Street Outreach Program grantees are required to make contact with and provide street-based services to, which includes runaway youth, homeless youth and youth at risk of homeless or runaway status on the streets.

- (2) While most outreach occurs on the streets or in other locations known to homeless youth, a drop-in center is an excellent place to conduct outreach for deeper services, such as shelter,

case management, housing referrals, etc. and its addition would add clarity about where contact to runaway, homeless or youth at risk of running away or becoming homeless may occur.

RECOMMENDATION 4: Add clarity to the definition of counseling services by removing the word “advice” and replacing it with “clinical services.”

Justification: “Advice” is a very different level of support and intervention than is counseling and psychotherapy. The definition is not sufficiently specific and adding the text recommended above would further clarify what is meant by “counseling services” and will ensure that quality interventions, including clinical care, are provided to the population of youth served by these programs.

RECOMMENDATION 5: Amend the definition for “Health care services” to be clear that health care services are to be provided to both the parent and children in the Maternity Group Home. Clarify this definition by crossing out and adding the highlighted text below:

Health care services means physical, mental, behavioral and dental health services and, in the case of Maternity Group Homes mean those provided to the **client and the children** of the **youth client**; and where applicable and allowable within a program, family or household members of the youth shall receive information on appropriate health related services.

Justification: The purpose of a Maternity Group Home is to provide housing and appropriate care and services to both the homeless parent and their child(ren). The sentence reads as if Maternity Group Homes are only going to provide health care services to the children of the client of the program, and of course both the parent and child(ren) should be provided with health care services.

RECOMMENDATION 6: The definition for “Homeless youth” should be clarified by adding to the first sentence the word “legal” in front of guardian.

Justification: This addition just allows for more clarity about who is a “guardian” and is consistent with language used throughout the regulations, See, Runaway youth definition, § 1351.21 (c) and (e), and § 1351.30 (a).

RECOMMENDATION 7: The definition for “Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services” needs to be modified to more accurately reflect the lives of the young people that Basic Center Program and Transitional Living Program grantees serve and the continuum of services that work together to care for these young people and their families. We recommend two different options of new definitions for “Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services,” and we strongly prefer the first option we present below.

OPTION 1: Instead of defining what settings are **not** safe and appropriate when exiting Basic Center Program or Transitional Living Program, define what settings **are** safe and appropriate for

young people to enter when leaving a Basic Center Program or Transitional Living Program. We propose the following definition:

Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services means settings that reflect achievement of the intended purposes of the Basic Center and Transitional Living programs as outlined in section 382(a) of the Act. Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services are exits to a living situation that is known and:

- (1) Independent living and housing situations;
- (2) Residential apprenticeships;
- (3) Higher education;
- (4) With family;
- (5) To a mental health or substance abuse program;
- (6) Military service; or
- (7) To another residential program if the youth's transition to the other residential program was planned.

OPTION 2: If the regulations insist on defining what is **not** a “safe and appropriate setting when exiting Basic Center Program or Transitional Living Program services” then we recommend the following definition:

Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services means settings that reflect achievement of the intended purposes of the Basic Center and Transitional Living programs as outlined in section 382(a) of the Act. Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services are not exits:

- (1) To the street;
- (2) To an unplanned location;
- (3) To a location the program determines is not safe; or
- (4) To a living situation that is not known.

Justification: For the reasons stated below, four categories in the § 1351.1 *Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services* definition need to be omitted. The following four clauses should not be listed as an exit that is **not** safe and appropriate when leaving Basic Center Programs and Transitional Living Programs:

CATEGORY 1: (1) To another shelter;

COMMENT: Though shelter is not defined, many programs and living situations that are often referred to as a “shelter” can often be a positive move for a young person. The continuum of services for runaway and homeless youth includes moving young people to the next appropriate placement for them (starting in a low-barrier placement and eventually moving to a higher-barrier placement). Transitional Living Programs are an example of suitable placement that is likely considered a “shelter,” and its exclusion would be especially problematic for minors. Because a minor is currently allowed to stay in a Basic Center Program is 21 days, if the young person has not been reunified with his or her family or placed in the foster care system, then the young person could go to a Transitional Living Program, which is a longer-term residential housing and services program for 16 to 22 year olds.

