

CONTRIBUTORS

Attorneys

Zenaida Alonzo
Elizabeth Cunningham
Laurene Heybach
Patricia Nix-Hodes

Law Students

Adithi Chandrashekar
Emily Dempsey
Jessica Garrity
Annie Sanicki
Jessica Youngblood

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EDUCATION

EDUCATIONAL RIGHTS OF STUDENTS EXPERIENCING HOMELESSNESS

WHO IS A HOMELESS CHILD OR YOUTH?

Many youth who have unstable housing arrangements are considered homeless under state and federal education law. Students who are homeless have special rights at school. Under the federal McKinney-Vento Act, *42 U.S.C. 11431 et. seq.*, the term “homeless child and youth” means individuals who lack a fixed, regular and adequate nighttime residence” and includes children and youth who are

- sharing the housing of others due to loss of housing, economic hardship, or a similar reason (commonly referred to as “doubled-up”);
- living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
- living in emergency or transitional shelters;
- abandoned in hospitals;
- awaiting foster care placement;
- living in a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
- living in cars, parks, abandoned buildings, substandard housing, bus or trains stations or similar settings.

DO STUDENTS WHO ARE HOMELESS HAVE A RIGHT TO GO TO SCHOOL?

Yes. Illinois school districts identified over 22,000 students as homeless during the 2006-07 school year. Approximately 10,000 Chicago Public Schools students are homeless each school year. The federal McKinney-Vento Act and the Illinois Education for Homeless Children Act are laws that give rights to homeless children and youth in school. Even youth not in the physical custody of a parent or a guardian have a right to attend school. These students are considered “unaccompanied youth.” Every time a child changes schools, he or she loses four to six months of academic and social development time. Since homeless youth do not have stable housing, they are at a higher risk of falling behind in school than other students because they may change schools frequently. The homeless education laws require schools to enroll homeless students immediately and to allow them to stay stable in school, even if their temporary living situations changes. The laws are intended to remove barriers to the enrollment, attendance and success of homeless students.

AWARENESS OF STAFF

HOW WILL A STUDENT WHO IS HOMELESS BE ABLE TO COMMUNICATE HIS/HER NEEDS TO THE SCHOOL (DISTRICT)?

If a student who is homeless needs assistance, he or she should speak with the school district's homeless liaison. Under the McKinney Vento Act, every school district must have a "homeless liaison" to identify and assist homeless children and unaccompanied youth. *42 U.S.C. Sec. 11432(g)(1)(J)(ii)*. Liaisons must ensure that homeless students enroll in, and have a full and equal opportunity to succeed in school. *42 U.S.C. Sec. 11432(g)(6)(J)(A)*. In addition, the liaison is responsible for providing public notice of the educational rights of homeless students in places where students and families receive services, including schools. Unaccompanied youth should receive extra help from the homeless liaison. In some school districts, including Chicago, there is a homeless education liaison in every school.

IMMEDIATE ENROLLMENT

CAN A CHILD OR YOUTH WHO LACKS HOUSING ENROLL IN SCHOOL?

Yes. A school is required to immediately enroll a youth who lacks housing even if the student does not have the records normally needed for enrollment (examples of records that would normally be needed are previous academic records, medical records, proof of residency, or other documentation). School districts can, however, ask for an address or other contact information. The enrolling school has to contact the school the student last attended to obtain academic and other records. Also, if the school requires immunizations, they must refer the child to a place to have those done. *105 ILCS 45/1-20*. Under Chicago Public School policy, a homeless student cannot be excluded due to lack of immunizations or medical records.

An unaccompanied homeless youth does not need an adult to enroll in school. The fact that an unaccompanied youth does not have a parent with them cannot delay their enrollment in school.

Choice of Schools

WHERE CAN I ENROLL IN SCHOOL IF I AM HOMELESS?

A student who is homeless who enrolls or re-enrolls in school has at least 3 choices: (1) the school the student attended when permanently housed; (2) the school in which the student was last enrolled; or (3) the school that non-homeless students who live in the attendance area in which the homeless student is actually living are eligible to attend. Choices (1) and (2) are referred to as the "school of origin." *105 ILCS 45/1-10*. A homeless youth or child can attend their school of origin as long as they remain homeless, or if the student becomes permanently housed, until the end of the academic year in which he or she found housing. *105 ILCS 45/1-10*. The school district has an affirmative obligation to keep a

homeless student in the school of origin unless the family objects. *42 U.S.C. 11432(g)(3)(B)*.

Transportation

HOW DOES A HOMELESS CHILD OR YOUTH GET TO SCHOOL?

The homeless liaison must help children and youth who are homeless receive transportation to school. Transportation services are available to homeless students attending their school of origin. Transportation extends to and from school and includes transportation for school related activities (such as after school programs). *105 ILCS 45/1-15*.

In cases where a student actually lives in one school district but attends the school of origin in another school district, the districts are required to share the responsibility and costs of transportation. If no agreement can be reached, the cost of transportation is shared equally between the school districts. *105 ILCS 45/1-15*.

The method of transportation may vary from community to community. In Chicago, school bus transportation is available for students whose parents are unable to transport them on public transportation (due to work, illness, disability, shelter requirements and other reasons). For other students and for parents of students 6th grade and under, fare cards for public transportation to and from school are provided. In other communities, the method of transportation varies: by school bus, public transportation, or reimbursement of a parent or relative who drives the child.

Disputes

WHAT IF A HOMELESS STUDENT DISAGREES WITH THE SCHOOL?

When a dispute arises, the regional superintendent of schools appoints an ombudsperson who is fair and impartial to provide resource information and resolve disputes. *105 ILCS 45/1-25(a)*. In disputes, the school district shall inform the family of the specific reason for the dispute (in writing), the availability of the ombudsperson and refer the family to free or low cost legal assistance. The student shall be admitted and transported to the school chosen until final resolution of the dispute.

If you lack housing and you disagree with a school's treatment of you, you should ask for a "dispute resolution process." If you need assistance with the dispute process, please call the Law Project of the Chicago Coalition for the Homeless at 1-800-940-1119.

Nutrition Programs

CAN A HOMELESS STUDENT GET FREE BREAKFAST AND LUNCH?

Yes. Homeless students are entitled to participate in the School Nutrition Programs which offer free or reduced price meals. The homeless liaison within each school or school district assists homeless children and youth in accessing free breakfast and lunch.

School Fees

CAN A HOMELESS STUDENT GET SCHOOL FEES WAIVED?

Yes. The homeless liaison must assist homeless children and youth in getting their school fees waived. A “school fee” is any fee collected by a public school or district from a student or parents/guardians as a prerequisite for the student’s participation in any curricular or extracurricular program. *23 Ill. Adm. Code 1.245.*

School Districts are required to waive school fees for students and families who are unable to afford them “including but not limited to” students eligible for free breakfast and lunch. Students who are homeless are automatically entitled to free breakfast and lunch. Therefore, all homeless students should have their fees waived.

Many routine charges are considered fees that must be waived for eligible students, including:

- required textbooks,
- locks and towels,
- field trips made during school hours or after school hours if the field trip is a required or customary part of a class or extracurricular activity (like annually scheduled trips to museums, concerts, etc.),
- uniforms related to sports or fine art programs,
- fees to participate in extracurricular activity,
- graduation fees, school record and health service fees, and driver’s education fees.

Certain charges are not considered “fees” that must be waived:

- ordinary supplies used by the student, like pencil, paper, or notebooks,
- library fines,
- optional travel fees,
- yearbooks and pictures,
- admission to school dances,
- athletic events.

However, many schools assist homeless student with such items and should waive any fee if non-participation is a barrier to the enrollment, attendance or success of a homeless student.

Schools cannot discriminate, punish, lower grades, or exclude any student eligible for fee waivers because they are unable to pay school fees. *23 Ill. Adm. Code 1.245.*

School Uniforms

CAN A HOMELESS STUDENT GET ASSISTANCE WITH SCHOOL UNIFORMS?

Yes. The homeless liaison assists homeless students with school uniform requirements. Illinois law allows school boards to have school uniform or dress policies if they are necessary to maintain the orderly process or prevent endangerment of student health and safety. *105 ILCS 5/10-22.25b.* If schools have uniforms, they must assist low-income families in getting obtaining the uniforms.

RESOURCES:

For more information regarding Chicago Public Schools, a student or parent can contact the CPS Homeless Education Program at 773-553-2242 with questions.

For more information about the Homeless Education Program throughout Illinois call 1-217-782-2948, or see the Opening Doors website, www.homelessed.net.

