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Incorporating Teens into Traditional Legal Services Programs

This article proposes that, with effort and dedication, we can close the gaps in services to teens. The first section explores the special legal needs of youth, spotlighting two substantive areas on which legal aid has traditionally focused: domestic violence and public benefits. Then it provides the nuts and bolts of how to successfully work with teens. Sidebars highlight two innovative and successful teen programs sponsored by legal aid programs.

By Roxanne Hoegger Alejandre
and Angie Schwartz

Why Legal Aid Organizations Often Overlook Teen Clients

Most legal aid service providers focus on serving the needs of adult clients; but teenagers – an invisible client population – have needs every bit as compelling. Since legal aid prides itself on serving all facets of the low-income community, regardless of color, language, disability, age, or other difference, it is time that legal aid focus on the gaps in serving teens. Ultimately, the effectiveness of services depends on providing legal aid to the full spectrum of low-income clients, including teenagers.

Teenagers may be overlooked because they rarely contact legal aid organizations due to their age, lack of education and transportation, and a tendency to be intimidated by adult systems. To compound matters, most legal aid organizations do not conduct outreach in places where teenagers typically spend time—such as homeless youth shelters, teen parent programs, and schools. In turn, most legal aid attorneys do not have the substantive expertise and skills necessary to serve teenagers.

Teen Dating Violence

Our society has long overlooked and downplayed the problem of violence in teenage dating relationships. The popular analysis of the Jonesboro shootings, in which two boys, aged 11 and 13, killed four female classmates and a teacher, describes the killings as “puppy love gone wrong.”¹ When asked to comment on a young teen whose boyfriend beat her up at school, the principal observed that all teen relationships are “tumultuous.”²

Despite such minimization, research shows that teen intimate relationship violence is a serious problem. The Harvard School of Public Health, which conducted the first large-scale study of physical and sexual violence by dating partners against teen girls, found that at least one in five girls will experience some form of dating violence.³ Just as alarmingly, studies have found that a third of victims of domestic violence-related homicides were killed by current or former partners they had been involved with since their adolescent years.⁴

The connection between teen pregnancy and dating violence is particularly striking. One study found

that current or former partners abused 32 percent of pregnant teens.⁵ Unfortunately, it is likely that these statistics underestimate the scope of the problem because of underreporting. One study found that only 4 percent of teens report abuse to an authority figure.⁶

Despite the prevalence of dating violence, there are significant obstacles to teens protecting themselves and obtaining California’s legal remedies designed for adult victims. Laws requiring parental involvement likely deter teens from seeking legal redress because they might not want their parents to know about the abuse. Under California’s Domestic Violence Prevention Act, teens have the legal right to obtain protective orders, but a judge can require parental notice of a restraining order when the teen lives with the parent.⁷ Despite this statutory scheme, county local rules such as in Contra Costa County require that a guardian ad litem accompany a minor applicant for a Temporary Restraining Order.⁸ The minor must complete paperwork to obtain a guardian ad litem, usually a parent or other responsible adult figure such as a teacher or counselor. If the teen

¹ Carole Sousa, *Teen Dating Violence: The Hidden Epidemic*, 37 Fam. & Council Cts. Rev. 356, Sage Publications.

² Quote from an interview concerning an 18-year-old client’s case, Bay Legal.

³ *Dating violence Against Adolescent Girls Linked with Teen Pregnancy, Suicide Attempts, and Other Health Risk Behaviors*, Journal of the American Medical Association, August 1, 2001.

⁴ Death Review Committee, *Report on Domestic Violence Deaths in Santa Clara County* (San Jose, Santa Clara Domestic Violence Council, 1998).

⁵ Barbara Parker, *Abuse of Adolescents: What Can We Learn from Pregnant Teen-Agers?* 4 AWHONN’s Clinical Issues 363 (1993).

⁶ Richard Lacayo, *Toward the Root of Evil*, Time, April 6, 1998, at 38.

⁷ CA. Fam. Code 6301; CCP 372.

