



**MID-MINNESOTA LEGAL AID
MINNEAPOLIS**

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To: Regional Navigators and Service Providers
From: Sarah Barger, Staff Attorney for the Youth Law Project at Mid-Minnesota Legal Aid
Re: Legal Tip: Can Youth Consent to Homeless Youth Services?
Date: January 17, 2024

I. Minnesota law provides for the establishment of programs serving youth at risk of, or experiencing, homelessness.

Minnesota law has established a grant to fund programs for those who are committed to serving homeless youth and youth at risk of homelessness. ([Minn. Stat. § 256k.45](#) (2023)) This law is known as the Homeless Youth Act (HYA). The programs included in this Act provide services such as: community outreach, drop-in programs, emergency shelters, and supportive or transitional housing. (Minn. Stat. § 256.45 Subd. 1)

The HYA defines a “*homeless youth*” as someone “*24 years of age or younger who is unaccompanied by a parent or guardian and is without shelter where appropriate care and supervision are available, whose parent or legal guardian is unable or unwilling to provide shelter and care, or who lacks a fixed, regular, and adequate nighttime residence.*” (Minn. Stat. § 256.45 Subd. 1a(c))

In other words, a homeless youth is someone 24 or under who is not with their parent or guardian and whose parent or guardian is either unable or unwilling to provide shelter and care. Youth may also be considered homeless if they are not sleeping in the same place every night or if the place they are sleeping is not considered acceptable. Examples of this include couch-hopping, sleeping in parks, or sleeping at shelters or transitional housing facilities.

The HYA defines “*youth at risk of homelessness*” as someone “*24 years of age or younger whose status or circumstances indicate a significant danger of experiencing homelessness in the near future.*” (Minn. Stat. § 256.45 Subd. 1a(d)) The Act further defines examples of status or circumstances that indicate danger of homelessness as: “*(1) youth exiting out-of-home placements; (2) youth who previously were homeless; (3) youth whose parents or primary caregivers are or were previously homeless; (4) youth who are exposed to abuse and neglect in their homes; (5) youth who experience conflict with parents due to substance use disorder, mental health disability, or other disability; and (6) runaways.*” (Minn. Stat. § 256.45 Subd. 1a(d)) “*Runaway*” is defined as “*an unmarried child under the age of 18 who is absent from the*

home of a parent or guardian or other lawful placement without the consent of the parent, guardian, or legal custodian.” (Minn. Stat. § 256.45 Subd. 1a(e))

This means a youth may be considered at risk of homelessness if they are leaving an out-of-home placement program, they were homeless before, their parents or guardians are or were homeless, the youth is experiencing or witnessing abuse or neglect in their home, the youth is experiencing problems in the home due to a parent or guardian’s substance abuse, mental illness, or disability, or if the youth is a runaway. A minor may be considered a runaway if they have left the home without the consent of their parent or guardian.

II. Minors living separately from their parents may consent to receive homeless services and sexually exploited youth services.

In order to access services without parental consent, minors must be living separately from their parents. According to Minnesota law, *“a minor living separately from the minor’s parent or legal guardian may give consent to receive homeless youth services for sexually exploited youth.”* ([Minn. Stat. § 256k.451](#) (2020)) In short, a minor who is not currently living with their parent or guardian can consent to homeless youth services and sexually exploited youth services.

Although youth can consent to services while living separately from their parent or guardian, *“a minor’s consent to receive services does not affect a parent or legal guardian’s custody of the minor.”* (Minn. Stat. § 256k.451) This means a parent or guardian does not lose custody of a youth while they are receiving services and custody over the youth is not affected in any way. As mentioned previously, a minor who has left their parent or guardian’s home without the consent of the parent or guardian is considered a runaway under Minnesota law. (Minn. Stat. § 256k.45 Subd. 1(e)) However, while a youth may be considered a runaway, this does not prevent them from consenting to, and receiving, homeless youth services or sexually exploited youth services.

