



**Young, in trouble and with
nowhere to go:**
Homeless adolescents' pathways into
and out of detention in NSW

For over 40 years, Yfoundations has served as the NSW peak body representing children and young people at risk of and experiencing homelessness, as well as the services that provide direct support to them. We are backed by a strong board, with over 100 years' combined experience working in youth homelessness.

The Yfoundations' approach focuses on five foundations:



Safety and Stability



Home and Place



Health and Wellness



Connections and Participation



Education and Employment

We believe all five foundations must be present for young people to live flourishing and meaningful lives. For more information, go to: <https://yfoundations.org.au/>

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Glossary

Aboriginal; Aboriginal and Torres Strait Islander

We primarily use the term 'Aboriginal' throughout this report, in recognition of the fact that Aboriginal people are the traditional owners of the land in NSW. However, when using national-level data, we will use the term 'Aboriginal and Torres Strait Islander people'.

Child Protection; Youth Justice

In April 2019, the NSW Government's Department of Family and Community Services (FACS) and Department of Justice merged to become one agency, named the Department of Communities and Justice (DCJ). During this merge, the Juvenile Justice division, which was previously located under the Department of Justice, was renamed Youth Justice. It was then combined with the Child Protection and Out-of-Home Care (OOHC) division, to form a new division within DCJ named 'Child Protection and Permanency, District and Youth Justice Services.' In response to these changes, we have replaced all references to 'Juvenile Justice' with 'Youth Justice,' and all references to 'FACS' with 'Child Protection.'

Children; young people; adolescents

The NSW Children and Young Persons (Care and Protection) Act 1998 classifies those under the age of 16 as 'children' and those aged 16 to 18 as 'young people'. Where appropriate, we use these terms in this report. However, as our comments relate to both children and young people, we will also use the term 'adolescent.'. Following the World Health Organization, we define 'adolescent' as any person between the ages of 10 and 19.

Complex needs

The term 'complex needs' refers to the intersecting needs of young people which extend across health and social issues (Rankin & Regan, 2004). These include mental health issues, physical, cognitive and intellectual disabilities, drug and alcohol issues, behavioural difficulties, family dysfunction, and other social, cultural, educational and economic issues which lead to further disadvantage (Dowse et al., 2014).

Out-of-home care (OOHC); OOHC caseworkers

Under the Children and Young Persons (Care and Protection) Act, out-of-home care (OOHC) is defined as the residential care and control of a child or young person provided by someone other than a parent, in a place other than the child or young person's usual home. In this report, 'OOHC caseworkers' refers to professionals working in non-government organisations (NGOs) contracted by the NSW Government to care for adolescents once in OOHC settings. They are distinct from 'Child Protection caseworkers', which in this report refers to professionals largely employed by DCJ to both triage and then respond to child protection reports, which may or may not involve placing an adolescent in OOHC.

Specialist Homelessness Services (SHS) providers

Under the Specialist Homelessness Services (SHS) program, the NSW Government funds non-government organisations (NGOs) to deliver homelessness services, including youth homelessness services. For convenience, this report uses the term 'SHS providers' to refer to all NGOs who provide youth homelessness services, including those who provide the Homeless Youth Assistance Program (HYAP). However, we acknowledge that the youth homelessness services consulted for this report receive funding from diverse sources and are not solely funded under the SHS program.

Foreword

It has been an honour and an immense privilege to serve as the President of the Children's Court of New South Wales for the past nine years.

I am also incredibly honoured to have been asked to write the foreword for this important report.

I would like to acknowledge the work of Yfoundations in compiling this very thorough report as well as the contributions that Yfoundations have made to our understandings of the criminalisation of homeless adolescents in NSW and the challenges they face.

The Children's Court deals with care and protection matters and criminal matters involving children and young people who are under 18 years of age. Although these are two distinct and separate jurisdictions, significantly, this report highlights the constellation of connections between the Children's Court's twin jurisdictions and reveals the bi-directional links between adolescent homelessness and incarceration. The learnings set out in this report can assist us to better support and understand the lived reality of the vulnerable children and young people involved in Children's Court proceedings.

This report draws upon the invaluable insights of Children's Magistrates, lawyers working with the Aboriginal Legal Service and Legal Aid NSW as well as Youth Justice managers and caseworkers including those who staff the Bail Assistance Line. By presenting these unique perspectives, this report illuminates that interagency collaboration is critical in order to effect positive changes in this area.

This report also discusses a number of pressing issues including section 28 of the Bail Act 2013 (NSW) and the over-representation of Aboriginal children and young people in the homelessness, youth justice and care and protection systems. As such, I would regard it as essential reading for anyone working in child protection or the youth justice space.

This compelling report makes a series of important recommendations which challenge us to do better.



