

August 2020

State-Tribal Relations Committee
Hope Stockwell

FINAL REPORT TO THE 67TH MONTANA LEGISLATURE

RUNAWAY YOUTH: BREAKING THE CYCLE

2019-2020

STATE-TRIBAL RELATIONS COMMITTEE MEMBERS

Before the close of each legislative session, the House and Senate leadership appoint lawmakers to interim committees. The members of the State-Tribal Relations Committee, like most other interim committees, serve one 20-month term. Members who are reelected to the Legislature, subject to overall term limits and if appointed, may serve again on an interim committee. This information is included in order to comply with 2-15-155, MCA.

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**This report is a summary of the work of the State-Tribal Relations
Committee (STRC),**

specific to the committee's 2019-2020 study of runaway youth as outlined in the STRC's work plan. Members received additional information and public testimony on the subject, and this report is an effort to highlight key information and the processes followed by the STRC in reaching its conclusions. To review additional information, including audio minutes, and exhibits, visit the committee website: <http://leg.mt.gov/tribal>.

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INTRODUCTION

In the 2017-2018 interim, as a result of its discussions about missing persons, the State-Tribal Relations Committee (STRC) proposed a study of options to break the cycle of youth who run away from home. The study resolution, [Senate Joint Resolution 2](#) (2019), was approved by the Senate but tabled in the House Human Services Committee. In August 2019, the STRC declined to conduct the whole study but wanted more information about why youth run away multiple times.

REASONS THEY RUN

In March 2020, Jordann Lankford-Forster, immersion and Indian Education for All facilitator at the Paris Gibson Education Center in Great Falls, told the STRC that kids who run away multiple times are running from something at home. They want to feel better, but they don't know how to do so other than to escape and feel better at that moment. However, she says, the ability to predict consequences is one of the last things to develop and so youth return home when they run out of resources.

The Montana Department of Justice (DOJ) reported in 2017 that 68 youth were reported missing three or more times that year, with one youth reported missing 18 times that year. Of those youth, 28 percent were American Indian and 22 percent were in foster care some or all of the times they were reported missing.

A different set of DOJ data found that of the 150 people listed as missing in the department's database on June 8, 2020, 37 percent were under 21 years of age. Of those, 88 percent were flagged as runaways, and 55 percent were reported missing at least once before. Of the 49 persons flagged as runaways, law enforcement indicated seven may be suicidal, 20 may have a history with alcohol or drugs, and nine were violent or aggressive.

A new question planned for the 2021 Youth Risk Behavior Survey (YRBS), administered to middle and high school students by the Office of Public Instruction every 2 years, could provide more insight into the lives of runaways. While the YRBS already asked about homelessness, the new question asks if students slept away from their parents or guardians because they were kicked out, ran away, or were abandoned. When combined with responses to other questions, the results may identify concurrent behaviors and experiences that shed light on resources and services needed to help address some of the root causes contributing to the disruption in these students' lives.

LEGISLATIVE PROPOSALS

In May 2020, at the suggestion of Heather Denny, homeless education coordinator for the Montana Office of Public Instruction, the STRC investigated legislative options to allow runaway youth to stay at homeless shelters without parental consent and to allow them to graduate without meeting a school district's individual credit requirement if they meet the credit requirement established by the Montana Board of Public Education.

Consenting to shelter

Other states have two primary approaches to homeless unaccompanied youth seeking shelter: (1) allowing minors to consent to receiving shelter without parental permission under certain circumstances, or (2) allowing minors to enter contracts for housing (renting/leasing).

A [comparison of other state statutes](#) conducted in April 2020 for the STRC found that six states allow youth to consent on their own to receiving shelter.¹ California has a minimum age of 12; Utah, 15; and Texas, 16. Hawaii, Indiana, and Maryland don't have a minimum age.

Patricia Julianelle, director of program advancement and legal affairs for SchoolHouse Connection, told the STRC in May 2020 that states are trending toward not requiring a minimum age because as soon as one is established a younger minor needs shelter.