CATEGORY 2: *(3) To a private residence, other than a youth who is staying stably with family, if the youth is not paying rent;*

COMMENT: This goes against the common wisdom of kinship care, maintaining permanent connections and the family of choice, which is especially relevant for LGBTQ youth, among others. Further: (1) staying with a family friend or friend's family can be a positive move for a young person; (2) also, a minor cannot sign a lease or pay rent and in some places an 18 or 19 year old cannot either; and (3) Job Corp, military enlistment and transitional living programs are often an appropriate placement for youth, but they do not pay rent in any of these placements.

CATEGORY 3: *(4) To another residential program if the youth is not paying rent or if the youth's transition to the other residential program was unplanned;*

COMMENT: Transitioning to a Transitional Living Program or to the Foster Care System, which does not require rent to be paid can be a positive move for a young person. Also, a minor cannot sign a lease or pay rent and in some places an 18 or 19 year old cannot legally hold a lease. Further, most young people are focusing on finishing high school, working to buy what they need to meet their basic life needs, and planning for additional vocational training and education. Transitional Living Programs enable a young person to do these things without the burden of paying rent as a minor or a transition-aged youth.

CATEGORY 4: *(5) To a correctional institute or detention center if the youth became involved in activities that lead to this exit after entering the program;*

COMMENT: One of the first things many Runaway and Homeless Youth programs do is help clear up warrants that can lead to jail time. This is often positive for the youth and necessary for case planning and moving forward. Including this category as an exit that is not safe and appropriate could result in programs "creaming" i.e. not taking in youth with prior juvenile justice involvement because it would make it more likely that the young person would engage in illegal behavior again. We do not want to construct barriers to helping get youth off the streets. Also, we do not want to deter programs from serving high-risk youth by penalizing them to do so. This information should be captured as data and not be used to penalize a program serving these young people. Further, with the brief nature of many Basic Center Program engagements it is impossible to gather the criminal involvement of the youth. A program is unlikely to know if the alleged criminal conduct occurred in the 21 days or less time that the young person was in the Basic Center Program. Also, this can negatively impact the human trafficked youth who typically have more frequent contact with law enforcement and elevated criminal system involvement.

RECOMMENDATION 8: To allow for flexibility in updated statutory text, especially in light of how long it takes to have regulations updated (as seen historically with this very statute), it is recommended that the phrase highlighted below in green is added to the end of the definition for "Temporary shelter":

Temporary shelter means all shelter settings in which runaway and homeless youth are provided room and board, crisis intervention, and other services on a 24-hour basis for up to 21 days, or until such time as the statute sets a different maximum length of stay for Basic Center Program clients.

Justification: Temporary shelter should be defined using the maximum length of stay allowed for Basic Center Programs as determined by statutory text. Because regulations are so infrequently updated, this change would allow the regulations to remain relevant with the law as it evolves.

Subpart B—Runaway and Homeless Youth Program Grants

§ 1351.12 Who gets priority for the award of a Runaway and Homeless Youth Program grant?

RECOMMENDATION: Replace the last two sentences of § 1351.12 with the following sentence:

The Secretary also gives priority to applicants that have past experience in serving runaway or otherwise homeless youth. ~~new or existing Basic Center Program, Transitional Living Program (including Maternity Group Homes), and Street Outreach Program applicants whose total grant requests for services to runaway or otherwise homeless youth are less than \$200,000 and whose project budgets, considering all funding sources, are smaller than \$200,000. These amounts are subject to adjustment in funding opportunity announcements as necessary to reflect inflation.~~

Justification:

- (1) Existing statute establishes priority when awarding grants to applicants with past experience in serving runaway or otherwise homeless youth. (See SEC 311 (b)(3); SEC 313(b)(1); SEC. 322(b); SEC. 355 (b)). This statutorily created priority is not stated directly in the proposed rules and adding this sentence is necessary to implement the statute.
- (2) Existing statute gives priority to applicants requesting less than \$200,000 only for Basic Center Program grants (See SEC. 313 (b)(2)). The Runaway and Homeless Youth Act (42 U.S.C. 5601) does not give priority to Transitional Living Program or Street Outreach Program applicants that request less than \$200,000. Adding this sentence in place of the last two sentences in § 1351.12 would provide clarity and be consistent with existing statute.

§ 1351.18 What criteria has HHS established for deciding which Runaway and Homeless Youth Program grant applications to fund?