Judge Peter Johnstone
President of the Children's Court of NSW

1. Summary

Hundreds of unsentenced adolescents are detained in NSW every year, simply because they are homeless. In 2019/20, 236 highly vulnerable under 18-year-olds were held in youth detention under Section 28 of the Bail Act (NSW), because they couldn't provide an appropriate bail address. In our 2019 position paper, 'Section 28: Criminalising the young and homeless', Yfoundations drew on consultations with 16 Children's Court magistrates and solicitors to help understand and address this alarming injustice.

Expanding on our earlier research, this new report explores the pathways that homeless adolescents - both sentenced and unsentenced - take into and out of detention in NSW. We conducted an additional 127 interviews with caseworkers, managers and organisational leaders who worked in the Youth Justice system, Specialist Homelessness Services (SHS) and other non-government organisations (NGOs). These interviews shed light on the two-way relationship between adolescent homelessness and incarceration in our state.

Prior research suggests the stress of homelessness can exacerbate underlying mental health, behavioural and substance use issues among adolescents, and increase their exposure to negative peer influence. Our interviews reveal that homeless adolescents also struggle to comply with court orders, due to their unstable living situations. This makes it more likely that they will both offend and breach bail conditions, community-based orders or parole, which greatly increases their risk of incarceration.

Our report also reveals that committing offences – particularly violent offences in the home – often leads adolescents to become homeless. Families are often reluctant to have their offending child return to the home. Adolescents may also be prevented from returning by legal orders, such as an Apprehended Domestic Violence Order. These factors help explain why, every year, around 8% of adolescents exit detention to accommodation that NSW Youth Justice caseworkers deem 'unsafe' and 'insecure'.

The NSW Government has made considerable efforts to prevent homeless adolescents from unnecessarily entering detention in the past decade, and from exiting detention into homelessness. This report provides an overview of these efforts, which include the Bail Assistance Line, the Place to Go pilot, and the Memorandum of Understanding (MoU) between the Youth Justice and Child Protection divisions within the Department of Communities and Justice (DCJ). They also include transition planning for adolescents who are being held in long-term remand or sentenced detention.

Yet despite existing inter-agency agreements, our research suggests that there is ongoing confusion about the departmental responsibility for homeless adolescents in detention in NSW. There is also a major shortage of suitable placement options across the SHS and out-of-home care (OOHC) systems, as services struggle to meet the complex needs of this cohort. These obstacles prevent the NSW Government from achieving a necessary goal: that no adolescents in our state are held in detention because they are homeless, and that all adolescents exit detention to safe and secure accommodation.

2. Recommendations

1 The NSW Government should routinely collect and publish detailed information about:

- a) the housing status of adolescents entering and leaving detention
- b) the number of homeless adolescents being detained under Section 28 of the Bail Act and
- c) the length of time young people were detained under this provision.

This will increase the public and political attention paid to homeless adolescents in detention in NSW, and improve understanding and resource allocation for this group.

2 The NSW Government should amend the *Bail Act* to remove the offence of breaching a bail condition for juveniles. This will decrease the number of homeless adolescents entering detention because they lack the necessary support to meet bail conditions.

3 The NSW Government should bring Youth Justice, Child Protection, SHS providers, relevant NGOs, and peak bodies together to:

- a) create an overarching policy for supporting homeless adolescents in sentenced and unsentenced detention, which delegates responsibilities based on accurate assessments of the capacity of each sector
- b) train relevant staff across all sectors in the new inter-agency policy.

This will ensure that homeless adolescents in detention secure the most appropriate housing promptly.

4 The NSW Government should enhance bail support by:

- a) expanding the Bail Assistance Line to become an all-hours service that assists NSW Police and Youth Justice caseworkers
- b) increasing the number of fee-for-service contracts with SHS providers, particularly in rural and regional NSW
- c) funding Aboriginal-specific bail accommodation.

This will prevent adolescents from entering and staying in detention because they are homeless.

5 The NSW Government should increase the availability of and eligibility for intensive, evidence-based family interventions, to support homeless adolescents on community orders and those leaving detention. This will ensure that adolescents can successfully reunify with their families where possible, thereby reducing their risk of homelessness.

6 The NSW Government should increase the availability of and eligibility for evidence-based placements for adolescents with complex needs, including:

- a) therapeutic foster care placements
- b) therapeutic residential care placements
- c) drug and alcohol rehabilitation programs
- d) adapted placements that meet the specific needs of Aboriginal adolescents.

This will ensure that homeless adolescents have the accommodation they need to recover and reunify with their families.