⁸ See for example Contra Costa County Local Rule 12.2 Obtaining Temporary restraining Orders /Ex Parte Orders.

victim is requesting a restraining order against another minor, the victim must personally serve the minor and his parent/guardian.⁹ Teen mothers must have a guardian ad litem to file paternity petitions and motions to modify child support against their batterers.

Additionally, many teens literally have nowhere to go to escape the abuse. Some parents will not or cannot move. Teenagers often cannot imagine leaving their schools and neighborhoods. Most have no way of supporting themselves and their children. Except under certain circumstances, new welfare rules generally require pregnant and parenting teens to live with parents and attend high school in order to obtain benefits. Even if teens are able and willing to stay in shelters, many shelters do not accept un-emancipated minors.

Teens are also confronted with courtroom rules that bar minors from being present in court. They must be assertive enough to tell the clerk that they are petitioners. Finally, orders restraining minor batterers are more difficult to obtain and to enforce if both the batterer and the victim attend the same school.

Outside the family law context, there are other unique legal issues that teen domestic violence victims face, including mandated reporting and statutory rape issues. Teen domestic violence victims clearly need tailored legal services so an attorney can help them negotiate these and other legal barriers.

Public Benefits

A hallmark of most legal services programs is helping individuals and families gain access to critical

benefit programs such as Temporary Assistance for Needy Families (TANF), Women, Infants and Children (WIC), homeless assistance, food stamps, Supplemental Security Income (SSI), or transitional housing or independent living benefits. In many cases, teens qualify for one or more of these programs, but need information about benefits and help with the application process, particularly because many eligibility workers refuse to let teens apply for benefits or deny the application because they misinterpret the eligibility rules for teens. Young people who are not eligible for assistance often need legal assistance in coming into compliance with program rules. Finally, teens who are receiving assistance often need help in retaining benefits and avoiding sanctions. Eligibility workers frequently misinterpret eligibility rules. Confusion sometimes arises because the rules governing a teen's receipt of assistance differ from those applying to adults in the TANF and SSI programs. When Congress passed welfare reform in 1996, they included two special rules that a pregnant or parenting teen had to satisfy in order to receive assistance. The teen had to live in an approved setting and be participating in an education or training program. Since that time, teen participation in TANF has fallen sharply. For example, in California participation by pregnant and parenting teens in Cal-Learn declined 23 percent between 2000 and 2003, out-pacing declines in both teen birth rates and CalWORKs participation.¹⁰ Similar declines have been found in other places around the country.¹¹ Advocates attribute the rapidly declining caseloads, in part, to

misinterpretation of the living arrangement and school attendance rules, which frequently results in teens being told they cannot apply for assistance or denied benefits for which they are eligible.¹² Teens who are turned away are rarely provided additional assistance, advice, or referrals to someone who could explain why they were denied benefits and help them to comply with the program rules.

Further, teens who are ineligible for one type of assistance are seldom informed about the other programs for which they may be eligible. For example, a pregnant or parenting teen who is ineligible for TANF benefits because of her living arrangement is likely still eligible for other benefits such as WIC, food stamps, and Medicaid. Likewise, teens who are granted access to one benefit program are often not informed of all of the other programs for which they may be eligible. A recent report by the Urban Institute stated that "approximately two-thirds of child SSI recipients do not receive food stamps."¹³

Many teens do not apply, even when they are in dire need of assistance and likely eligible for it. A survey of homeless parenting youth found that while 84 percent would have been eligible for assistance if they had applied, 44 percent had never applied for TANF.¹⁴ When asked why they had not applied for benefits, half of the respondents answered that they did not know that welfare cash grants existed.¹⁵

Youth also need assistance in maintaining their benefits and avoiding sanctions. A survey by the Center

⁹ CCP 416.60.