RECOMMENDATION: To more accurately reflect plans that are in the best interest of the clients served, add the highlighted text to § 1351.18 (d) as written below:

(d) Plans for meeting the best interests of the youth involving, when possible, both the youth and the family. The plans also must include methods for assuring the youth's safe return home or to local government officials or law enforcement officials **or to appropriate alternative living arrangements** and indicate efforts to provide appropriate alternative living arrangements;

Justification: Plans for meeting the best interests of the youth can appropriately and often should include an appropriate living situation that is not family, local government officials or law enforcement. There are other youth appropriate placements for young people to enter, like Transitional Living Programs, entering college or the military, etc. and these alternative living arrangements, when safe, should be included in a youth's plan.

§ 1351.19 What additional information should an applicant or grantee have about other Federal requirements for a Runaway and Homeless Youth Program grant?

RECOMMENDATION: The text crossed out and highlighted below should be removed:

(1) *Confidential information.* All information including lists of names, addresses, photographs, and records of evaluation of individuals served by a runaway and homeless youth project shall be confidential and shall not be disclosed or transferred to any individual or to any public or private agency without written consent of the youth and family for Basic Center Program clients and written consent of the youth in Transitional Living Programs ~~unless release of information is compelled by a court or statutory mandate. In such cases, the grantee is required to make reasonable attempts to notify the victims affected by the disclosure and to take steps to protect the privacy and safety of the persons affected by the release.~~ Youth served by a runaway and homeless youth project shall have the right to review their records; to correct a record or file a statement of disagreement; and to be apprised of the individuals who have reviewed their records. Procedures shall be established for the training of project staff in the protection of these rights and for the secure storage of records.

Justification:

(1) The proposed rules defining confidential information is not in compliance with existing statutory text, *See*, 42 U.S.C. 5731:

Records containing the identity of individual youth pursuant to this Act may under no circumstances be disclosed or transferred to any individual or to any public or private agency.

(2) Confidentiality is key to engaging this youth population in services. Therefore, the crossed out highlighted portions above should be removed from the proposed rules. Weakening privacy protections would only serve to dissuade youth from accessing the housing and services that they need. Also, in light of the Runaway and Homeless Youth Management Information System (RHYMIS) and the U.S. Department of Housing and Urban Development's Homeless Management Information System (HMIS) merger that is in the process of being implemented, it is critical that client privacy is protected.

(3) The statutory requirements for the release of information are different for Basic Center Programs and Transitional Living Programs. Basic Center Programs are required to have "the consent of the individual youth and parent or legal guardian," 42 U.S.C. § 5712 (b) (7). Transitional Living Programs are required to have "the informed consent of the individual youth." 42 U.S.C. § 5714-2 (a) (13). The proposed rule needs to differentiate between the two programs in order to be consistent with the statutory requirements.

Subpart C—Additional Requirements

§ 1351.20 What are the additional requirements that apply to all Runaway and Homeless Youth Program local services grants?

RECOMMENDATION 1: Add "secondary trauma and self-care" to the list of topics to be covered by technical assistance in § 1351.20 (a).

Justification: Runaway and Homeless Youth program staff have high stress jobs working with young people that have experienced very high levels trauma. Often, staff experience secondary trauma

and can struggle with caring for themselves. Adding “secondary trauma and self-care” to the topics covered by technical assistance would help staff continue in their work and provide high levels of services to their youth clients.

RECOMMENDATION 2: § 1351.20 (g) should restrict aftercare requirements to Transitional Living Program and Basic Center Program grantees only, and the aftercare service requirements should be realistic in the context of the population these programs serve and where the youth go after leaving these programs. Also, in compliance with statute, Street Outreach Programs should not be required to provide aftercare services. The following two options below would be in compliance with existing statute and are more reflective of the population served by these programs:

OPTION 1: § 1351.20 (g) should be replaced with the following text:

(g) Transitional Living Program and Basic Center Program grantees shall provide aftercare services, when possible, for at least three [3] months to stay in contact with the youth who leave the program in order to ensure their ongoing safety. The aftercare provided to a client should include services the youth needs, including appropriate referrals for needed health care services and housing assistance.

OPTION 2: § 1351.20 (g) should be replaced with the following text:

(g) Aftercare services shall be provided for at least three [3] months to Transitional Living Program clients that are in the program at least three [3] months and to Basic Center Program clients that remain in the program for at least fourteen [14] days. Further, Basic Center Program shall provide aftercare series to clients that do not exit to the child welfare system and consent to aftercare services. The purpose of the aftercare services is to stay in contact with the youth who leave the program in order to ensure their ongoing safety. The aftercare provided to a client should include services the youth needs, including appropriate referrals for needed health care services and housing assistance.