3. Methodology

Yfoundations received approval from Youth Justice to conduct research and engage with Youth Justice staff and data. We also received ethical approval from the Aboriginal Health and Medical Research Council of NSW ethics committees to interview professionals working with homeless adolescents entering and exiting detention. In 2018 and 2019, we conducted interviews with a total of 143 employees from different departments, including:

4 specialist children's magistrates working across NSW, who judge matters where young people have been charged with criminal offences

solicitors working at Aboriginal Legal Service and Legal Aid, who represent adolescents who have been charged with a criminal offence

12

55 caseworkers and managers working across the 35 Youth Justice community offices, who supervise and support adolescents involved in the criminal justice system in their communities

caseworkers and managers in the six Youth Justice Centres, who supervise and support adolescents in custody

22

2 Bail Coordinators, who provide after-hours support to NSW Police through the Bail Assistance Line to arrange accommodation, adult supervision and transport so adolescents can be released on bail

caseworkers, managers and CEOs working for SHS providers that arrange accommodation and support for adolescents at risk of or experiencing homelessness

41

7 managers, caseworkers and CEOs from NGOs who provide general support, detention aftercare, residential rehabilitation and service coordination for adolescents in the criminal justice system

Most of the interviews were semi-structured phone interviews. The interviews were recorded, and the transcripts were coded and analysed using NVivo software. Unfortunately, it was beyond the scope of this project to interview either homeless adolescents who have been in detention or professionals working in the Child Protection and OOHC system.

Another limitation of this study is that most interviews were conducted before the NSW Department of Family and Community Services (FACS) and the Department of Justice merged to become DCJ, in April 2019. While this merger may have changed or improved collaboration between Child Protection (formerly in FACS) and Youth Justice (formerly in the Department of Justice), inter-agency agreements have not been updated.



4. Homeless adolescents in detention

4.1 Unaccompanied homeless young people in NSW

The accepted Australian definition of homelessness covers 'sleeping rough', 'couch surfing' or temporarily staying in refuges. It also includes the larger group of people living in substandard dwellings, such as overcrowded houses (Chamberlain & Mackenzie, 1992). However, we are interested in the former group – specifically, adolescents who have fled, been 'kicked out' or legally banned from their homes. This group is often referred to as 'unaccompanied' homeless children and young people.

Estimating the number of unaccompanied homeless adolescents in Australia is a challenging task. Rough sleeping is the most visible face of homelessness, but rough sleepers only make up a small fraction of the under-18 population – only 3% at the last census (Australian Bureau of Statistics [ABS], 2016). Adolescents are far more likely to couch surf; however, couch surfers are often counted as 'visitors' on Census night (Australian Institute of Health and Welfare [AIHW], 2018). The most reliable data we have for homeless adolescents comes from the use of homelessness services. Census data suggests these rates peaks in the 15 to 19-year-old age bracket (see Figure 1).

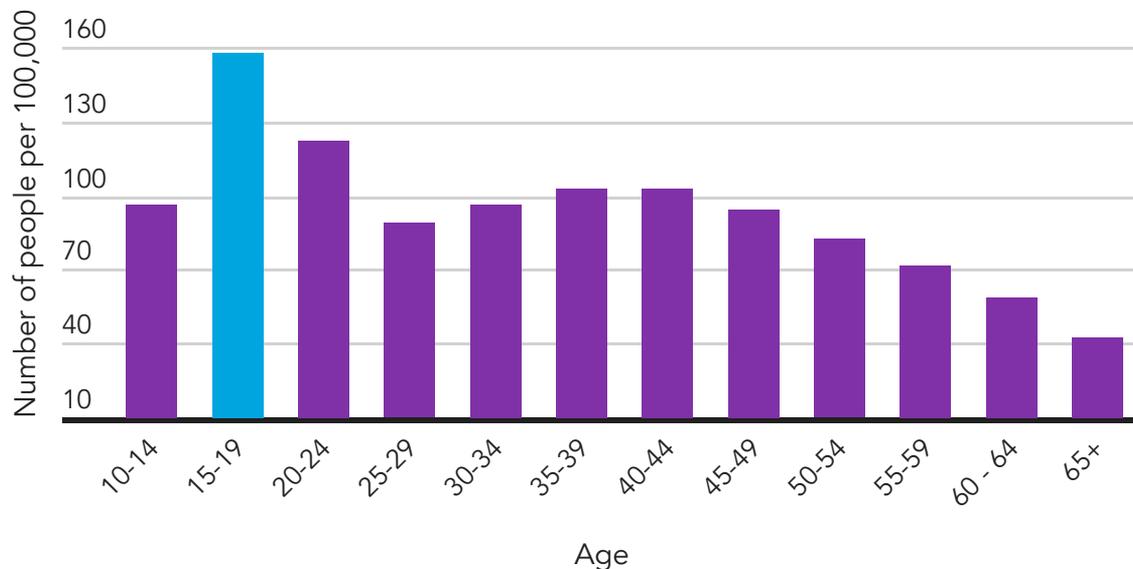


Figure 1: Rates of persons living in supported accommodation for the homeless in Australia per 100,000 persons by age, in the 2016 census

Source: ABS (2016).