For legal assistance if you are a homeless student or parent, call the Law Project of the Chicago Coalition for the Homeless, 1-800-940-1119.

RIGHTS & RESPONSIBILITIES OF ALL STUDENTS
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Attendance

DOES A CHILD OR YOUTH HAVE TO GO TO SCHOOL?

Illinois law requires that a minor between the ages of 7 and 17 attend school, unless the child has already graduated from high school. *105 ILCS 5/26-1.* If you have dropped out of school, there are many options for re-enrolling in school, including traditional public schools, alternative schools and evening programs.

In Chicago, if you need information on how to receive a high school diploma if you have dropped out, please contact: Chicago Public Schools Drop-Out Prevention and Recovery Hotline at 773-553-5110.

For assistance with re-enrolling in school, call the Law Project of the Chicago Coalition for the Homeless, 1-800-940-1119.

For services to help you stay in school and succeed in school, call the Chicago Youth Centers at 312-795-3500 or see www.chicagoyouthcenters.org.

Truancy

WHAT HAPPENS IF A STUDENT MISSES SCHOOL WITH OUT A VALID REASON?

“Truancy” is an unexcused absence from school for all or any part of the day without a valid cause. A minor is considered a chronic or habitually truant student if he/she is subject to compulsory school attendance and has missed 18 or more days of school without valid cause. If a student is chronically truant, he or she should be offered supportive services to correct the problem before the district takes action to deny enrollment. Such services include:

- parent conferences,
- student counseling,
- family counseling,
- information about community services, and
- alternative programs.

A chronically truant student cannot be punished by the school through suspensions and/or expulsions unless supportive services have been provided. If the supportive services have been offered but do not help the student, a petition can be filed for court action mandating the child to attend school, or the student can be denied enrollment if they are 17 years old or older. *105 ILCS 5/26-1 et seq.*

If you cannot attend school on any day or part of the day, you should call the school and explain why you are not going to school that day. If you have a problem that prevents you from going to school, you should ask for services to help you get to school every day. For example, it may be unsafe for you to get to school or you may need help with transportation or clothing. Request services from your school that will help you attend every day.

Suspension

WHAT HAPPENS WHEN A STUDENT COMMITS AN ACT OF MISCONDUCT AT SCHOOL?

All schools have their own rules and regulations. These rules often appear in a school handbook. You should be sure to get a copy of your school’s rules and become familiar with them. When students violate the school rules, schools can discipline students. The most serious types of discipline take the student’s right to attend school away for a period of time. Exclusion from school for 10 days or less is a suspension. A suspension may exceed 10 days "for safety reasons" where misconduct occurred on a school bus. A suspension must be reported "immediately" to a parent or guardian along with a full statement of the reasons

for suspension and notice of the right to request a review hearing. If the parent requests a review, the school board shall review the suspension or may appoint a hearing officer. The parent(s) may attend and discuss the suspension. The school board may then take any action it finds "appropriate". A suspension for more than 10 days is considered an expulsion requiring formal notice and a hearing. *105 ILCS 5/10-22.6(b)*.

Expulsion

WHAT IS AN EXPULSION?

An expulsion is exclusion from school for more than 10 days. An actual expulsion shall not take place until the school district requests the parent's attendance at a meeting or hearing with the school board or a hearing officer to discuss the student's behavior. The request to the parent shall be made by registered or certified mail and shall state the time, place and purpose of the meeting or hearing. At the meeting or hearing, the reasons for and dates of the expulsion shall be stated. If a hearing officer is appointed, the hearing officer gives a written summary of the evidence to the school board. The school board takes action that it considers "appropriate." Expulsion shall be a definite period not to exceed two years. *105 ILCS 5/10-22.6*

If there is evidence that mental illness may be the cause for expulsion or suspension, the Department of Human Services shall be invited to send a representative to the meeting. A student who is subject to suspension or expulsion may be eligible to transfer to an alternative school program *105 ILCS 5/10-22.6*.

It is important to demand an expulsion hearing to tell your side of the story. If you are a special education student there are additional requirements for expulsion. Schools sometimes ask students to enter into an agreement to leave the school and avoid going through the expulsion process. Students should be cautious about entering these types of agreements and evaluate carefully what other school options they may have.

WHAT ARE MY RIGHTS AS A STUDENT DURING A SCHOOL EXPULSION HEARING?

If a student is subject to an expulsion hearing, he or she has a right to the following due process rights:

- Notice and opportunity to be heard.
- Right to cross-examine witnesses.
- Right to be represented by counsel (in some cases free legal assistance may be available through Legal Services Programs).
- Right to inspect evidence presented at the hearing.
- Right to present evidence, including affidavits and exhibits.
- Right to exclude hearsay evidence.

- Right to remain silent and NOT discuss matters presented. *Colquitt v. Rich Township High School District 699 N.E.2d 1109 (1st Dist. 1998)*.

Before expelling a child, schools must consider: (1) the egregiousness of the conduct, (2) the past disciplinary history of the child, (3) the likelihood that the conduct impacted the delivery of educational services to other students, (4) the severity of the punishment and (5) the best interest of the student.

RESOURCES:

It is important to ask for an expulsion hearing to tell your side of the story. If you need assistance with an expulsion in Cook County, contact the Legal Assistance Foundation of Metropolitan Chicago, at (312) 341-1070 or visit www.illinoislegalaid.org for more resources in your area.

Legal assistance for expulsions in Chicago is available from the Children and Family Justice Center at Northwestern Law School, 312-503-0396.

If you are a student with a disability and need legal assistance with a school discipline case, call Equip For Equality at 1-800-537-2632 or Access Living at 800-613-8549.

If you are a homeless student and you need legal assistance with a school discipline case, contact the Law Project of the Chicago Coalition for the Homeless at 1-800-940-1119.

SEARCH & SEIZURE

CAN SCHOOL AUTHORITIES SEARCH MY BELONGINGS?

Yes. In order to maintain safety and order in schools, school authorities can search and inspect lockers, desks, parking lots and other school property as well as personal effects left on school property without telling the student and without a search warrant. School authorities can get help from law enforcement and use dogs to search for illegal drugs, weapons, or other dangerous substances. If a search produces evidence that the student has violated or is violating either the law, local ordinance, or the school's policies and rules, the evidence may be seized by school authorities and disciplinary action taken. School authorities may also turn over evidence found in a search to law enforcement authorities. *105 ILCS 5/10-22.6*. Law enforcement officials who want to search lockers or student property independently of school officials need a valid search warrant before they are allowed to search a student's belongings or locker.

Freedom of Expression

CAN I EXPRESS MY OPINIONS IN SCHOOL?

Yes, with some limitations. The Bill of Rights guarantees that the government cannot deprive people in the United States of certain fundamental rights including the right to freedom of religion, free speech, and the due process of the law. Included in the Bill of Rights is the First Amendment guarantee to freedom of expression and association. Therefore, the government cannot forbid students' written or verbal speech entirely. In *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503 (1969), the Supreme Court held students in public schools can express their opinions orally or in writing, on leaflets or buttons, t-shirts, etc. as long as these opinions do not "materially and substantially" disrupt classes or other school activities. However, students are not allowed to use "vulgar or indecent" words. Public school officials can censor student speech in official school publications or activities, like a school play, art exhibit, newspaper or yearbook.

Student Drug Testing

CAN A SCHOOL MAKE STUDENTS TAKE DRUG TESTS?

Yes, if the students are involved in extracurricular activities at school. Schools are allowed to do drug tests on students involved in any extracurricular activity, both athletics and other non-competitive extracurricular activities. The school does not have to have any suspicion of wrongdoing by the person they are testing. The testing done can be completely random. *Bd. Of Educ. v. Earls*, 536 U.S. 822 (2002).

Treatment of Students

CAN STUDENTS BE DISCRIMINATED AGAINST BASED ON THEIR SEX?

No. All students, whether male or female, cannot be denied equal access to programs, activities, services or benefits or be limited in the exercise of any right, privilege, advantage, or opportunity. Married, pregnant, and/or parenting students cannot be discriminated against because of their status, and no student should encounter sexual intimidation or harassment by any school employee or another student. 105 ILCS 5/10-22.5., 23 Ill. Adm. Code 200.50.

Title IX of the Education Amendments of 1972 states:

"No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance." 20 U.S.C. §§ 1681 et seq.

GLBT Students

ARE GAY, LESBIAN, BISEXUAL, AND TRANSGENDER (GLBT) STUDENTS PROTECTED FROM DISCRIMINATION?