Justification:

- (1)** Existing statute does not require Street Outreach Programs to provide aftercare, *See*, 42 U.S.C. 5714-41 and 42 U.S.C. 5732a (5). Aftercare for Street Outreach Program clients would be impractical and nonsensical. Street Outreach Programs provide street-based services to young people with the goal of providing information, building a relationship and, for the young people who need a safe place to stay, bring them into care. Street Outreach Programs do not gather client information that would enable them to provide “aftercare” from a conversation on the street.
- (2)** Aftercare services should only be required to be provided to the clients and/or families who consent to aftercare services and to whom it is possible to provide aftercare services. Runaway and Homeless Youth Act grantee services are voluntary and clients are able to refuse services. Additionally, there are many reasons why a former client could not or would not engage in aftercare services: (1) when a client exits an Runaway and Homeless Youth program to the foster care system, the foster care provider is not likely to provide contact information or allow the program to provide aftercare since the foster care system is providing services to the youth; (2) parents may not allow the young person to participate in aftercare services (for a myriad of reasons) and the Runaway and Homeless Youth provider has no authority to require the parent

to allow aftercare services; and (3) if a client is in an unknown location, it is not possible to provide aftercare.

- (3) In some instances the length of stay for a Basic Center Program client is less than 21 days because an alternative placement is found quickly, reunification with family took place quickly or any other myriad of reasons. To provide a long period of aftercare to a young person who may have only stayed in a Basic Center Program for one day or just a few days is an unrealistic burden for these programs.
- (4) For reasons outside their control, Basic Center staff may not always have access to the youth to provide aftercare services to. If a young person exits the Basic Center Program to the foster care system, the foster care provider is most likely not going to provide contact information for the young person, which makes it impossible for the Basic Center Program to provide aftercare. Also, in most instances the child welfare system does not want the Basic Center Program to provide aftercare because they are providing primary care to the young person. In the case of family reunification, parents can be the gatekeepers to getting in touch with their child and/or if the youth and family are transient (this is especially true in the case of homeless families). It may be impossible to locate the young person after he or she leaves and therefore impossible to provide aftercare.
- (5) Some Transitional Living Program clients may only stay in the program for a few days and then leave for a myriad of reasons. When this occurs the program has a very limited ability to track the client and/or provide aftercare services. Also, given the limited resources of these programs, the aftercare requirements should be reasonable and not overburden the capacity of these programs with unrealistic expectations. Aftercare should be provided to clients when it is possible to do so.. Transitional Living Programs, which can provide housing and services for up to 21 months, should reasonably be required to provide aftercare services only to clients that stay in the Transitional Living Program for 60 days or longer.

RECOMMENDATION 3: In § 1351.20 (h) requires that each grantee have a plan for health care services referrals for youth during service and aftercare periods. Aftercare is exhaustively addressed in § 1351.20 (g) and does not need to be included here in § 1351.20 (h). The wording of § 1351.20 (h) is unclear and we make the following text changes highlighted below to add clarity:

(h) Grantees shall develop and implement a plan for health care services referrals for the youth they serve during the service and aftercare periods.

Justification: Each program should have a plan to refer clients to needed health care services. However, the grantee should not be required to have a referral plan for each client because that would be overly burdensome, especially given the characteristics of the population these programs serve.

RECOMMENDATION 4: Add the following phrase highlighted below to the last sentence in § 1351.20 (i) to add further strength to assisting clients in enrolling in college and obtaining federal financial aid:

(i) Grantees shall assist youth to stay connected with their schools or to obtain appropriate educational services. This includes coordination with McKinney-Vento school district liaisons, designated under the McKinney-Vento Homeless Assistance Act, to assure that runaway and homeless youth are provided information about the services available under that Act, and providing clients with documentation of program involvement for the purposes of completing the Free Application for Federal Student Aid (FAFSA).

Justification: Part of assisting youth in obtaining appropriate educational services is to provide assistance and information to youth in completing the Free Application for Federal Student Aid (FAFSA). With proper documentation and assistance, a homeless youth can complete the FAFSA without needed parental tax information (which is obviously extremely difficult and often impossible to obtain) and can afford to attend institutions of higher education.

§ 1351.21 What are the additional requirements that the Basic Center Program grantees must meet?