This spike in homelessness service usage can likely be explained by the complex interplay of hormonal, neurobiological and sociocultural factors that make adolescence a time of increased interpersonal conflict, risk-taking behaviour and assertions of independence (Branje, 2018; Steinberg, 2008). AIHW data commissioned by Yfoundations revealed that in 2019/20, a total of 9,447 12 to 17-year-olds accessed SHS in NSW (see Table 1). The majority were between 16 and 17 years old, and two-thirds (5,669) arrived at the service without a parent or guardian. Of those under-18's presenting alone, their main reasons for seeking help were relationship breakdown and conflict (26%), followed by domestic violence (10%).

	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20
12-15 Years	1,420	2,042	2,415	2,485	2,588	2,381
16-17 Years	2,870	3,486	3,728	3,570	3,889	3,288
Total	4,290	5,528	6,143	6,055	6,447	5,669

Table 1: The number of unaccompanied 12 to 17-year-olds accessing SHS' in NSW, 2014-2019

Source: AIHW (2020a), commissioned by Yfoundations.

An unaccompanied adolescent's age determines the response they receive. The DCJ policy states that children under the age of 12 should not stay overnight in a homelessness service and that Child Protection should take responsibility immediately (Department of Family and Community Services [FACS], 2015). For 12 to 15-year-olds, DCJ funds 17 SHS providers across 19 regions in NSW to offer the Homeless Youth Assistance Program (HYAP). HYAP providers primarily offer case management designed to mediate conflicts and reunite families or to find alternative housing options if a child can't return home.

The majority of HYAP services also offer emergency accommodation for up to three months, and a small number also offer longer-term therapeutic accommodation. DCJ policy also allows 12 to 15-year-olds to temporarily stay in youth SHS, which provide crisis accommodation and case support for 16 to 25-year-olds. These placements are designed to be short-term, emergency solutions, and DCJ policy explicitly states that 12 to 15-year-olds who can't return home in the long term will be taken into OOH. However, for reasons that will be discussed in Section 5.1, the reality of the Child Protection response is somewhat different to the policies provided – homeless children often overstay and drift between service providers.

Young people over the age of 16 can access a broader array of SHS. The majority of beds are offered as crisis accommodation for three months; however, a small number are offered as medium-term accommodation for up to two years. The shortage of medium-term placements means that homeless young people are often forced to leave and move between crisis services every three months (Yfoundations, 2020). Youth SHS are also unlikely to be funded to provide family reunification or intensive therapeutic care that these young people often need (Robinson, 2017).

4.2 Adolescents in detention

The physical and psychosocial changes in adolescence help explain why offending is more common among those in their late teens (Rocque et al., 2015). As shown in Figure 2, Australian offending rates peak at 3,774 adolescents who offend per 100,000 among 15 to 19-year-olds – more than double the national average. This 'age-crime curve' suggests that most adolescent offenders will 'age out' of crime (Richards, 2011a). However, a significant minority in NSW go on to become chronic adults who offend (Chen et al., 2005; McGrath, 2015).