Yes. GLBT students have increasingly gained rights in the public school setting. If a public school allows 7th-12th grade non-curricular clubs to form and meet at school, then it must allow a GLBT group to meet. The right of assembly is based on the First Amendment of the Bill of Rights. But if a school does not allow for *any* non-curricular groups to meet, then it is not obligated to allow GLBT groups to meet.

In *Tinker v. Des Moines Independent School District*, the Supreme Court held that students can wear symbols unless the school can show that these symbols are a real threat to order in the school. *393 U.S. 503 (1969)*. Such symbols could include rainbows or pink triangles.

GLBT students are protected from harassment based on their sexual orientation under the Equal Protection clause and Title IX. Anti-gay harassment that creates a “sexually hostile environment” is illegal. Schools are not allowed to ignore anti-gay discrimination, and schools receiving federal funds can be liable for damages if they are “deliberately indifferent” to pervasive anti-gay hostility. *Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681 et seq.*

The Illinois Human Rights Act also protects against discrimination based on sexual orientation or gender identity in school. *775 ILCS 5/1-101*

RESOURCES:

If you face discrimination at school because of your sexual orientation, try to tell a trusted adult at your school that you believe will be respectful of your rights. In Chicago Public Schools, if no action is taken at the school level contact, the Office of High School Program, anti-violence program at (773) 553-3540. If you are a student who is homeless and you need legal assistance for a harassment problem, contact the Law Project of the Chicago Coalition of the Homeless at 1-800-940-1119. Other students can visit www.illinoislegalaid.org for more resources.

Pregnant and Parenting Students

DO PREGNANT STUDENTS HAVE RIGHTS AT SCHOOL?

Yes. Pregnancy or parenthood is not a reason to ban a student from participation in any type of program or activity, and it is to be treated as any other temporary disability. Schools must eliminate barriers to school attendance and completion for pregnant students or students who are parents, *23 Ill. Admin. Code. 200.50*.

If a student is unable to attend school because of pregnancy, schools are required to give home instruction, correspondence courses, or other courses of instruction for students. Such instruction shall be provided to the student:

- 1) before birth when the student’s physician has informed the school in writing that the pupil cannot attend school anymore; and
- 2) for up to three months following the birth of the child or a miscarriage.
105 ILCS 5/10-22.6(a)

Alternative Programs

CAN YOUTH WHO HAVE PREVIOUSLY DROPPED OUT OF SCHOOL GET THEIR DIPLOMA?

Yes. A youth who has dropped out of school prior to graduation can re-enroll in school before the age of 21 to receive a high school diploma. A youth who is 19 years of age or older cannot be denied reenrollment because of age or lack of credits unless the school district first provides due process (i.e. a hearing). If the student is denied reenrollment, the district must provide counseling and information on alternative education programs. *105 ILCS 5/26-2(b)*

Along with reenrolling in their local high school or school of origin (*see “Choice of Schools” above*), a youth can also enroll in one of the following Youth Connection Charter School Programs. There are also other alternative and dual enrollment programs available. **For more information contact the Law Project of the Chicago Coalition of the Homeless at 1-800-940-1119.**

	Truman Middle College	Olive-Harvey Middle College
Contact Number	773-907-4840	773-291-6518
Address	1145 West Wilson Ave. Chicago, IL 60640	10001 S. Woodlawn Chicago, IL 60628
Ages	16-21 years old	16-19 year olds
Credits Accepted	Minimum 8-10 credits	Maximum 10 credits
Diploma Type	Youth Connection Charter School (YCCS)	YCCS (are funded through CPS)
Documents required for registration	Birth certificate, utility bill, school/state ID, social security card, transcript, updated medical/physical records, staffing & social work services records, current IEP (if applicable), release form/drop slip from last high school attended	Birth certificate, proof of address, social security card, transcript, immunization record, release form/drop slip from last high school attended
Enrollment periods	Open enrollment	Only in August and January

Enrollment requirements	Entrance exam (administered monthly)	Entrance exam followed by interview
Program length	No more than 2 years, 1 year preferred	2 years
Fees	Registration fee of \$15/quarter and one time testing fee of \$29 (ACT) or \$35 (GED)- waived for students experiencing homelessness	Activity fee of \$225-waived for students experiencing homelessness

HEALTH CARE

GOVERNMENT HEALTH CARE

Medicaid

WHAT IS MEDICAID?

Medicaid is a government health insurance program available to anyone who can demonstrate financial need and is a child, parent or other adult relative caring for a dependent child, pregnant, blind, disabled, or over 65.

All Kids Program

WHAT IS ALL KIDS?

All Kids is a government health insurance program that is available to every minor in Illinois. All Kids covers doctor visits including regular check-ups and immunizations, hospital stays, prescription drugs, vision care, dental care and eyeglasses. For more information, go to www.allkids.com.

WHO CAN GET ALL KIDS?

Children can get All Kids health insurance if they meet three criteria:

- They live in Illinois;
- They are age 18 or younger; and
- They meet health insurance requirements:
 - children who **do not** have health insurance can qualify for All Kids;
 - children who **have** health insurance can qualify for rebates on their insurance premiums as long as their family income meets certain limits.

Unaccompanied youth are eligible. If you are under 18 and do not live with your parents or a caretaker relative, you can apply for All Kids for yourself. You must live in Illinois and your income must not exceed the program's income limits. No proof of citizenship is required.

HOW MUCH DOES ALL KIDS COST?

Some families get All Kids health insurance for free, but others have to pay monthly premiums and co-payments for All Kids. What a family/child pays depends on their income.

WHAT ALL KIDS BENEFITS ARE AVAILABLE TO PREGNANT TEENS?

Two programs provide free, pregnancy-related health care, **Medicaid Presumptive Eligibility (MPE)** and **Moms & Babies**.

- Under MPE, an eligible pregnant woman can get immediate **FREE** outpatient services the day she applies.
- Any pregnant woman living in Illinois who meets the income limits qualifies regardless of U.S. citizenship or immigration status.
- It is important to apply for Moms & Babies, in addition to MPE, or the mother's coverage under MPE will end.

HOW DO I APPLY?

Please contact an All Kids Application Agent to help you apply. If you do not have a doctor or clinic or would like help filling out the application, you can call the All Kids Hotline at **1-866-255-5437**, complete the All Kids application yourself and mail it to All Kids, or make an appointment at your local Illinois Department of Human Services office. You can also file the application online at <https://secure.myhfs.illinois.gov/allkidsapplicant/index.jsp?lang=en>, or download the application at http://www.allkidscovered.com/assets/ak_app.pdf (English) or http://www.allkidscovered.com/assets/ak_appsp.pdf (Spanish).

FamilyCare Program

WHAT IS FAMILYCARE?

FamilyCare provides health insurance coverage for doctor visits, dental care, hospital care, emergency services, prescription drugs and more to:

- parents living with their children 18 years old or younger, and
- relatives who are caring for children in place of their parents.

WHO CAN GET FAMILYCARE?

Parents and other adult relative caretakers can get FamilyCare if they live in Illinois and meet the FamilyCare income limits. **They must be U.S. citizens or meet immigration requirements. An undocumented person can receive emergency services only.** FamilyCare benefits will **not** affect your immigration status unless you receive long-term care services in a nursing home or mental health facility.

WHAT DOES FAMILYCARE COST?

There are small co-pays, from \$2-\$5, for doctor visits and prescriptions. Parents in FamilyCare Premium pay a monthly premium, from \$15 to \$40, depending on the number of family members covered.

HOW CAN A PARENT APPLY?

Parents and caretaker relatives whose children currently receive medical benefits should contact the Illinois Department of Human Services (DHS) Local Office for an All Kids Application Agent. **For questions, call 1-(866) 255-5437.**

HEALTH CARE TREATMENT ISSUES

Emergency Services

A physician can provide emergency treatment to a minor without the consent of the parent or legal guardian if obtaining consent would adversely affect the minor's condition.

Consent to Medical Treatment

- **Pre-adolescent children.** Parental consent is required for any diagnostic procedure or surgery on a pre-adolescent child (generally under 13).
- **Emancipated minors** may consent to their own medical care. Emancipated minors are minors between the ages of 16 and 18 who have obtained a court order which states they are legally emancipated.
- **Minors who are parents** may lawfully consent to their own health care even though they are under the age of 18. Any parent, including a parent who is a minor, may consent to a medical or surgical procedure performed on his/her child.
- **Minors who are pregnant or married.** A minor who is pregnant or married may lawfully consent to the performance of any medical or surgical procedure.
- **Substance Abuse.** A minor age 12 or older may consent to treatment or counseling related to the diagnosis and treatment of substance abuse. Any professional providing counseling to a minor who abuses drugs or alcohol or has a family member who abuses drugs or alcohol shall not inform a minor's parent(s) or legal guardian of a minor's condition or treatment without the minor's consent unless necessary (in the person's judgment) to protect the safety of the minor, a family member, or another individual.
- **Sexually Transmitted Disease (STD) Services.** A minor age 12 or older may consent to treatment or counseling related to the diagnosis and treatment of sexually transmitted disease. Any person who provides counseling to a minor patient who has come into contact with any sexually transmitted disease may BUT shall not be obligated to, inform the parent(s) or legal guardian of the minor as to the treatment given or needed.

