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Introduction

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Introduction

Hon. Bobbe J. Bridge¹

It is a privilege to introduce this symposium issue and to provide my perspective on the task of revolutionizing the legal and policy environment for our homeless youth. From my perspective, the key words that characterize the task confronting us are “revolutionize” and “our.” This task involves not only improving what we are doing, but changing or revolutionizing what we are doing. This change will involve creating new responses and developing new systems. The models explored in this volume and at the conference held at the University of Washington School of Law on June 19–20, 2008, vary, but all represent endeavors to effect meaningful, lasting, and *revolutionary* change to end youth homelessness.

I have seen homeless youth in my courtroom over the course of my eighteen years on the bench.² I have worked with and for homeless youth as a board member at YouthCare, a nonprofit organization providing services to homeless youth in Seattle.³ And I have served as an advisory board member for the Mockingbird Society⁴ and Youth LEAD⁵ and in many coalitions at the state level to provide interventions for at-risk youth.

The homeless youth that fill our streets are indications of the failings of our current systems of child welfare, child mental health care, juvenile justice, and education. We know the shameful numbers and the outcomes for the runaways and throwaways—those whom a local minister calls “the least, the last, and the lost.”⁶ These children’s lives were interrupted by abuse and neglect, delinquency, school disruption, mental illness, or substance abuse. But it is not about numbers. It is about real, living, breathing children—children who were born with promise; children who may have been taken from their homes for their safety; or children who left

their homes with hopes to find a better, safer life. *Our* kids. It is about potential unrealized and promises unfulfilled for *our* kids.

What happens in all too many cases is that the systems that were designed to protect, rehabilitate, provide opportunity, or offer treatment to homeless children fail. Thousands of children end up on the streets without homes, without support, and without the skills to find either.

Our systems have failed homeless youth for too long. Homeless youth have almost no access to mental health care, employment training, and job-readiness services. Even among programs specifically targeted for the homeless, children and youth are the last to receive services. Children and youth with emotional and behavioral problems are often suspended or expelled from school rather than provided with the counseling and assistance that they need to succeed. Service providers try to alter the course for homeless youth. But service providers cannot do it alone. Sadly, when the system sets low expectations for troubled youth from troubled families, they meet these low expectations every time! For many troubled youth, unmet needs and school problems converge, leading them to leave whatever home they have for a life on the streets.

Changes to policy and laws can improve our systems. Those policy and law changes are *our* responsibility. The challenge from the conference and this symposium issue is to consider new policies and laws that respond to the real needs of youth on the street. These considerations should recognize where these youth have been, where they are now, and where they should be to fulfill their potential and our promises. These considerations should be paradigm shifting, *revolutionary*, and focused on *our* children.

Conference attendees gathered in June 2008 to say no to the current state of affairs for our homeless youth. Participants came with recognition that it was time for a change—time to put children first, time to invest in children, time to stop ignoring them. These attendees—service providers, lawyers, elected officials, judges, formerly homeless youth, law students, and philanthropists—joined together with leaders in the fields of research,

scholarship, and policy change. They assembled to learn from each other and develop plans to change the legal and policy framework. In the process, we educated one another about what works and what does not. Participants returned to their communities with a better sense of what needs to be improved and changed, what is possible, and the tools necessary to make those improvements and changes happen.

To aid this effort, we can and should include nontraditional allies from the business community by assessing the workforce impact of homeless youth and from the law enforcement community by identifying public safety consequences of youth leading survival existences on the streets. We can develop the safety networks that really assist homeless youth. And in the process, we can create model law—sample provisions from which lawmakers may pick and choose according to the needs of the homeless youth in their jurisdiction, with each provision informed by data-driven best practices to reduce youth homelessness and foster independence.

Although we have made mistakes and miscalculations while trying to assist homeless youth, we need to keep working toward a better system that provides the services that homeless youth need. The key is to challenge the status quo—to look at the real impacts of our court procedures, laws, regulations, and practices. We need to assess the “jurigenic effects,” that is, assess those unintended consequences of laws and policies that, though established in good faith, have unintended, negative consequences. What we are confronting, in a very real sense, is access to justice: setting rules to facilitate eligibility of services, providing advocacy to secure services or obtain legal rights, and providing remedies to children placed in foster care.

This symposium issue explores critical topics relevant to changing systems that serve youth and to improving the lives of homeless youth: education, housing, support services, and criminalization. In sum, we explore topics relevant to changing our youth’s access to justice. In reality, we explore policies that will have consequences for many kids whose existence hinges on access to these systems. This journal issue also

considers special populations: lesbian, gay, bisexual, transgender, and queer (LGBTQ) youth; runaways from unhappy foster homes; youth that have aged out of the foster care system; and children subjected to juvenile justice confinement or probation.

Marion Wright Edelman has opined that

[t]he greatest threat to our national security and future comes from no external enemy but from the enemy within—in our loss of strong, moral, family, and community values and support. Parent by parent, youth by youth, voter by voter, professional by professional, congregation by congregation, club by club, community by community, foundation by foundation, corporation by corporation, city by city, county by county, state by state all Americans must commit personally and as voters to a national crusade of conscience and action that will ensure that no child is left behind.⁷

We have the opportunity to add real meaning to the promise in the words “no child left behind.”⁸ Using the law—the glue which holds our great democracy together—to recognize that all *our* children are entitled to the opportunity for a healthy and productive life and that all lives have equal value. That notion is implicit in our constitutional framework.

It begins here. It begins now. It begins with us.

¹ My thanks go to Casey Trupin, Columbia Legal Services, and to Victoria Wagner, President/CEO of the National Network for Youth, for persuading me to become involved in the conference. Thanks go as well to the men and women of YouthCare who perform miracles for these—*our*—children, whom so many others have cast aside. And special thanks to Ruvin Munden, a survivor, who inspires me to continue this work.

² I was a judge on the Superior Court of King County for ten years and chief of the juvenile court there for over four years. I also served on the Washington Supreme Court for eight years. *See* Center for Children & Youth Justice, Who We Are, <http://www.ccyj.org/WhoWeAre/staff/> (last visited Mar. 12, 2009).

³ YouthCare’s mission statement is as follows: “YouthCare serves youth and their families who are experiencing alienation, conflict, and homelessness. By developing resiliency, we create opportunities for success.” *See* YouthCare, Our Mission, <http://www.youthcare.org/page.cfm?pagename=Our%20Mission> (last visited Mar. 12, 2009).

⁴ The Mockingbird Society's mission is to build a world-class foster care system through collaboration, innovation, and advocacy. See *The Mockingbird Society: About Youth Lead*, <http://www.mockingbirdsociety.org/youth.php> (last visited Mar. 20, 2009).

⁵ "Youth LEAD (Leadership, Employment/Education, Advocacy, and Development) is a . . . program of the Mockingbird Society that cultivates leadership and work skills among youth who have experienced foster care and homelessness." *Id.*

⁶ Rev. Samuel B. McKinney, pastor emeritus of Mount Zion Baptist Church in Seattle, Washington, has used this phrase numerous times in his sermons and other public presentations, admonishing his listeners to take action to ensure justice for those in the community who are in need or are oppressed.

⁷ MARIAN WRIGHT EDELMAN, *THE MEASURE OF OUR SUCCESS: A LETTER TO MY CHILDREN AND YOURS* 19–20 (1992).

⁸ No Child Left Behind Act of 2001, Pub. L. No. 107-110, §1, 115 Stat. 1425 (2002).