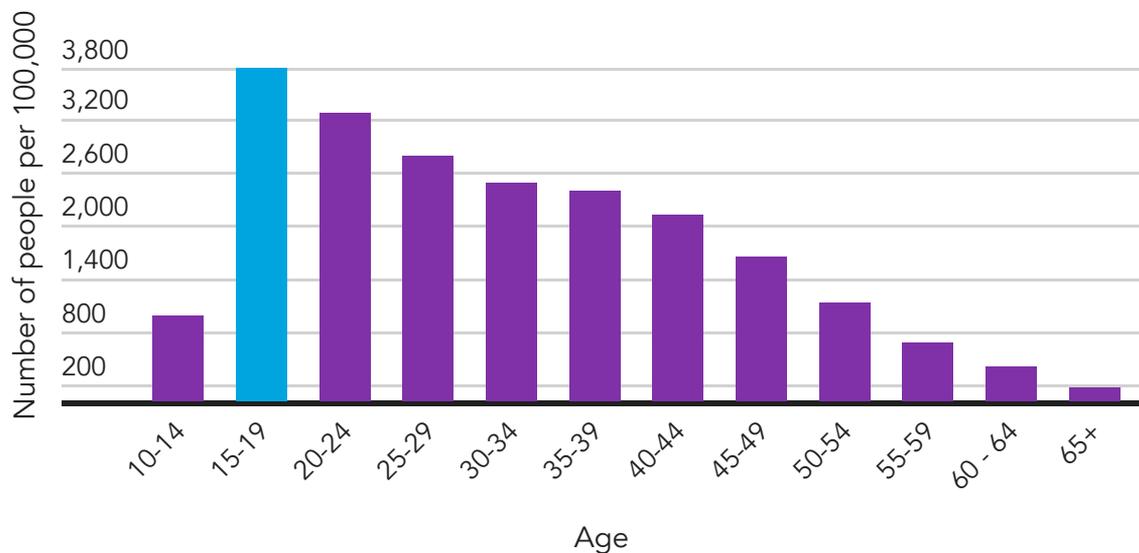


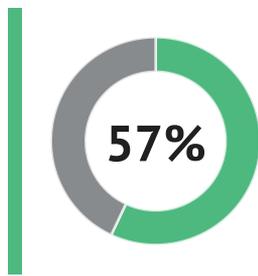
Figure 2: Australian offender rates per 100,000 persons, 2019-20

Source: Data were obtained from the section 'offender rate by age group, 2018–19 to 2019–20' in ABS (2021).

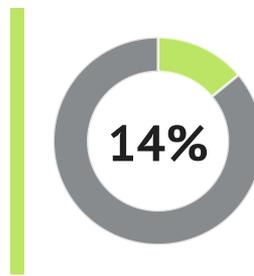
In NSW in 2019/20, 17,710 adolescents who offended were apprehended by NSW Police. Most were accused of non-violent offences such as fare evasion, theft, drug offences and disorderly conduct (ABS, 2021). The NSW Government has made considerable efforts to divert low-level offenders away from the court system in recent decades. The Youth Offenders Act 1997 (NSW) enshrined police warnings, cautions and referrals to restorative Youth Justice conferences as alternatives to formal prosecution (Wan, Moore, & Moffatt, 2013). Automatic referrals to youth offender interventions, such as the Youth on Track program which operates in seven sites across NSW, have also become embedded in the police process (Circa, 2017). Discretionary referrals to Youth on Track can also be made by education agencies, Youth Justice, health agencies and other approved agencies.

These diversionary laws meant that, in 2018/19, a majority (53%) of young people who offended in NSW were diverted from court (Steering Committee for the Review of Government Service Provision [SCRGSP], 2020, Table 11A.3.2). But a pre-court diversion isn't an option if the young person doesn't admit to the offence, has received three cautions already or has been charged with certain crimes, including most sexual offences, serious drug offences or family and domestic violence. Aboriginal young people are also less likely to be diverted from court than the general population (SCRGSP, 2020). While NSW Police are encouraged to serve these adolescents with an 'on the spot' summons or notice to appear in court when possible, they may be entitled to arrest them depending on the seriousness of the crime, the risk of repeat offences, or concerns about the welfare of the alleged offender and doubts about whether they will turn up to court.

If the NSW Police decide to keep a young person in custody, they must bring them before the Children's Court magistrate as soon as possible for a bail determination. The NSW Police and the Children's Court may refuse bail for criminal and non-criminal reasons, including concerns about accommodation and parental supervision (discussed in more detail in Section 6). On an average day in 2019/20, 144 unsentenced adolescents were remanded in custody in NSW (DCJ, 2020). This is a majority (57%) of the total population of young people in detention. These adolescents stayed 16.6 days on average while awaiting trial, but only a small minority (14% in 2019/20) were sentenced to detention (DCJ, 2020).



A total of 57% of young people in detention are awaiting trial.



Only 14% of those remanded in custody are sentenced to detention.

The remaining 43% of adolescents in detention had been sentenced there by the Children’s Court (DCJ, 2020). Magistrates are encouraged to consider detention a last resort, and the Children (Criminal Proceedings) Act 1987 (NSW) allows for a range of alternative sentences. These include good behaviour bonds, community service orders and probation and parole orders, all of which will vary based on crime severity. On an average day in 2019/20, there were 1,216 adolescents under community supervision in NSW – more than 10 times as many as those sentenced to detention (DCJ, 2020).

These alternative sentencing processes mean that most adolescents sentenced to detention are serious and/or chronic offenders. For example, the 2015 NSW Young People in Custody Health Survey (Justice Health & Forensic Mental Health Network, & Juvenile Justice NSW, 2017) found that 53% of the 227 adolescents in custody who took part in the survey had previously attended a Youth Justice conference, 80% had served a community-based order, and 84% had previously spent time in custody. They were also more likely than the average adolescent offender to have committed serious crimes such as robbery or extortion (23%), breaches of community supervision orders and apprehended violence orders (AVOs) (17%), acts intended to cause injury (13%) and sexual assaults (11%).