- **HIV Testing.** Minors may consent to anonymous HIV testing. If a minor's test result is positive, the health care provider shall make a reasonable effort to notify the minor's parent or guardian if, in his or her professional judgment, notification would be in the best interest of the child, and the provider has first sought unsuccessfully to persuade the minor to notify the parent or guardian, or the provider has reason to believe that the minor has not made notification. The law does not create a duty or obligation under which a provider must notify the minor's parent or legal guardian.
- **Anonymous Testing.** The Broadway Youth Center provides anonymous HIV and STD testing for youth (24 and under). The Broadway Youth Center is located at 3179 N. Broadway, near the intersection of Broadway and Belmont, and is open Monday-Friday from 1-5:00pm and 6-8:00pm; weekend hours vary. For more information, please call 773-935-3151 x 0 or email youth@howardbrown.org.
- **Sexual assault survivors.** Any minor who is a victim of sexual assault or abuse may consent to medical care or counseling related to the diagnosis or treatment of any disease or injury arising from such offense. Every hospital providing emergency services to sexual assault survivors shall provide:
 - appropriate medical exams and laboratory tests to ensure the health, safety, and welfare of the minor;
 - appropriate information about STD's and pregnancy;
 - provision of necessary medication;
 - blood tests for STD's, instructions indicating a need for a second blood test in 6 weeks for STD's; and
 - appropriate counseling as determined by the hospital, by trained personnel designated by the hospital.

Counseling and Mental Health Services

CAN A MINOR CONSENT TO COUNSELING AND MENTAL HEALTH SERVICES?

Yes. A minor over age 12 may request and receive counseling services or psychotherapy on an outpatient basis without the consent of the minor's parent or guardian. The minor's parents shall not be informed without the consent of the minor unless the facility director believes such disclosure is necessary. The minor's parent or guardian is not liable for the costs of the outpatient counseling or psychotherapy.

RESOURCES:

- **The Counseling Center of Lake View at 3225 N. Sheffield Avenue, Chicago, IL 60657, (773) 549-5886.**
- **C4 (Community Counseling Centers of Chicago) at 4740 N. Clark Street, Chicago, IL 60640, (773) 769-0205.**
<http://www.c4chicago.org/>
- **Thresholds Psychiatric Rehabilitation Centers are throughout Chicago. Please call (773) 472-9802 for more information.**

- **Cathedral Counseling Center at 50 East Washington, Suite 301, Chicago, IL 60602, (312) 252-9500.**
<http://www.cathedralcounseling.org/>

CAN A MINOR ADMIT HERSELF/HIMSELF TO A MENTAL HEALTH FACILITY?

Yes. Any minor 16 years or older may be admitted to a mental health facility as a voluntary patient if the minor herself executes the application. The minor's parent or guardian shall be immediately informed of the admission.

CAN A MINOR BE FORCED INTO A MENTAL HEALTH FACILITY?

Yes, in certain situations. A minor may be admitted to a mental health facility upon application by a parent or guardian if the facility director finds the minor has a mental illness or emotional disturbance such that she would benefit from inpatient treatment. A minor 12 years of age or older must be advised, in an understandable way, of her right to object to the admission. If the minor objects, the minor must be discharged within 15 days, excluding weekends and holidays, unless the objection is withdrawn or a petition is filed with the court for review of the admission.

Birth Control

CAN MINORS GET BIRTH CONTROL?

Yes. A minor that meets one of the following criteria may receive birth control:

- is married;
- a parent;
- is pregnant;
- has the consent of her parent or legal guardian ;
- failure to provide such services would create a serious health hazard; or
- the minor is referred for such services by a physician, clergyman, or a planned parenthood agency.

Health care providers (doctors, nurses, clinics) cannot tell parents that a minor is using birth control, or that a minor received a medical examination if the exam covered birth control or family planning. **Any communications made during these visits are completely confidential.** *325 ILCS 10/1.*

Abortion

CAN A MINOR GET AN ABORTION?

Yes. A pregnant minor can consent to an abortion. She DOES NOT need the consent of her parents, boyfriend, or husband (if she is married) to obtain an abortion. Illinois law guarantees women the privacy to make reproductive decisions for themselves without interference from any outside party.

For more information about STD's, abortions, and birth control, visit Planned Parenthood at www.plannedparenthood.org or call 1-800-230-PLAN to find the nearest clinic.

PUBLIC BENEFITS

TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

WHAT IS TANF (TEMPORARY ASSISTANCE FOR NEEDY FAMILIES)?

The TANF program provides temporary cash assistance for pregnant women and families with one or more minor children. A pregnant or parenting teen may be eligible to receive help under this program.

WHO IS ELIGIBLE FOR TANF (TEMPORARY ASSISTANCE FOR NEEDY FAMILIES)?

To qualify for TANF, a person must:

- Be pregnant or have a child under age 19 who lives with them. A child who is 18 must be a full-time high school student. A pregnant woman (and her husband, if he lives with her) may qualify for help, even if she doesn't have any other children.
- Live in Illinois. You can be homeless and still qualify.
- Be a U.S. citizen or meet certain immigration requirements.
- Develop a plan for becoming self-sufficient and follow it.

HOW CAN TEEN PARENTS APPLY?

A teen parent can sign up for TANF by going to the nearest DHS office. To find the nearest office go to www.dhs.state.il.us/officeLocator, put in zip code, and choose Family Community Resource Center. After filling out an application, it can take 30-45 days to find out if the teen parent has been approved. If an application is approved, monthly cash will begin 30 days after the date of application. If TANF assistance is denied, an appeal process is available. If you are denied, be sure to ask for the denial in writing.

WHAT SERVICES/BENEFITS ARE OFFERED?

Time-limited cash assistance. A person can receive TANF for a lifetime total of 60 months from the time they become an adult. Children living with a parent who has used up her 60 months of TANF are also ineligible for TANF. The 60-month "clock" stops moving toward the 60-month limit in certain circumstances.

Transitional services to help families become independent, such as preparation for the GED, vocational training, classes in basic English, and work stipends are also available through TANF. A person who gets TANF will also get Medical Assistance and be included in a Food Stamp household. If a family receives TANF, DHS will provide them with a MediPlan Card that covers most medical needs.

If a parent is receiving cash benefits through TANF and also receives **Child Support**, the parent will get up to \$50 of the child support money the state collects each month. If a teen mother does not know who the father of the child is, DHS will help establish paternity and start child support payments.

If the teen parent is under 18 and living with a parent or guardian, the adult will be asked to become the Representative Payee and receive the cash benefits for the teen. If the teen is under 18 but is not living with a parent or guardian, they can receive the cash benefit directly.

SPECIAL REQUIREMENTS FOR TEEN PARENTS

Live-at-home requirement. Teen parents must prove they are living in an acceptable adult-supervised setting to qualify for TANF – with parent, legal guardian, adult relative, or in a maternity home or other adult-supervised arrangement. There are several exemptions from this requirement:

- teen is or has been married;
- parent or guardian is deceased or the minor does not know where they are;
- parent or guardian will not allow minor to live with them;
- physical or emotional health of the teen or child would be in danger if they lived there;
- teen has already lived separate from a parent or guardian at least one year before their child's birth or applying for TANF;
- parent or guardian lives out of state, in an institution, is a drug or alcohol addict, in jail or in a hospital;
- if the teen returns home it would be a violation of the lease or local health and safety standards;
- the minor is placed in independent living by Department of Children and Family Services; or
- the teen is in a licensed drug or alcohol treatment program that the he or she would not be able to attend if they lived with their parent or guardian.

Teen parents under 18 do not have a TANF time clock- they can be on TANF for longer than 60 months.

Stay-in-school requirement. Teen parents under 20 years old without a high school diploma or GED must participate in educational activities for a minimum of 30 hours per week and must participate in the Teen Parent Services Program. This program will help with housing, school, jobs, childcare and transportation.

HOW CAN I AVOID LOSING BENEFITS?

A teen parent must meet the following requirements while receiving TANF:

- Give required information about a child’s absent parent (if single) and complete requirements for child support; and
- Make sure the children go to school.