RECOMMENDATION: Amend § 1351.21 (e) to require grantees to comply with state law regarding when a grantee should contact a parent, legal guardian or other relative of the client instead of creating a 72-hour standard that does not exist in statute. The following two options below would enable youth to be better served by these programs:

OPTION 1: § 1351.21 (e) should be amended to:

(e) ~~Grantees shall contact the parent(s), legal guardian or other relatives of each client within 72 hours of the youth entering the program to inform them that the youth is safe.~~ The grantee, in compliance with state law, should determine on a case-by-case basis if it is in the best interests of the youth to notify the parent(s) or legal guardian of the location of the youth until further information has been gathered to assure safety.

OPTION 2: § 1351.21 (e) should be amended to:

(e) Grantees shall ~~contact the parent(s), legal guardian or other relatives of each client within 72 hours of the youth entering the program to inform them that the youth is safe,~~ comply with state law in regards to contacting the parent(s) or legal guardian of each client. If no state law or licensing requires parental or legal guardian contact, grantees shall check available missing children's databases, including the National Center for Missing and Exploited Children, within 72 hours of the youth entering the program. If the youth has been reported missing, the grantee shall contact the parent(s), legal guardian or other relative of the youth immediately to inform them that the youth is safe. The grantee should determine on a case-by-case basis if it is in the best interests of the youth to notify the parent(s) or legal guardian of the location of the youth until further information has been gathered to assure safety.

Justification:

(1) Existing statute is silent about when parents, legal guardian or other relatives of clients need to be contacted by program staff. Currently, state law and state licensing regulate this practice and it is preferred that states continue to regulate when contact needs to be made because programs operate in unique states and communities. Allowing states and communities to determine this length of time allows for programs to be responsive to the unique local community realities.

- (2) Furthermore, youths' fear of contact with parents or referral to child welfare or law enforcement erects an often insurmountable barrier to services. Young people often do not seek services for fear of potentially being returned to an abusive home, being reported to law enforcement or child welfare, taken into custody, or being placed in foster care.ⁱ Many studies have found that unaccompanied homeless youth tend to distrust adults and rarely initiate contact with service providers, particularly child welfare.ⁱⁱ In fact, studies have found that as few as one in twelve homeless youth ever come into contact with the shelter system.ⁱⁱⁱ

Many runaway and homeless youth have left home due to severe family dysfunction, and when they know that receiving Runaway and Homeless Youth Act services will result in fairly immediate contact with that dysfunctional home, the youth simply will not seek these services. Runaway and Homeless Youth Act programs are entirely voluntarily, and the 72-hour parental contact requirement will likely result in many of the most at-risk youth avoiding involvement in the programs. The tragic irony is that youth remain in unsafe and unstable situations on the streets, often trading sex for shelter, instead of seeking services designed to help them, all because they want to remain "under the radar."

The National Association for the Education of Homeless Children and Youth (NAEHCY) surveyed homeless youth service providers in San Diego, Sacramento, San Antonio TX, Guilford County NC, and East Tennessee. Fear of reporting to parents, law enforcement or child welfare was cited as the number one barrier to serving homeless youth under 18.^{iv} A report from the Massachusetts Appleseed Center for Law and Justice found similar results from a survey of service providers in that state: Nearly 85% of the providers agreed that fear of being reported to the state prevents youth from coming forward to access needed services.^v

Subpart D—What Are the Runaway and Homeless Youth Program-Specific Standards?

By way of introduction to the recommendations below, it should be noted and known that Basic Center Programs serve a higher number of youth per year than Transitional Living Programs because the length of stay for a Basic Center Program is 21 days and Transitional Living Programs have lengths of stay up to 21 months. Therefore, the outcome measure percentages should not be the same and Transitional Living Program outcome measures should be aggregated over the length of the grant (five years) and not on a yearly basis. For example, a Transitional Living Program that serves 8 youth in one year with one young person exiting someplace that is not safe and appropriate, then their percentage for safe and appropriate setting exits for that year would be 87.5%. For a Basic Center Program who may serve 100 youth per year, if 20 young people did not have a safe and appropriate exit, they would have an 80% safe and appropriate setting exit outcome.

The population of young people served by Basic Center Program and Transitional Living Program grantees is high-risk and highly transient. Often the young people are suffering from mental illness, substance abuse, untreated health needs and have suffered severe trauma both before homelessness and after becoming homeless. These young people may also exit a program and then come back later and do well and succeed in meeting all of their goals on their second, third or fourth entry into these programs.

§ 1351.30 What performance standards must Basic Center grantees meet?