¹⁰ Cal-Learn is the mandatory TANF program for pregnant and parenting teens in California. CalWORKs is California's TANF program. Based on review of data collected by the California Department of Social Services and the California Department of Health Services, available at http://www.dss.cahwnet.gov/research/CalWORKsDa_388.htm, http://www.dss.cahwnet.gov/research/CalWORKsDa_388.htm, and <http://www.dhs.ca.gov/hisp/chs/OHIR/vssdata/2003data/2003NCountyEX.htm>. We analyzed data for 38 of California's 58 counties, and found that in 74% of the counties, Cal-Learn declined more rapidly than both CalWORKs and teen births in those same counties.

¹¹ Janellen Duffy and Jodie Levin-Epstein, *Add It Up: Teen Parents and Welfare... Undercounted, Oversanctioned, and Underserved*, Center for Law and Social Policy 6 (April 2002); Jodie Levin-Epstein and Angie Schwartz, *Improving TANF for Teens*, Clearinghouse Review Journal of Poverty Law and Policy 184 (July-August 2005).

¹² See, for example, Hen M. Marcy and Deborah L. Shapiro, *Assessing TANF Assistance: A Survey of Low-Income Young Mothers in Chicago*, Center for Impact Research (April 2002); Martha Matthews and Shannon Shelley, *Turned Away, Misinformed, Denied—Teen Parents' Experiences in Welfare Offices*, Youth Law News (July–August 1999); see also, Jodie Levin-Epstein and Angie Schwartz, *Improving TANF for Teens*, Clearinghouse Review Journal of Poverty Law and Policy (July–August 2005).

¹³ Pamela Loprest and David Wittenburg, *Choices, Challenges and Options: Child SSI Recipients Preparing for the Transition to Adult Life*, The Urban Institute ii (May 2005).

¹⁴ Bob Regg, Christine Grisham, and Annie Shepard, *Families on the Edge: Homeless Young Parents and Their Welfare Experiences: A Survey of Homeless Youth and Service Providers*, Center for Law and Social Policy and the National Network for Youth (2002).

¹⁵ *Id.*

for Law and Social Policy¹⁶ found that teen parents are disproportionately sanctioned relative to the adult TANF population. Teens are frequently sanctioned for failure to comply with the school/training requirement under the federal law. In order to maintain their TANF benefits, teen parents frequently need legal assistance in understanding and asserting their educational rights under the TANF rules.

Advocates in some states have worked successfully with welfare offices to implement reforms. In Los Angeles, advocates succeeded in having a minor parent eligibility worker designated in each welfare office. These specialized workers receive training about the program rules as they apply to teens, as well as information about working with teens and processing teen applications. In Illinois, advocates implemented a transitional compliance period, which allows teens who apply for TANF, but who do not meet the living arrangement rule, to receive benefits and services for up to six months while they work to come into compliance.¹⁷ Legal aid attorneys can provide valuable information to other advocates about the scope and nature of the problems that teens face in accessing benefits by devising mechanisms and practice techniques to identify and serve youth in need of legal assistance.

Nuts and Bolts of Making Legal Aid “Teen Friendly”¹⁸

Teenage clients can be well-served by traditional legal aid organizations through a number of strategies.

1. **Create an intake form that addresses the needs and issues of teen clients.** The typical intake forms at legal aid offices do not

Teen-Friendly Lawyering Model Focuses on Dating Violence

Meisha, an 18-year-old African-American mother, made a frantic call to our office because she wanted a restraining order against her abusive boyfriend, Malcolm, the father of her child. Malcolm, a popular football player at her high school, had taken their daughter and would not return her until Meisha agreed to meet with him. We filed for a temporary restraining order that afternoon.

That began a client relationship that illustrated for me the overwhelming obstacles that minors face in obtaining legal aid related to dating violence. Like most teens, Meisha was good at covering up what she did not want her parents, school teachers, and authority figures to know. Her mother did not even meet Malcolm until the day she gave birth. Meisha was popular in school and she did not want her friends to know her boyfriend was beating her up. She had gone to a battered women’s support group, but looking around the room at the older victims, she felt embarrassed that she had these problems at such a young age.