RESOURCES:

For more information contact the DHS 24 Hour Telephone Hotline number at 1-800-843-6154. Youth may need legal assistance to obtain benefits. For TANF help in Cook County call the Public Benefits Hotline at 1-888-893-5327 (Legal Assistance Foundation of Metropolitan Chicago). Throughout Illinois, visit www.illinoislegalaid.org.

FOOD STAMPS

The Food Stamp program is a federal program administered by the Illinois Department of Human Services.

CAN A MINOR GET FOOD STAMPS?

Yes, if the youth lives independently from his or her parents or guardian. The youth can apply for food stamps without a parent or guardian’s signature.

CAN A HOMELESS MINOR GET FOOD STAMPS?

Yes. Homeless youth also have access to food stamps. No one can be denied food stamps because they do not have an address or photo identification.

CAN A TEEN PARENT GET FOOD STAMPS?

Yes, if the teen parent lives completely separate from his or her parents/guardians. This includes teen parents who live in the same building as their parents but whose living quarters are totally separate with no shared living space. If a teen parent lives at home with her parents, she cannot get food stamps independently until she is 22 unless she is married or the other parent of her child is living with her.

For more information go to www.ica.org or call the Illinois Department of Human Services 24 hour hotline at 1-800-649-1884. Youth may need legal assistance to obtain benefits. For TANF help in Cook County call the Public Benefits Hotline at 1-888-893-5327 (Legal Assistance Foundation of Metropolitan Chicago). Throughout Illinois, visit www.illinoislegalaid.org.

CHILD CARE

CAN A TEEN PARENT GET ASSISTANCE FOR CHILD CARE?

Yes. In determining eligibility for the child care assistance program, only the income of the teen parent should be considered. The hours of child care must be reasonably related to the hours of education, work, and transportation to the child care provider. All recipients of child care assistance, including teen parents, must make a co-payment to the child care provider in addition to the amount that the provider is reimbursed by the state. The amount of the parent's co-payment is determined by income, size of family, whether full or part time child care is provided, and the number of children the parent has in child care.

To obtain child care assistance and for referral to child care providers, contact Illinois Action for Children in Cook County at (312) 823-1100, or for the rest of the state, contact 1-877-202-4453.

GENERAL ASSISTANCE

WHAT IS GENERAL ASSISTANCE (GA)?

The General Assistance (GA) program provides cash and medical assistance to very poor people who are not receiving, or do not qualify for, other public benefits administered by the Department of Human Services (DHS). DHS cannot limit the number of months that an eligible person or family may receive benefits. In Chicago, there are two types of GA assistance:

- **Family and Children Assistance (GA-FCA)** provides TANF-like cash assistance to eligible families where the child is in the care of a non-relative.
- **Transitional Assistance (GA-TA)** provides GA to single adults determined to be “not employable.”

Every GA program has specific rules that determine who is eligible for the program and the amount of assistance that can be provided. The rules for each GA program vary depending on where an applicant lives.

HOW ARE SERVICES PROVIDED?

- **Chicago Residents.** Chicago residents may apply for GA at a local office that serves the area where they live. To find the nearest DHS Office, use the DHS Office Locator available at www.dhs.state.il.us.
- **Non-Chicago Residents.** A person living outside of Chicago should go to his/her local government unit to apply for the GA program.
- **Food Stamps.** A person who gets GA may also get food stamps, if eligible.

WHO CAN RECEIVE THESE SERVICES?

For more information please contact the DHS Help Line at 1 800 843-6154. Youth may need legal assistance to obtain benefits. For TANF help in Cook County call the Public Benefits Hotline at 1-888-893-5327 (Legal Assistance Foundation of Metropolitan Chicago). Throughout Illinois, visit www.illinoislegalaid.org.

SUPPLEMENTAL SECURITY INCOME

WHAT IS SSI?

Supplemental Security Income (SSI) is a program administered by the Social Security Administration that provides monthly grants to persons with low income and limited resources who are over 65 or who have a mental or physical disability that has lasted longer than one year or is expected to last longer than one year or result in death.

CAN A MINOR GET SSI IF HE OR SHE HAS A MENTAL OR PHYSICAL DISABILITY?

Yes. Homeless minors and minors living with their parents can qualify if they meet Social Security's definition of disability for children **and** if their income and resources fall within the eligibility limits. The minor must be a U.S. citizen or legal alien. Teen parents can receive SSI for themselves in **addition to a child-only TANF grant for their children** (or vice versa). Minors receiving SSI are automatically eligible for Medicaid.

HOW CAN YOU APPLY?

Normally parents must apply for SSI for minors. There are some circumstances in which an emancipated child could apply on his or her own behalf. Even so, SSA could determine, based on medical evidence, that the emancipated teen was unable to handle his or her own funds and SSA could require that the benefits be paid to an adult representative payee. **Call 1-800-772-1213** for more information or go to www.ssa.gov.

LEGAL ISSUES

CRIMINAL

WHEN CAN THE POLICE SEARCH SOMEONE'S HOME?

The 4th Amendment protects people from illegal searches and seizures.

Police need a search warrant to search a home. However, any officer who comes across illegal material in plain view does not need a warrant to seize the material. Also, police can search a home without a warrant if they are given consent to search. The police do not need a warrant if there is a threat to safety or a fear of destruction of evidence. The police do not need a warrant to search the home of someone on probation.

WHEN CAN THE POLICE SEARCH IN SOMEONE'S CAR?

During a random stop, the police can search the entire car if they have probable cause. "Probable cause" is a reasonable belief that a person has committed, is committing, or is about to commit a crime. If the officer does not have probable cause, he has to ask for consent and the person has the right to refuse to give consent. If the person is stopped for a traffic violation, the police have the right to search everywhere in the car, except the trunk. If the person is arrested, then the police may search the entire car.

WHEN CAN THE POLICE SEARCH SOMEONE ON THE STREET?

Police can stop persons whom they reasonably believe are committing, have committed, or are about to commit a crime. During these stops police may frisk persons they reasonably believe to be armed or have drugs. Police need probable cause to conduct a full search.

ARREST, RIGHT TO LEGAL COUNSEL & DETENTION

WHEN CAN POLICE ARREST ME?

Arrests may be made when a court issues a warrant or when an officer has good reason to believe that the suspect has broken city, state, or federal law. Police can search the person arrested and any of his/her belongings.

WHAT SHOULD SOMEONE DO WHEN ARRESTED?

- It is against the law to disobey the direct order of a police officer – therefore, do not run away, resist arrest, or argue with a police officer.
- The person has a right to remain silent, whether or not a lawyer is present.
- The person has a right to be told anything he/she says may be used against them in a court of law.
- The person has the right to have a lawyer present during any questioning.
- The person has the right to be informed that the court will appoint a lawyer free of charge for any suspect who cannot afford one.

- The person has the right to stop the questioning any time even if he/she has chosen to answer some questions.

WHAT SHOULD A MINOR DO IF HE IS ARRESTED IN CHICAGO?

Do not say anything, and ask for a lawyer.

- Contact a lawyer as soon as possible.
- If you are arrested, brought to a Chicago police station, and cannot afford a lawyer, call First Defense Legal Aid at 1-800-529-7374. They will give you legal advice before a public defender is assigned.
- If you cannot afford one, ask for a public defender or call the lawyer referral service at (312) 554-2001.

The police are required to bring an arrested person before a judge as soon as possible. The judge will hold a brief hearing and set bail. The minor should ask the police for the location and time of the bail hearing, and then pass that information to his/her lawyer and family. If no lawyer appears at the bail hearing, the youth should ask to speak to a public defender.

WHAT SHOULD SOMEONE DO IF HE/SHE FEELS HARASSED BY THE POLICE?

Get the officer's name and badge number. Write down the time, date, and detailed description of the incident. In Chicago, file a complaint at the Office of Professional Standards in person, by phone at (312) 745-3609, or by mail at, 10 West 35th Street, 12th Floor, Chicago, IL 60616.

WHEN ARE YOUTH SENT TO JUVENILE COURT?