4.3 Homeless adolescents in detention

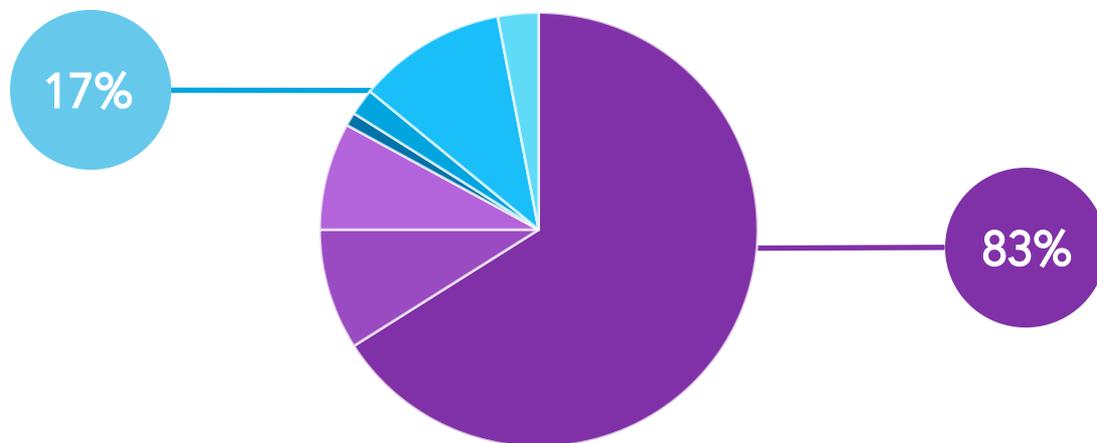
Data on the housing status of adolescents entering detention in NSW is limited. What data we do have suggests that homeless adolescents are vastly more likely to spend time in detention than the average population.

The AIHW’s analysis of linked national data from 2008/09 found that almost 15% of adolescents under supervision– either in the community or detention – had received SHS support in the preceding year (AIHW, 2012). When considering the previous two years, the proportion was almost 20%. In comparison, only 2% of Australians aged 10 to 17 presented to SHS in 2008/09.

 A white icon of a person's head and shoulders with a speech bubble next to it, set against a purple background.

Almost 15% of adolescents under Youth Justice supervision in 2008/09 had received SHS support in the preceding year compared to 2% of the general adolescent population.

The data is consistent with the 2015 NSW Young People in Custody Health Survey (Justice Health & Forensic Mental Health Network, & Juvenile Justice NSW, 2017). In the four weeks before entering detention, 17% of the adolescents surveyed had experienced some form of homelessness, including living in supported accommodation, unsettled lodging or having no fixed accommodation (see Figure 3).



● Family home (66) ● Own home (9) ● Housing NSW (8) ● Boarding house (1)

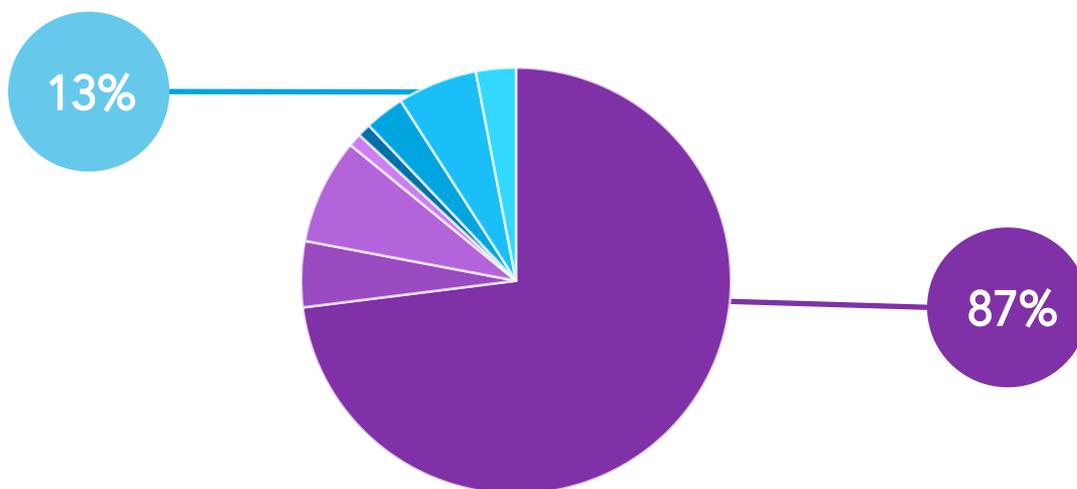
● Unsettled lodgings (2) ● No fixed accommodation (11) ● Supported accommodation (3)

Figure 3: Accommodation in the four weeks before custody, 2015

Note: n = 227. Blue shading highlights homeless situations.