Meisha’s interactions with Bay Legal were complicated by the fact that she had no car and would frequently miss appointments. Her mother often accompanied her and spoke for her. When Meisha and I strategized on the phone, we were often interrupted by her friends on call waiting. Then, two weeks before Meisha’s long cause restraining order hearing, she fell out of contact with us and we could not reach her. The day before the hearing, when we finally contacted her, she was ready to give the case up because the stress was overwhelming. She wanted to get back together with Malcolm, and their mutual friends and community members were pressuring her to drop the case. The only reason we went to court was because the opposing counsel would only agree to a settlement if we stipulated to a dismissal with prejudice.

On the day of the hearing, Meisha’s 17-year-old friend, Chandra, did not show up to testify. Her car battery was dead and her baby needed formula. On the cell phone, Chandra told me she was afraid of the boyfriend’s family and felt conflicting loyalties

because she was friends with Malcolm and they all went to the same high school. Malcolm’s family testified in court that Meisha lied about the abuse. Fortunately, the judge found Meisha’s story credible.

The difficulties of providing legal help for Meisha sparked an idea for a fellowship proposal. The project had the twin goals of early intervention and prevention services for teen dating violence victims. In September 2002, Bay Area Legal Aid, Equal Justice Works, and the Bingham McCutchen law firm sponsored the project. I conducted more than 60 presentations and did other outreach in the community, and also gave holistic counsel and full representation to more than 40 teen victims on family law, immigration, public benefits, and education matters as they related to the domestic violence. By offering high quality legal services, Bay Legal helped to protect, empower, and improve the quality of teens’ lives. The project was innovative since there was no legal organization in Alameda County that focused on the legal needs of teen victims of dating violence.

Before working with Meisha, Bay Legal had no expertise with teen clients, and many questions arose. Can a minor sign a retainer agreement? (We concluded that they can.) Since most teenagers did not have the resources to travel the long distance from their homes to our office in Oakland, I conducted intakes and appointments in their homes, schools, or case managers’ offices. We learned how to respond when the parents are overbearing and push their daughter to take legal action. I developed a clear understanding of confidentiality and conflicts of interest and how and when to involve parents/third parties. It helped to consult with other organizations who traditionally serve teenagers.

Ultimately, I developed a different model of lawyering for my teen clients. I took on a smaller caseload, and spent more time with my clients, offering holistic legal services. Now when teen clients like Meisha come to our office, we have a program and the expertise to serve their unique needs.

¹⁶ Duffy and Levin-Epstein, *Add It Up*, at 11 (survey found that in each of five states that were surveyed, Arizona, California, Illinois, Ohio and Texas, the teen parent sanction rate appeared higher than that of the state’s overall TANF population).

¹⁷ Lacinda Hummel and Jodie Levin-Epstein, *A Needed Transition: Lessons from Illinois About Teen Parent TANF Rules*, Center for Law and Social Policy (2004).

¹⁸ *Tips for Legal Aid Providers in Serving Teens* was originally a sidebar published in the Clearinghouse Review Journal of Poverty Law and Policy in the July-August 2005 issue. We have made some revisions to the sidebar for the purposes of this article.