RECOMMENDATION 1: Amend § 1351.30 (a) to require grantees to comply with state law regarding when a grantee should contact a parent, legal guardian or other relative of the client instead of creating a 72-hour standard that does not exist in statute. The following two options below would enable youth to be better served by these programs:

OPTION 1: § 1351.30 (a) should be amended to reach as follows:

(a) ~~Grantees must contact the parent(s), legal guardian or other relatives of each client within 72 hours of the youth entering the program to inform them that the youth is safe.~~ The grantee, in compliance with state law, should determine on a case-by-case basis if it is in the best interests of the youth to notify the parent(s) or legal guardian of the location of the youth until further information has been gathered to assure safety.

OPTION 2: § 1351.30 (a) should be amended to reach as follows:

(a) Grantees must contact the parent(s), legal guardian or other relatives of each client within 72 hours of the youth entering the program to inform them that the youth is safe. comply with state law in regards to contacting the parent(s) or legal guardian of each client. If no state law or licensing requires parental or legal guardian contact, grantees shall check available missing children's databases, including the National Center for Missing and Exploited Children, within 72 hours of the youth entering the program. If the youth has been reported missing, the grantee shall contact the parent(s), legal guardian or other relative of the youth immediately to inform them that the youth is safe. The grantee should determine on a case-by-case basis if it is in the best interests of the youth to notify the parent(s) or legal guardian of the location of the youth until further information has been gathered to assure safety.

Justification:

- (1) Existing statute is silent about when parents, legal guardian or other relatives of clients need to be contacted by program staff. Currently, state law and state licensing regulate this practice and it is preferred that states continue to regulate when contact needs to be made because programs operate and function in unique states and communities. Allowing states and communities to determine this length of time allows for programs to be responsive to the unique local community realities.
- (2) Furthermore, youths' fear of contact with parents or referral to child welfare or law enforcement erects an often insurmountable barrier to services. Young people often do not seek services for fear of potentially being returned to an abusive home, being reported to law enforcement or child welfare, taken into custody, or being placed in foster care.^{vi} Many studies have found that unaccompanied homeless youth tend to distrust adults and rarely initiate contact with service providers, particularly child welfare.^{vii} In fact, studies have found that as few as one in twelve homeless youth ever come into contact with the shelter system.^{viii}

Many runaway and homeless youth have left home due to severe family dysfunction, and when they know that receiving Runaway and Homeless Youth Act services will result in fairly immediate contact with that dysfunctional home, the youth simply will not seek these services. Runaway and Homeless Youth Act programs are entirely voluntarily, and the 72-hour parental contact requirement will likely result in many of the most at-risk youth avoiding involvement in the programs. The tragic irony is that youth remain in unsafe and unstable situations on the

streets, often trading sex for shelter, instead of seeking services designed to help them, all because they want to remain "under the radar."

The National Association for the Education of Homeless Children and Youth (NAEHCY) surveyed homeless youth service providers in San Diego, Sacramento, San Antonio TX, Guilford County NC, and East Tennessee. Fear of reporting to parents, law enforcement or child welfare was cited as the number one barrier to serving homeless youth under 18.^{ix} A report from the Massachusetts Appleseed Center for Law and Justice found similar results from a survey of service providers in that state: Nearly 85% of the providers agreed that fear of being reported to the state prevents youth from coming forward to access needed services.^x

RECOMMENDATION 2: § 1351.30 (b) requires Basic Center Program grantees to maintain a 90 percent or higher proportion of youth who transition to safe and appropriate settings from Basic Center Program services. This is not possible, especially in light of the definition proposed in these rules of what are ***not*** safe and appropriate settings.

OPTION 1: If the definition for "Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services" ***is changed*** to one of the options stated above, the percentage of safe exits required in § 1351.30 (b) should be changed from 90 percent to 80 percent.

OPTION 2: If the definition of "Safe and Appropriate Settings When Exiting Basic Center Program Services or Transitional Living Program Services" does ***not change***, then the percentage in § 1351.30 (b) should be changed from 90 percent to 60 percent.

Justification: Runaway and homeless minors are a high-risk population and are very transient. These programs are voluntary. An unrealistically high percentage of safe and appropriate exits would only serve to deter Basic Center Program grantees from serving the young people who are the most high-risk and difficult to serve. These young people come into these programs with a lot of trauma and often distrust any type of program or adult who professes to want to help them. Sometimes a young person will run away after a few days and then may reenter the program later and succeed. These programs should not be judged based on the challenges the young people bring with them into these programs. Instead, the programs should be evaluated accurately and appropriately in consideration of the population they seek to serve with excellence.