Source: Justice Health & Forensic Mental Health Network, & Juvenile Justice NSW (2017).

Interestingly, both these data sources suggest that homelessness and housing instability rates decrease in the period immediately after detention. The 2015 NSW Young People in Custody Health Survey found that 13% of adolescents experience homelessness in the six months following release (see Figure 4). And the AIHW 2008/9 linked data found that only 12% access SHS support in the two years after their release.



● Family home (73) ● Own home (5) ● Housing NSW (8) ● Other (1)

● Boarding house (1) ● Unsettled lodgings (3) ● No fixed accommodation (6)

● Supported accommodation (3)

Figure 4: Accommodation in the six months following most recent release from custody (if ever previously in custody), 2015

Note: n = 172. Blue shading highlights homeless situations.

Source: Justice Health & Forensic Mental Health Network, & Juvenile Justice NSW (2017).

While these 'before and after' datasets are imperfect, they suggest that Youth Justice casework (discussed in Section 7) may benefit adolescent housing outcomes – increasing the proportion in supported housing or reunited with families, and decreasing the number with no fixed accommodation. Yet DCJ's exit data suggests that there is still a small but substantial minority of adolescents exiting detention to unfixed addresses or sleeping rough every year. Youth Justice exit data, captured in Table 4, suggests that every year around 8% of adolescents are not exiting detention to safe and secure accommodation. This is particularly concerning, considering DCJ's definition of safe and secure accommodation includes staying with friends and family, in crisis refuges or medium-term youth homelessness services, and rehabilitation services.

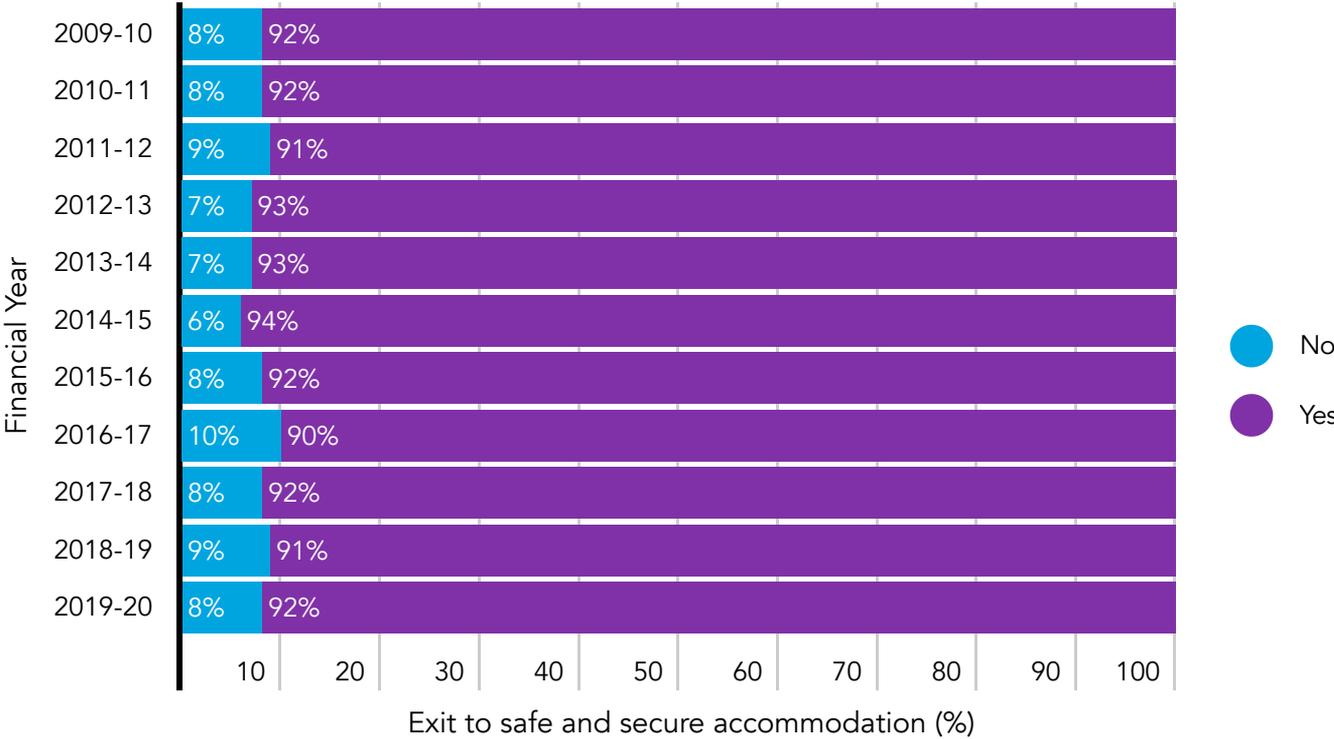


Figure 5: Exits from Youth Justice to secure accommodation 2007/8–2019/20
 Source: Department of Communities and Justice, 5 November 2020, DCJ/YJ RPELive Database.