- include questions about the well-being of the adolescents in the household. Yet, the reason that an adult client is being sanctioned, charged with an overpayment, evicted, or having benefits reduced may involve teenage relatives. Does the client need an exemption from welfare-to-work requirements to be available after school for a teenager? Has the teen dropped out of school and thereby caused a reduction in the family's grant? Is the teen eligible to participate in Temporary Assistance for Needy Families (TANF), Medicaid, Social Security, or other youth programs? Legal aid lawyers should design their intake to address these issues.
2. **Conduct unconventional and targeted outreach—especially to homeless youth, pregnant, and parenting teens.** Many teens in need of assistance do not know that free legal services and benefit programs exist or that they may be eligible. Legal aid providers should look for teens needing services where young people are mostly likely to be found, such as schools, teen parent programs, and homeless shelters for youth. Brochures tend to be ineffective because teens may not think of legal aid as a solution to their problems and, even if they did, are unlikely to follow up.
 3. **Make the legal aid office and its lawyers accessible to teens.** Youth are not as mobile as adults. Many of them cannot drive and do not have access to a private space. Lawyers need to be flexible in serving teens by scheduling home visits or meeting teens in their own environment. Better yet, legal aid lawyers can locate their offices (or some of their attorneys) in places such as schools or health centers where teens are most likely to be, and collaborate with other providers to ensure that teens receive all the services to which they are entitled.
 4. **Stay open during teen hours.** Because many teens are at school during the day, legal aid organizations need to have teen-friendly hours or be available directly in schools or health centers.
 5. **Gain expertise in how program rules differ for teens.** Most legal aid programs work in several core issue areas: public benefits, health access, housing, domestic violence, and consumer protection. Teens need assistance in each of these areas, but the rules are often different for them than they are for adults. For example, TANF has rules unique to teen parents, including its schooling and living arrangement requirements. In the family law context, teens may need a guardian ad litem to file for certain requests. The rules regarding confidentiality, privacy, and access to information also differ for teens. Legal aid providers who work directly with teens need to be able to navigate these rules.
 6. **Expand the legal aid office's definition of lawyering.** Teens need more than legal services—they need education, outreach, referrals, and social work. Some legal organizations working with teens include social workers on their staff. For example, many legal aid organizations have formed partnerships with dependency attorneys or public defender offices in order to ensure that teens get the benefits they need while in the state's care. Alternatively, lawyers can partner with other organizations with which teens come into contact, such as Planned Parenthood or other health care providers. While confidentiality issues may arise through these partnerships, they can be worked through. The result is a broader array of services for teens.
 7. **Provide holistic services.** All legal processes involve many steps, and teens need assistance throughout the entire process. For example, in the family law context, teens often need assistance in filling out restraining order pleadings, filing at the clerk's office, serving their abusers, getting to the courthouse for the hearing, and filling out the restraining order after the hearing. This process is confusing even for adult victims; it may be insurmountable for teens without the necessary support. This is especially true for teens with multiple legal issues—such as TANF, juvenile dependency, or education issues.
 8. **Build trust.** Teenagers do not easily trust adults. Teens in need of legal services, given their background and experiences, may be even less trusting. Legal providers may need to have several meetings with the teen before the real issues emerge, because other issues may seem more pressing for the teen than legal problems. Legal aid providers working with teens need to establish a relationship. This includes understanding more than the teen's legal problems and establishing and maintaining direct and constant communication.
 9. **Explain confidentiality.** Legal aid lawyers need to explain confidentiality, mandatory reporting, and attorney-client privilege rules repeatedly throughout their representation of the teen.
 10. **Maintain smaller caseloads.** Because teens need a lot of individual attention, lawyers who work directly with teens should have smaller caseloads to accommodate the extra hours they will spend traveling with these clients, preparing for meetings and hearings, and connecting teens to other services and supports.
 11. **Conduct trainings.** Offering free legal training for youth service providers, eligibility workers, and compliance specialists is good for outreach and for ensuring that eligibility and benefit rules do not get misapplied to teens. Topics may include TANF rules, dating

violence, housing rights, disability and Social Security benefits, and education rights.

12. Keep records. Because teens typically are not assisted by legal aid organizations, many of the most pressing legal problems facing teens may go unnoticed and untracked. Legal aid offices can begin to fill the information gap by tracking which issues come up most often for teens. It is important to identify legal issues that teens are dealing with and devise legal strategies that take account of the needs of teens in low-income households as well as their families.

Conclusion

A participant in the 1960s War on Poverty stated that “legal aid is maybe the most important thing that we are doing. Legal aid will have more impact on...our social, economic, and political structures than anything else that the OEO (Office of Economic Opportunity) and perhaps even the federal government has done on the domestic scene in our lifetime.”¹⁹ Ultimately, the effectiveness of these vital services depends on serving the full spectrum of low-income clients, including teenagers.