§ 1351.31 What performance standards must Transitional Living Programs (TLP), including Maternity Group Homes (MGH), meet?

RECOMMENDATION 1: § 1351.31 (a) proposes that Transitional Living Programs and Maternity Group Homes be required to maintain a 90 percent or higher proportion of youth transitioning to safe and appropriate living situations in order to maintain funding. This standard is not possible, especially in light of the proposed definition of "Safe and Appropriate Settings." Additionally, Transitional Living Programs serve a much lower number of clients in one year due to the ability of clients to stay in the program for up to 21 months. Therefore, the target outcome percentage should be reasonable and calculated over the length of the grant period for Transitional Living Programs and Maternity Group Homes. The two options presented below are more reasonable standards and would allow programs to serve high-risk youth without "creaming" (creaming is taking in only the "easy" kids due to fear of having a client with a "bad outcome").

OPTION 1: If the definition we suggested above for “Safe and Appropriate Settings When Exiting Basic Care Program Services or Transitional Living Program Services” *is changed* to one of our recommendations, we suggest the following text for § 1351.31 (a):

(a) Grantees shall maintain at ~~80~~ **90** percent or higher the proportion of youth transitioning to safe and appropriate settings when exiting Transitional Living Program services. **This percentage should be calculated over the length of the grant.**

OPTION 2: If the definition for “Safe and Appropriate Settings When Exiting Basic Care Program Services or Transitional Living Program Services” *is not significantly modified* as per these recommendations, then the percentage required by § 1351.31 (a) should be lowered to at least 60 percent and the text should be amended to:

(a) Grantees shall maintain at ~~60~~ **90** percent or higher the proportion of youth transitioning to safe and appropriate settings when exiting Transitional Living Program services. **This percentage should be calculated over the length of the grant.**

Justification:

- (1) Transitional Living Program’s length of stay is up to 21 months. Many programs serve a much lower number of youth per year than a Basic Center Program serves (because the length of stay in Basic Center Program is only 21 days). Therefore, it would take just a few exits that are not safe and appropriate to significantly lower the percentage for Transitional Living Programs. For example, for a Transitional Living Program serving 8 youth in one year, if one young person does not have a safe and appropriate exit, then their percentage for the year would be 87.5%. Extending the length of time over which these numbers are calculated would allow the data to normalize and would fully capture the programs’ outcomes, which are achieved over 21 months (not 12 months).
- (2) If the outcome measure is set too high, programs would be dissuaded from serving extremely high-risk runaway and homeless youth populations, including human trafficked youth who have a high rate of running away and coming back to programs for services. These programs often have wait lists because the need for services is larger than the capacity of existing programs (due to limited resources) and many programs could choose to serve the lower-risk runaway and homeless youth in order to increase their likelihood of meeting the proposed (unrealistic) outcome measures. However, the purpose of Runaway and Homeless Youth Act funded programs and services is to provide youth appropriate services, safety and opportunities for healing and self-sufficiency by engaging runaway, homeless and street-youth populations, many of which are high-risk and high-need.

RECOMMENDATION 2: Safe and appropriate settings recorded for the purposes of outcome measured should only include the exits of clients that stayed in the Transitional Living Program for 60 days or longer. If a young person stays in a Transitional Living Program for less than 60 days, their exit should be recorded for data, but not count towards the outcome measure percentage that is required in § 1351.31 (a). The following sentence should be added to the end of 1351.31 (a):

All client exits will be recorded for data purposes, but only the exits of youth that stay in Transitional Living Program services for 60 days or longer count towards this performance standard percentage.

Justification: Runaway and homeless minors are a high-risk population and are very transient. These programs are voluntary. Some young people enter these voluntary programs and then leave after often just a day or two because, for some young people, it is often part of the process of the program building trust with that young person so that they choose to remain in the voluntary program. A program should be evaluated on the impact they have on a young person that has benefitted from at least 60 days of the programming and services that they are providing. Programs should be evaluated accurately and appropriately in light of the high-risk population that they serve. In substance abuse treatment it is often said that relapse is part of recovery, and in runaway and homeless youth services, exiting and reentering a program is often part of a journey that leads to exiting homelessness.