In Illinois, generally if a person is under the age of 17 when arrested, he or she will be sent to juvenile court. If a person is over the age of 17 when arrested, he or she will be processed as an adult in criminal court. However, if someone under the age of 17 commits certain crimes, he or she may be prosecuted as an adult in criminal court, rather than in juvenile court: *705 ILCS 405/5-130*

- If the person is at least 13 and the judge decides it is not in the juvenile's best interest or the public's best interest to try to the case in juvenile court;
- If the person is at least 13 and the juvenile and his/her lawyer consent to prosecution in the criminal court;
- If the person was at least 15, committed a felony, and has a previous record;
- If the person is 15 years or older, and is charged with first degree murder, aggravated criminal sexual assault, with aggravated battery with a firearm and personally discharged the firearm, or with aggravated vehicular hijacking with a firearm;
- If the person is 15 years or older and is charged with possessing a weapon in school or on school grounds;
- If a person is 13 years or older and is charged with first degree murder committed during the course of aggravated criminal sexual assault, criminal assault, or aggravated kidnapping; or

- If a person is a minor, or under 21 years old, and is charged with violating bail bond or escapes from or fails to report to jail.

WHAT HAPPENS WHEN A JUVENILE IS ARRESTED IN COOK COUNTY?¹

Two things can happen when a juvenile is arrested:

- The juvenile may receive a station adjustment or be referred to Juvenile Court
 - If a youth receives a station adjustment, the police will make a record of the arrest and release the juvenile into the custody of his or her parent/guardian. Illinois law limits the number of station adjustments a juvenile can receive up to 9 station adjustments as a minor.
 - If a youth is referred to juvenile court, the youth officer will call the Juvenile Temporary Detention Center to determine if the youth will be held in detention. This decision is made based on the seriousness of the offense and the person's history of delinquency.
 - If the youth is held in detention, he or she may stay at the detention center until his or her court date. However, within 40 hours of the youth's arrest (excluding weekends and court holidays), there must be a detention hearing where the judge will decide if the youth should remain in the detention center until his or her trial.

At trial, the state must prove beyond a reasonable doubt the minor is a delinquent. The state must do so by calling witnesses. While the minor can call witnesses to rebut the state's case, he or she is not required to call witnesses.

- The Sentencing Hearing
 - If the minor is found guilty, a sentencing hearing will occur. The judge will evaluate a report that will include information about the minor including his or her attitude, criminal history, drug use, home life, and school attendance and performance.
 - The minor can offer reasons why his or her sentence should be mitigated such as school performance, participation in extracurriculars, or a job.
 - The judge has 3 options for sentencing a juvenile that has been found delinquent:
 - Place the juvenile on probation, with specific conditions;
 - Order the person to serve up to 30 days in the Juvenile Temporary Detention Center (this can be a condition of the probation), or
 - Commit the person to the Department of Corrections for an indefinite amount of time up to when he or she turns 21.
- Transfers
 - Again, a juvenile may be transferred to adult criminal court automatically, based on his or her crime.

¹ For more information visit http://www.co.cook.il.us/Agencies/ccpd_juve.htm

HOW DO I KNOW IF THERE IS AN ARREST WARRANT AGAINST ME?

In Cook County, for cases involving a failure to appear in court or bond forfeiture in an ongoing case, you may check the court's system in the clerk's office at the Daley Center (Room 1006) and at 26th and California. The clerks in the offices will also be able to look up this information. For general arrest warrants issued before the court process has started, notice of the warrant is mailed to the individuals address. If you are unsure if there is a warrant, you must present yourself (with identification) to the police department. Outside of Cook County, contact the court clerk for more information.

EXPUNGING (ERASING) YOUR RECORD

WHAT DOES EXPUNGING MY RECORD MEAN?

Expunging a record means destroying it – the criminal record no longer exists. The Circuit Court will “obliterate” the person's name from its records.

WHAT DOES SEALING MY RECORD MEAN?

Sealing a record closes it to the public. The public, including potential employers, will not only be restricted from accessing the record, they will not know it exists. However, law enforcement will still have access to your records.

DO I QUALIFY FOR AN EXPUNGEMENT?

Many misdemeanor, non-violent convictions can eventually be sealed. Possession of a controlled substance and prostitution are two types of Class 4 felony convictions that can be sealed but only 4 years after the sentence is completed. Most felony convictions CANNOT be expunged or sealed. Many people who have never actually been convicted can have their arrest records expunged or sealed. For more information in Chicago, visit the Cabrini Green Legal Aid Clinic's Expungement Help Desk in Room 1006 of the Daley Center at 55 W. Randolph Street in Chicago. Outside of Chicago, see the Office of the Appellate Defender's website at <http://www.state.il.us/defender/filing.html> for an application.

WHAT INFORMATION IS REQUIRED FOR THE EXPUNGEMENT PROCESS?

- Your full criminal history.
- The titles and addresses to the legal entities involved in your arrest and your subsequent case.
- Your SID number, which was likely assigned to you when you were fingerprinted.
- There is a filing fee payment for getting your record expunged that is usually around \$60.
- A drug test taken within 30 days before you file your petition is required for Class 4 felony drug convictions.

FIRST OFFENDER PROBATION

IF I AM ARRESTED FOR PROSTITUTION, WOULD I QUALIFY FOR FIRST OFFENDER PROBATION?

It depends. First Offender Probation (*720 ILCS 5/11-14.2*) allows judges to offer probation with rehabilitation for first time felony prostitution offenders. Upon successful completion of 24 months of probation and its terms, the case will be dismissed and the offender will avoid a criminal record. Services can include:

- Housing assistance;
- Trauma and substance abuse counseling; and
- Job training.

No one with a prior felony prostitution conviction will be eligible, and it is only available once. First Offender Probation is also available for first time, low level felony drug offences.

RIGHT TO CONTRACT

CAN A MINOR ENTER INTO A CONTRACT?

Yes, a minor may enter into a contract.

CAN A MINOR VOID (OR CANCEL) A CONTRACT?

A minor's contract is voidable (can be cancelled) at the minor's option. A minor can void a contract in two ways. The minor can either file a lawsuit to void the contract or, if the minor is being sued, he/she can raise his or her minority status as a defense. A minor can void a contract until he or she reaches 18 years of age. **However**, if the contract is for a "necessary" item, including food, then contract **cannot** be voided. If a minor decides to void a contract, he/she may have to pay for whatever benefit the minor received or the minor may have to return the goods received under the contract.

CAN A MINOR SIGN A LEASE?

Yes. A lease is a contract. The lease is valid but can be voided by the minor. Many landlords may refuse to rent to a minor without a co-signer because a minor can later void the lease.

IMMIGRATION

WHO SHOULD I CONTACT IF I HAVE AN IMMIGRATION ISSUE?

Immigration issues are often serious and complex. If you have an immigration problem, you should consult a lawyer who specializes in that area of law. **For more information, visit www.illinoislegalaid.org or contact the National Immigrant Justice Center at (312) 660-1370.**

DOMESTIC ISSUES

EMANCIPATION OF MINORS

WHAT IS EMANCIPATION?

Emancipation is a legal term to describe a child's release from the custody and control of his or her parents or guardian. Emancipation occurs by law at 18, but a Special Emancipation Order can be issued for minors between ages 16 and 18 because of the Emancipation of Mature Minors Act. It allows a minor to make decisions that normally would require the consent of a parent or guardian.

WHO CAN BECOME EMANCIPATED?

16 and 17 year olds who can prove he can manage his own affairs, and has already lived wholly or partially independent from his parent/guardian. A minor's parent/guardian must not object to the emancipation. A court can grant emancipation if it is in the best interest of the minor. *750 ILCS 30/1 et seq.*

CAN A HOMELESS YOUTH BECOME EMANCIPATED?

Yes, under the Act, a homeless minor can become partially emancipated and independently consent to housing and shelter without permission of their parent or guardian. Partial emancipation can be granted even without parental consent if the minor is homeless and cannot be reunified with their parents through a Comprehensive Community Based Youth Service Agency. There must be a bed available in a licensed Youth Transitional Housing Program and the minor must be able to gain access to the program through intake-screening. A minor cannot be emancipated if he/she is under the guardianship of the DCFS. *750 ILCS 30/1 et seq.*

WHERE CAN A YOUTH FIND INFORMATION ON THE EMANCIPATION PROCESS?

For more information on Emancipation or Partial Emancipation contact the **Law Project of the Chicago Coalition for the Homeless at 1-800-940-1119.**

MARRIAGE

CAN A MINOR GET MARRIED?

A minor can get married in certain situations. A minor age 16 or 17 can get married if he or she has one of the following:

- consent from both parents (in some **circumstances** one parent's consent is enough);
- consent from a guardian; or
- judicial approval. *750 ILCS 5/203*

The Cook County Clerk's website on what is needed to get married:

http://www.cookctyclerk.com/sub/marriage_licenses.asp

CURFEW

IS THERE A CURFEW LAW IN ILLINOIS?