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¹⁹ Scott Stossel, Sarge: The Life and Times of Sargent Shriver 361(2004) (quoting Hyman Bookbinder, member, organizing taskforce, and associate director, Office of Economic Opportunity).

School-Based Programs Target Specific Teen Populations

Tammi Wong, Legal Services of Northern California

Teenagers rarely contact legal aid organizations due to their age, lack of education and transportation, and a tendency to be intimidated by adult systems.

Race, poverty, and geography play a significant role in a young person’s ability to succeed in public schools. Fewer students graduate from urban schools than suburban ones, and students of color have substantially lower graduation rates than white students.¹ Slightly more than half of California’s students receive compensatory education.² This means that their schools receive federal Title I or state Economic Impact Aid designed to assist low-achieving students and schools.

In the 2003-2004 academic year, almost half of all students enrolled in California public schools received free or reduced-price lunch.³ In the 2004-2005 academic year, about 25 percent, or nearly 1.6 million students, were classified as English Language Learners in California.⁴ But only 175,000 teachers were available in the same academic year to teach this category of students.⁵ Legal Services of Northern California (LSNC) has developed several unique projects aimed at reducing the disparities in the education our youth receive.

LSNC serves 23 northern California counties and takes a preventive approach to serving teens. We developed several after-school programs to ensure that students have a safe and positive learning environment – while also increasing our visibility in the community – and a better understanding of the issues facing youth and their families. LSNC has partnered

with many schools and community organizations. These partnerships have enabled advocates to tap into funding received by schools and to use that money to ensure that schools provide culturally appropriate services to students.

For example, LSNC developed the CIPHER⁶ program in partnership with the Mutual Assistance Network of Del Paso Heights in order to provide advocacy and support to youth at risk of dropping out of high school or joining gangs, and to reduce fighting in school. We wanted to provide a school-based program for youth who did not have a strong connection to school or their classes. The goal was to engage youth in the school through their common interests – in this case, music – in order to increase the likelihood that they would remain in class during the day.

After developing a curriculum based on project-based learning, LSNC presented the program to the school principal and a teacher. We encouraged the school to offer after-school snacks through the reduced/free lunch program, provide the site for the program, and to compensate the teacher for staying after school. In exchange, the school would raise its “average daily attendance” and thereby increase its revenue. Students attended because of their love of hip hop music and also because it allowed them to make up credits for being tardy or absent.

¹ The Civil Rights Project, Harvard University. *Confronting the Graduate Rate Crisis in California*. March 24, 2005 (unpublished manuscript, on file with the author).

² *Id.*

³ Education Data Partnership, 2003-2004 Profile of the State (2005), at <http://ed-data.k12.ca.us>.

⁴ California Department of Education, 2004-2005 California Demographics by English Language Learners (2005), at <http://data1.cde.ca.gov/dataquest>.

⁵ *Id.*

⁶ In the hip hop culture, a cipher is a group of hip hop fans who discuss and perform about the issues facing this sub culture.

The program has successfully brought together a diverse group of students and created a venue where they can learn to communicate about their struggles growing up in a low-income neighborhood.

By working with a school district to apply No Child Left Behind funds, LSNC advocates also created the Hmong After School Big Sib Tutoring Program to serve the newly arrived Hmong refugee students from Laos. This program is also school-based and was created after a bilingual Hmong alum approached LSNC requesting advice on program development. The idea was to provide both moral and academic support to Hmong students with no English skills or educational background. The program pairs a bilingual Hmong/English speaking student with a Hmong-speaking student for regular mentoring and tutoring. In addition, the entire group participates in cultural maintenance activities and lessons about American culture.

These programs ensure that LSNC advocates are active in communities that include a heavy concentration of our service population. By working with youth in the schools, advocates are able to assist an underserved population, and at the same time educate the community about the sort of services that LSNC can provide to youth and their families.