Neither the Homeless Youth Act (Minn. Stat. § 256k.45) or Minn. Stat. § 256k.451 specify the length of time a youth must be away from home in order to consent to homeless or sexually exploited youth services. This absence of language lends itself to be interpreted that **any** length of time away from a youth’s home is sufficient for the youth to be able to consent to services. If a youth is away from home, they are considered at risk of homelessness or already homeless. This status as homeless youth or youth at risk of homelessness allows the minor to consent to services. Even if a youth has been away from their home for a few hours, whether from being kicked out, running away, or other qualifying circumstances (as outlined in Section I), they are able to consent to services due to being either homeless or at risk of homelessness. There is no time limitation in place; a youth living away from home is able to consent to homeless services regardless of how long the youth has been gone.

In conclusion, youth living separately from their parents or guardians can consent to, and receive, homeless youth services under Minnesota law. Even if a youth is a runaway, they can still consent to receive these services. It does not matter how long a youth has been away from home; they are able to consent to homeless services without their parent or guardian’s permission.

III. While homeless minors may consent to receive homeless services, parents and guardians of runaways must be notified of the runaways location unless compelling reasons exist to not disclose the location of the runaway.

According to Chapter 260C. of the Juvenile Safety and Placement provisions, emergency shelters “*must attempt to notify a runaway’s parent or legal guardian of the runaway’s location and status within 72 hours.*” (Minn. Stat. § 260C.177 (2023)) In addition, the notification to parents “*must include a description of the runaway’s physical and emotional condition and the circumstances surrounding the runaway’s admission to the emergency shelter.*” (Ibid.)

While runaways are able to consent to homeless services, emergency shelters are required to notify the parent(s) or legal guardian(s) of a runaway’s location and provide the parent or legal guardian with a description of both the physical and emotional condition of the runaway as well as explain the circumstances surrounding the youth’s admission to the shelter. This notification must be completed within 72 hours of the youth’s admission to the shelter. While there is a notification requirement, this requirement does not equate to needing parental consent in order for the youth to receive services. As discussed previously, youth experiencing homelessness or youth at risk of homelessness can consent to homeless services. Runaways are also able to consent to receive homeless services and services for sexually exploited youth. Even if the parents of a runaway are notified of the runaway’s location and description, the consent of the runaway’s parents is not needed for the runaway to keep receiving homeless and sexually exploited youth services. Runaways can consent to receive services even in the event their parent or legal guardian is notified of their location at an emergency shelter. The notification does not prevent the youth from consenting to receive services nor does the notification require a parent or legal guardian to consent to the services received on the youth’s behalf. Parental notification does not prevent a runaway youth from consenting to receive homeless services or continuing to consent to receive services after notification has been delivered.

Moreover, the requirement to notify is not absolute. An emergency shelter may forgo notifying a runaway’s parent or legal guardian if “*there are compelling reasons not to provide a parent or legal guardian*” with the description and location of the runaway youth. (Ibid.) Compelling reasons “*may include circumstances in which the runaway is or has been exposed to domestic violence*” or if the runaway is or has been “*a victim of abuse, neglect, or abandonment.*” (Ibid.)

If a compelling reason exists, an emergency shelter may choose not to notify a runaway’s parent or legal guardian of the runaway’s description and location. Compelling reasons may include if the runaway has been exposed to domestic violence or if the youth is, or has been, a victim of abuse, neglect, or abandonment. If such circumstances are present, emergency shelters may forgo the notification process and choose not to notify a runaway’s parent or legal guardian of the runaway’s location.

In summary, while runaway youth are able to consent to receive homeless services, Minnesota law requires the parent(s) or legal guardian(s) of the runaway be notified of the runaway’s location, description, and reason for receiving homeless services. This notification must be done within 72 hours of the youth coming to the emergency shelter. The notification requirement only applies to runaways – the parents of youth experiencing homelessness or youth at risk of

homelessness do not need to be notified of their child's location and description while the child is in shelter. Moreover, notification does not equal consent. While a runaway's parent or legal guardian must be notified, a runaway youth's ability to consent to homeless services is not taken away when notification is completed. Runaways are always able to consent to homeless services, even if their parent or legal guardian has been informed of their location and reason for admission to shelter. Lastly, there may be circumstances, or compelling reasons, in which a shelter chooses not to notify a parent or legal guardian of the runaway's location, description, and reason for admission. These compelling reasons may include when a youth has been exposed to domestic violence and when a youth is, or has been, a victim of abuse, neglect, or abandonment. If such compelling reasons are present, an emergency shelter may decide to not notify a runaway's parent or legal guardian of their location.