It is unlawful for a person under 17 to be present upon any public building, place, street, or highway at the following times unless accompanied and supervised by a parent, legal guardian, or responsible companion at least 18 years of age that was approved by the parent /guardian. If the minor works for a business or occupation which the laws of this state authorize a person less than 17 years of age to work, the curfew laws do not apply.

- Between 12:01 a.m. and 6:00 a.m. Saturday
- Between 12:01 a.m. and 6:00 a.m. Sunday
- Between 11:00 p.m. and 6:00 a.m. on other days of the week.

Many cities and towns have their own curfew law. In Chicago, curfew applies from 10:30 p.m. to 6 a.m. Sunday through Thursday and 11:30 p.m. to 6 a.m. on Friday and Saturday. Be sure to check your community's curfew law.

CHILD SUPPORT

For information on petitioning for child support payments please contact the Illinois Child Support Enforcement Office at 1-877-895-9094. For more information please visit their website at <http://www.ilchildsupport.com/>. For legal information about child support, please visit www.illinoislegalaid.org.

DOMESTIC VIOLENCE

WHAT IS DOMESTIC VIOLENCE?

Domestic violence occurs when one member of a family, household, dating or intimate relationship tries to control another through inappropriate means, such as physical, emotional or verbal abuse.

WHAT CAN I DO IF I AM A VICTIM OF DOMESTIC VIOLENCE?

If you are a victim of domestic violence, you can file for an **Order of Protection**. An Order of Protection is a court order designed to protect a victim of domestic violence from the perpetrator. You can file for an Order of Protection **with or without pressing charges** against the perpetrator. A minor can file for an Order of Protection as long as an adult files on their behalf. For more information, contact the Cook County Clerk of the Circuit Court Domestic Violence Program at (312) 325-9467 or (312) 325-9468.

Victims can also seek support and assistance with residential shelters, counseling, support groups, job training, and child care through various advocacy organizations.

RESOURCES:

- **City of Chicago Domestic Violence Helpline 1-877-863-6338**
- **Domestic Violence Legal Clinic (312) 325-9155**
- **Life Span (312) 408-1210 or (847) 824-4454**
- **Metropolitan Family Services (773) 884-2235**

EMPLOYMENT

MINIMUM WAGE IN ILLINOIS

HOW MUCH AM I ENTITLED TO BE PAID AT MY JOB?

The Illinois minimum wage is \$7.75 per hour as of July 1, 2008, \$8.00 per hour as of July 1, 2009, and \$8.25 per hour as of July 1, 2010.

WHAT IF MY JOB REQUIRES ME TO GO THROUGH SOME TRAINING BEFORE I BEGIN MY ACTUAL EMPLOYMENT?

Employers may pay a reduced wage rate of up to 50 cents less than minimum wage, for employees age 18 and over for the first 90 days of employment. This reduced training wage does not apply to day or temporary laborers 18 years of age and older or to employees who are 18 years of age and older and whose employment is occasional or irregular and is for a duration of less than 90 days.

ARE THERE ANY PEOPLE THAT ARE NOT ELIGIBLE TO BE PAID UNDER THE ILLINOIS MINIMUM WAGE LAW?

Exempted from coverage under Illinois minimum wage law are (1) employers with fewer than four full-time employees, (2) many agricultural laborers, (3) domestic workers, (4) outside salespersons, (5) members of religious corporations or organizations, (6) students employed at an accredited college or university by the institution and covered by the federal wage law and (7) some camp counselors.

EARNED INCOME TAX CREDIT

WHAT IS EARNED INCOME TAX CREDIT?

Earned Income Tax Credit (EIC) is a refundable tax credit available to working persons with low to moderate incomes. Eligible persons may receive money back,

even if they don't owe taxes, but they must file a tax return and document their income to qualify.

Earned Income includes: wages, salaries, tips, union strike benefits, long-term disability benefits received prior to retirement, net earnings from self-employed income, and gross income received as a statutory employee.

Earned Income does not include: unemployment benefits, social security benefits, welfare benefits, veteran's benefits, alimony, child support, or money received by inmates for work performed at a penal institution.

CAN YOU RECEIVE EIC IF YOU ARE HOMELESS?

You can claim EIC if you meet all other eligibility requirements, even if you are not stably housed. You may use the address of a shelter or another facility to receive your refund and other tax documents.

DISCRIMINATION

WHAT DO I DO IF I AM DISCRIMINATED AGAINST?

There are many federal, state and local laws that prohibit discrimination in employment, housing and public accommodations, including, in some instances, schools. The Cook County Human Rights Ordinance prohibits discrimination on the basis of "housing status." Other state, federal, and local laws prohibit discrimination based on race, sex, disability, age, sexual orientation, gender identity, religion, marital status, family or parental status, national origin, etc. If you believe that you have been discriminated against, you should seek legal assistance.

Visit www.illinoislegalaid.org for more information.

IDENTIFICATION

State ID Card

HOW OLD DO I HAVE TO BE TO GET A STATE ID?

There is no age restriction to get an Illinois State ID Card. The fee is \$20, but can be waived for a disabled person. The ID Card is valid for 5 years.

HOW DO I GET A STATE ID CARD?

If you are applying for a State ID Card for the first time, you will need to present original documents showing:

- your written signature,

- proof of your date of birth,
- social security number, and
- proof of residency.

For a list of acceptable documents, see

www.sos.state.il.us/departments/drivers_license/acceptable_id.html. Once you have the proper documentation, you can go to any driver services facility in Illinois to get your ID. A list of locations can be found at www.cyberdriveillinois.com/departments/drivers/facilities/home.html.

Birth Certificate

HOW CAN I GET A COPY OF MY BIRTH CERTIFICATE?

If you are 18 years or older, you can request your birth certificate from Cook County Vital Records (if you were born in Cook County) or from the Illinois Vital Records. The cost is \$15. You must have a valid State ID or US Passport.

There are 3 ways you can request a copy of your birth certificate:

- Order it online at www.idph.state.il.us/vitalrecords/birth.html;
- Send the application by mail to Cook County Clerk, Bureau of Vital Records (118 North Clark St. Chicago, IL 60602) or Illinois Department of Public Health, Vital Records (605 W. Jefferson St., Springfield, IL 62702-5097) along with a copy of a valid State ID or Passport;
- Request it in person at the Cook County Bureau of Vital Records located at 118 North Clark Street (lower level) Chicago, IL.

For more information, visit

http://www.cookctyclerk.com/sub/vital_records.asp.

WHAT IF I AM A MINOR?

If you are under 18 years old, a parent or guardian must request a copy of your birth certificate.

WHAT IF I WAS BORN OUT OF STATE?

If you were born in another state, you can contact the state office of vital records to find out how you can request a copy of your birth certificate.

WHAT IF I DON'T HAVE A VALID STATE ID?

If you do not have a valid Passport or State ID, an attorney or legal representative can request a copy of your birth certificate on your behalf.

CAN I CHANGE MY GENDER ON MY BIRTH CERTIFICATE?

You must have gone through complete gender reassignment surgery to change your gender on your birth certificate. You will be required to file an “Affidavit for a New Birth Certificate After Completion of Gender Reassignment Surgery” and the physician who performed the surgery will also have to fill out an affidavit. To

change your name along with your gender, you will also need a name change court order.

For more information, visit www.idph.state.il.us/vitalrecords/pdf/genderreassign.pdf.

Social Security Card

HOW CAN I GET A REPLACEMENT SOCIAL SECURITY CARD?

You can apply for a replacement Social Security Card by mailing in the application and required documents or applying in person at your nearest Social Security office. To locate the office nearest you, call 1-800-772-1213 or visit www.socialsecurity.gov.

If you are applying for a replacement card, you must prove your **identity**. Documents submitted to establish identity must show:

- your legal name; AND
- provide biographical information (your date of birth, age, or parent's name); AND/OR
- Provide physical information (photograph or description).

Identity documents must be of recent issuance. Some examples of documents showing identity include:

- US driver's license or state issued ID card
- US Passport
- US military ID card
- Employee ID card
- Medical records
- School ID card
- School record maintained by school

HOW MUCH DOES A SOCIAL SECURITY CARD COST?

There is no fee for getting or replacing a social security card. However, after 3 replacements within a year there may be a fee charged.

HOUSING

RENTAL HOUSING

WHAT MUST A LANDLORD DO TO HAVE A TENANT EVICTED?

First, the landlord must file a lawsuit (called an "eviction action" or a "forcible action") against the tenant. The landlord must win this lawsuit in order to evict

the tenant. **The landlord must provide the tenant with notice before filing an eviction action or the lawsuit can be dismissed.**

HOW WILL I KNOW IF I'M BEING EVICTED?