Each law talks about what attempt must be made to notify the minor's parents, as well as other conditions that must be met in determining whether the minor can consent to receiving shelter. Each state includes some specifications on what type of provider or facility may provide the shelter. Three states limit provider liability.

Wyoming, Oregon, and Missouri take the [second approach](#): allowing minors to enter contracts for certain services, including housing. Oregon limits its statute to housing and utilities. Wyoming and Missouri include housing and a broader list of services.

Wyoming went this route because it has few shelters available to youth. Instead, Wyoming pays to help homeless youth stay in hotels or other locations. The state also has a program that houses youth in host homes.² Stacey Strasser, who helped develop Wyoming's statute while co-chair of the Unaccompanied Student Initiative in Cheyenne, told the STRC in June 2020 that Wyoming helped 21 youth graduate by stabilizing their housing.

¹ Minnesota became the seventh state in August 2020.

² Stacey Strasser, phone call, May 14, 2020.

BREAKING THE CYCLE

While Montana law doesn't currently seem to prohibit minors from entering rental and lease agreements for housing, minors are able to more easily void a contract unless it is considered a contract for something "necessary to support the minor or the minor's family."³

At its June 2020 meeting, the STRC approved a 30-day public comment period for two bill drafts that address both concepts. [PD0014](#) clarifies that minors may not disaffirm contracts for housing. [PD0006](#), modeled after statutes in Hawaii and Maryland, allows minors to consent to no-cost emergency shelter.

Graduation requirements

In Montana, some school districts have higher credit requirements for graduation than the minimum 20 credits established by the Board of Public Education (BPE). Although those districts may allow students to graduate without meeting the higher standard, it isn't common.

Two years ago, Jefferson High School began issuing diplomas to students at the Youth Dynamics Alternative Youth Adventures (AYA) program in Boulder if they met the BPE credit requirement. Tim Norbeck, school superintendent, says the district wanted to boost the students' odds for postsecondary success and improve the district's dropout rate.⁴

Norbeck and others talked with the STRC in June 2020 about how youth involved in the juvenile justice system or foster care or experiencing a mental health crisis have educational disruptions that can contribute to their dropping out of school.

Sparrow's Nest in Kalispell, a facility that houses unaccompanied high school students, requires that its residents enroll in an academic program to live in the facility. Executive Director Rachelle Morehead told the STRC some youth are so far behind in school that they decide not to stay at Sparrow's Nest because they don't want to set themselves up for failure.⁵

At the June 2020 meeting, the STRC approved a 30-day public comment period for a bill draft ([PD0007HS](#)) that requires school districts to issue diplomas to students who have experienced an educational disruption due to homelessness, involvement in the child welfare or juvenile justice system, or a medical or mental health crisis if they meet the BPE minimum credit requirement for graduation. The draft also allows students younger than age 19 to continue to attend the district's career training and postsecondary credit courses to advance their postsecondary success.

³ 41-1-305, MCA.

⁴ Tim Norbeck, phone call, May 18, 2020.

⁵ Testimony, June 25, 2020.

CONCLUSION

At its August 2020 meeting, the STRC reviewed and adopted all three bills as committee legislation for the 2021 session. They include:

- [PD0014](#), (assigned as [LC 294](#), 2021) which clarifies that minors may not disaffirm contracts for housing.
- [PD0006](#), (assigned as [LC 292](#), 2021) which allows minors to consent to no-cost emergency shelter and related services.
- [PD0007HS](#), (assigned as [LC 293](#), 2021) which requires school districts to issue diplomas to students who have experienced an educational disruption due to homelessness, involvement in the child welfare or juvenile justice system, or a medical or mental health crisis if they meet the Board of Public Education's minimum credit requirement for graduation. The bill also allows students younger than age 19 to continue to attend the district's career training and postsecondary credit courses to advance their postsecondary success.