RECOMMENDATION 3: § 1351.31 (b) requires that Transitional Living Program and Maternity Group Home grantees maintain that 45 percent or higher of their clients be engaged in community service and service learning activities while in the program. § 1351.31 (b) should be removed from the rules in its entirety.

Justification: This requirement is not codified anywhere in statute, *See*, 42 U.S.C. § 5601. The purpose of a Transitional Living Program is not to engage young people in community service; it is to provide a safe place to live for youth who are homeless. Also, the purpose of a Transitional Living Program is to stabilize a young person in crisis, provide trauma informed care, reengage the youth with education, engage the youth with workforce skills and help them launch into safe, stable and successful adulthood. It takes a lot of time for a young person to be engaged in all of the above and is very difficult for the youth to achieve the program goals without including additional community service requirements.

RECOMMENDATION 4: § 1351.31 (d) requires that each grantee have a plan for health care services referrals for youth. The phrasing is unclear and we make the following text addition to clarify that required referral plan is for the program to have a referral plan, not each individual client:

(d) Grantees shall ensure and report that youth receive health care services as determined within their **program-wide** health care referral plan.

Justification: Each Transitional Living Programs, including Maternity Group Homes, should have a plan to refer clients to needed health care services. A grantee should have a program-wide referral plan to provide the needed health care services for their clients. However, the grantee should not be required to have a referral plan for each client because that would be overly burdensome, especially given the characteristics of the population these programs serve.

§ 1351.32 What performance standards must Street Outreach Programs (SOP) meet?

RECOMMENDATION 1: § 1351.32 should consider more than the staff size when determining what performance standards Street Outreach Programs must meet. We recommend that population

density also be a factor that determines the number of contacts a Street Outreach Program should meet. We recommend the following text changes, highlighted below in green:

Grantees shall contact youth who are or who are at risk of homelessness or runaway status on the streets, in numbers that are reasonably attainable for the staff size of the project and the population of the area the grantee will be providing street outreach services in. Grantees with larger staffs and high population density will be expected to contact larger numbers of youth in approximate proportion, as determined by HHS, to the larger number of staff available to provide this service.

Justification: A Street Outreach Program in a rural area with a smaller population will be unable to make the same high number of contacts as a Street Outreach Program in a densely populated urban center. Street Outreach Programs are still very important and effective in lower density population areas because runaway, homeless and youth at risk of running away or becoming homeless exist in every community in America. The performance standards should be more nuanced than just the number of staff a program supports.

RECOMMENDATION 2: To create the contact goals and outcome measures for Street Outreach Programs as required in § 1351.32, it is advised that HHS be required to confer and consult with longstanding Street Outreach Program grantees when they are in the process of setting the Street Outreach Program (SOP) outcome measures. The following text should be added at the end of § 1351.32:

The U.S. Department of Health and Human Services will convene existing Street Outreach Programs and collaboratively determine what performance standards Street Outreach Programs should be evaluated on.

Justification: Longstanding Street Outreach Programs are experts in outreach to runaway and homeless youth. Many programs collect data beyond what is required under existing law and have great insight about both what data to collect and how to more effectively measure the outcomes of Street Outreach Programs. Their expertise must be utilized when determining the most effective ways to measure program outcomes.

ⁱ League of Women Voters of Oregon Education Fund (2006). Oregon's Homeless Youth. Salem, OR: Author. Retrieved September 3, 2007 from http://www.lwvr.org/pdf_docs/homeless-youth%202006.pdf.

ⁱⁱ Moore, J. (2006). Unaccompanied and Homeless Youth: Review of Literature (1995-2005). Washington, DC: National Center for Homeless Education. Retrieved July 18, 2007. from http://www.serve.org/nche/downloads/uy_lit_review.pdf; Boyer, D. et al. (2002). Street Youth Task Force Barriers to Shelter Study, Pilot Project Needs Assessment: Final Recommendations Report. Seattle: City of Seattle. Retrieved August 24, 2007 from <http://www.cityofseattle.net/humanservices/doc/YouthShelterStudy.pdf>.

ⁱⁱⁱ Boyer, D., citing a report by the Office of the Inspector General.

^{iv} NAEHCY (2012).

^v Massachusetts Appleseed Center for Law and Justice (Nov. 2012). *Mandatory Reporting Survey: DRAFT*, available from Patricia Julianelle, pjulianelle@naehcy.org.

^{vi} See footnote 1.

^{vii} See footnote 2.

^{viii} See footnote 3.

^{ix} See footnote 4.

^x See footnote 5.