If your landlord has filed an eviction action against you, you will receive a court document called a "summons," which states when and where you must appear for trial.

WHAT IS A LEASE?

Every tenant has a written lease or an oral (unwritten) lease. The lease sets out the terms of your agreement with the landlord and states how long your tenancy will last. Your landlord cannot terminate this tenancy early unless you violate a provision of the lease. Don't sign a written lease that has provisions you don't like. Once you sign the lease you are bound by all its provisions, unless the provisions are illegal.

WHAT IS A LOCKOUT?

A lockout is an attempt to force you out of your apartment by changing /plugging the locks on doors, blocking entrance to your apartment, removing one of your apartment doors or windows, shutting off any of your utility services, or removing your personal property from the apartment.

WHAT DO I DO IF MY LANDLORD LOCKS ME OUT?

Lockouts are against the law, and your landlord can be arrested and fined for locking you out of your apartment, unless you have abandoned the apartment. Call the police if your landlord locks you out. In Chicago, tell the police Special Order #93-12 states that they must investigate lockouts!

WHAT IS A SECURITY DEPOSIT?

Landlords can require tenants to make security deposits, a set amount of money paid before moving in, to ensure that tenants pay their rent and do not damage the rented property. If you need help in getting the money to pay the security deposit, you may be eligible for funds through the Homelessness Prevention Fund. In Chicago, call 311 and ask to apply for homelessness prevention funds.

WHAT HAPPENS TO THE SECURITY DEPOSIT?

When a lease ends, the tenant is entitled to the return of the security deposit minus unpaid rent and the cost of repair for any damages to the rented property.

HOW DO I GET MY SECURITY DEPOSIT BACK?

The security deposit should be returned within 45 days after you move out. Your landlord must notify you within 30 days after you move out if he/she is going to keep all or part of your security deposit to pay for the cost of repairs. Your landlord cannot charge you for the costs of ordinary wear and tear.

TIPS TO GET YOUR SECURITY DEPOSIT BACK:

- Thoroughly clean the apartment before moving out;
- repair any damages you caused, and take pictures of the apartment to verify its condition;
- ask the landlord to walk through the apartment with you just before you move out and to sign a statement verifying its condition;
- and finally, remember to leave your landlord an address to mail your security deposit.

RESOURCES

- Check out the Metropolitan Tenants Organization website at www.tenants-rights.org or contact the following legal resources:
 - Legal Assistance Foundation of Metropolitan Chicago
 - Phone: (312) 341-1070
 - Website: <http://www.lafchicago.org/>
 - Cabrini Green Legal Aid Clinic
 - Phone: (312) 266-1345
 - Website: www.cgla.net
 - Illinois Legal Aid
 - Website: <http://www.illinoislegalaid.org/>
 - Chicago-Kent College of Law Advice Desk for Unrepresented Tenants and Small Claims Defendants
 - Phone: (312) 906-5050
 - Chicago Legal Clinic
 - Phone: (773) 731-1762
 - Email: info@clclaw.org
 - Website: <http://www/clclaw.org>
 - Chicago Volunteer Legal Services
 - Phone: (312) 332-1624
 - Website: <http://www.cvlvs.org/>
 - John Marshall Law School Fair Housing Legal Clinic
 - Phone: (312) 786-2267
 - Email: 7seng@jmls.edu
 - Website: www.jmls.edu
 - Lawyers Committee for Better Housing, Inc.
 - Phone: (312) 347-7600
 - Email: info@lcbh.org
 - Website: <http://www.lcbh.org/>

SHELTER/RESOURCES/SERVICES FOR HOMELESS YOUTH

NATIONAL RUNAWAY SWITCHBOARD

CALL ANYTIME AT 1-800-RUNAWAY (1-800-786-2929)

The National Runaway Switchboard is a hotline to help at-risk runaway youth and their families get help in the community. The hotline is available 24 hours a day, everyday. Calls are free and confidential.

According to the National Runaway Switchboard, problems with family (drugs/alcohol, pregnancy, sexual identity), friends, youth services (such as caseworkers), school, and other issues like abuse, depression or other mental health issues can lead youths to runaway from home. Many youths need help finding shelter, food, medical assistance, and someone to talk to. It is estimated that 1 out of 7 youths run away before the age of 18.

The switchboard can refer you to appropriate local shelters and resources. It can also initiate three way conference calls between you and a parent/ guardian to open up the lines of communication. However, the switchboard will not call a your parent/guardian unless it is specifically asked to. If you feel you are not ready to talk to their parent, you can leave messages for your parent/guardian, who then has the opportunity to leave a message of their own for you.

Running away is a huge decision and should not be taken lightly. The runaway youth should always ask themselves:

- Is there is anything to make the situation better before I leave home?
- Will I be safe and survive on the streets?
- What other options do I have?
- What needs to change for me to stay home?

GREYHOUND RIDE FREE PROGRAM

Greyhound Lines provides free one-way transportation anywhere in the continental U.S. (except Alaska) for a runaway child who is returning home. The program is in conjunction with the National Runaway Switchboard. You must meet the following criteria to qualify for the program:

- the runaway must be between 12 and 21;
- you must contact National Runaway Switchboard for travel assistance;
- you must be confirmed a runaway by the police or an officer of the court;
- you must be returning home voluntarily;
- if you are between the age of 12 and 14 you will be required to travel with a parent/guardian, and round trip tickets will be provided free of charge for the parent/guardian;

- and if you are between the age of 15 and 17 you may travel with a parent when feasible and roundtrip costs will be free of charge for the parent guardian.

For more information call the National Runaway Switchboard at 1-800-RUNAWAY (1-800-786-2929).

DHS SERVICES FOR YOUTH

The Illinois Department of Human Services (DHS) has programs to support homeless youth, though there is not enough money for these programs to serve all the needs of youth on the streets. Below are descriptions of some of the programs.

- **Release Upon Request**
 - This program serves youth age 12-17 who have been ordered to be released from Cook County Temporary Juvenile Detention Center, but are still there because a parent or guardian has not accepted custody.
 - The goal of the program is to remove the youth from detention within 24 hours of referral from a juvenile court judge, and reunify the youth with his or her family.
 - If reunification is not possible immediately, the youth may be placed in a group home or foster care for up to 21 days (but he or she is still in the legal custody of the parent/guardian). The program is only available in Cook County.
- **Communities for Youth**
 - This program serves youth age 10-17 who engage in risk-taking behavior, like gang involvement, violent activities, or drugs. Qualified youth are those who were arrested, but not referred to court. The program offers tutoring, mentoring and after school programs to those involved.
 - DHS has begun to implement programs to decrease the amount of youth entering the court system. Some examples of alternative programs include teen courts, mediation, counseling, and therapy.
- **Comprehensive Community Based Youth Services**
 - The Comprehensive Community Based Youth Services (CCBYS) is for youth ages 10-17 who are at risk of being in the child welfare or the juvenile justice system. The goal is family preservation, reunification, or independence. The target population is youth who are absent from their homes without parental consent or beyond the control of parents in circumstances which constitute a substantial or immediate danger to the youth's safety. The CCBYS offers services to homeless youth including emergency/interim housing, case management and more.
 - A youth can access CCBYS in two ways:
 - By going to the police to access services, or
 - Contacting the CCBYS directly.

- CCBYS serve different areas. A youth access area is the CCBYS that serves the area where their parent or guardian lives.
 - The Illinois Department of Health and Family Services maintains a list of CCBYS providers by state region. To locate a provider in your region, visit <http://www.dhs.state.il.us/page.aspx?item=37263> .
- **Homeless Youth Program**
 - The Homeless Youth Program helps those youth who are age 20 and younger that cannot return home; these are youth who do not have housing and need to develop the skills necessary to live independently.
 - The program meets the immediate survival needs of homeless youth by providing food, clothing, and shelter. It also provides transitional services that to develop the youths' ability support themselves, including education, employment services, subsidized housing, and drop-in centers.
- **Some youth shelters in Chicago:**
 - Teen Living Program – (773) 548-4443
 - Neon Street Youth Center- (773) 271-6366
 - New Moms - (773) 252-3253
 - Open Door Youth Shelter - (773) 296-6500
 - La Casa Norte/Solid Ground - (773) 276-4900
 - UNITY Parenting - (312) 455-0007
- **Youth Build**
 - This program enrolls youth and young adults from age 16-24 who have dropped out of school, are unemployed, and have limited job skills. The goal of the program is to increase and develop the work and academic skills of youth in this age range. The program lasts for one year.

For more information for any of these programs call the Futures for Kids Help me Grow Hotline 1-800-323-GROW.