Alternative data sources also support the idea that adolescents who have spent time in detention are more likely to experience more chronic and severe forms of homelessness. In a second linked data report, AIHW compared the situation of 10 to 17-year-olds who had used SHS between 2011/12 to 2014/15 (SHS-only cohort) to those who had used SHS and spent time under Youth Justice supervision (SHS-YJ cohort) (AIHW, 2016). Those in the SHS-YJ cohort were more likely than the SHS-only cohort to:

be homeless at the time they presented to an SHS (54% compared to 44%)

sleeping rough at the time they presented to an SHS (10% compared to 4%) and

to report repeat homelessness between 2011/12 and 2014/15 (15% versus 6%).

Results from the Journeys Home longitudinal survey suggest that these trends last well into adulthood (Bevitt et al., 2015). Researchers followed 1,174 income support recipients aged 15 years and over who were homeless or at risk of homelessness from 2010 to 2014. They found that a significant minority (12%) had spent time in juvenile detention. Some 28% of the survey participants who had been in juvenile detention experienced homelessness at some point between 2010 and 2014 compared to 20% of the total vulnerable cohort. They were also more likely to be rough sleepers (6% compared to 3%).

4.4 The demographics and needs of homeless adolescents in detention

The most common reason that adolescents leave home is family conflict (as noted in Section 5.1). But the conflicts that lead to homelessness are typically not normal family feuds. Rather, national and international research suggests that they arise from serious intergenerational issues, such as child abuse, poor parental mental health, and family drug abuse (Embleton, Lee, Gunn, Ayuku, & Braitstein, 2016; Mallett, Rosenthal, & Keys, 2005). Trauma caused by these experiences affects adolescents' development, in turn leading to higher rates of drug and alcohol use, mental health issues and behavioural disorders (Coates & McKenzie-Mohr, 2010; Dawson-Rose et al., 2020; Morewitz, 2016; Wong, Clark, & Marlotte, 2016).

This link was highlighted in a recent evaluation of the HYAP program. More than 50% of the unaccompanied 12 to 15-year-olds who received homeless services through HYAP between 2016 and 2019 had been subject to at least one Risk of Significant Harm (ROSH) report to the Child Protection Helpline (Taylor et al., 2020). While 27% of these reports related to the risks that the adolescents presented to themselves, the majority were based on concerns about their caregiver's behaviour, primarily neglect (24%), physical abuse (12%) and sexual abuse (10%). Drawing on past safety and risk assessments, the evaluation team constructed a profile of these families, estimating that 39% of carers had a mental health issue, 35% had substance use issues and 37% lived with family violence. They also estimated that 27% of the adolescents had a diagnosed psychological, behavioural, emotional or medical problem, and 18% had developmental, intellectual, learning or physical disabilities.

Young people who offended, particularly those who progressed into the 'deep end' of the Youth Justice system, are even more likely than homeless adolescents to have experienced childhood maltreatment and suffer from mental health issues and developmental delays (Cashmore, 2011). The majority (68%) of respondents to the 2015 Young People in Custody Health Survey reported experiencing at least one form of childhood abuse or neglect, and one in five (21%) had been placed in OOHC before the age of 16 (Justice Health & Forensic Mental Health Network, & Juvenile Justice NSW, 2017). When assessed, 83% were diagnosed with at least one psychological disorder, and 63% were diagnosed with two or more – the most common being behavioural disorders (59%) and substance-related disorders (58%). What's more, one in six (17%) participants had a potential intellectual disability.

In 2015:



68%

of adolescents in detention in NSW reported experiencing at least one form of childhood abuse or neglect



21%

had been placed in out-of-home care before the age of 16



83%

were diagnosed with at least one psychological disorder, and



63%

were diagnosed with two or more.

The HYAP and Young People in Custody Health Survey datasets suggest that, while the risk factors for experiencing homelessness and spending time in detention are shared, those in the Youth Justice system tend to have higher rates of psychological and behavioural disorders than SHS users. These differences are also reflected in the AIHW linked data from 2011/12 to 2014/15 (AIHW, 2016). Compared to the SHS-only cohort, those in the SHS-YJ cohort appeared to be more socially isolated, to be living alone at the time they presented to SHS and lack family or community support. Those who spent time under Youth Justice supervision were also significantly more likely to report mental health issues, drug and alcohol issues, and to need help with behavioural problems (AIHW, 2016) (see Figure 6).

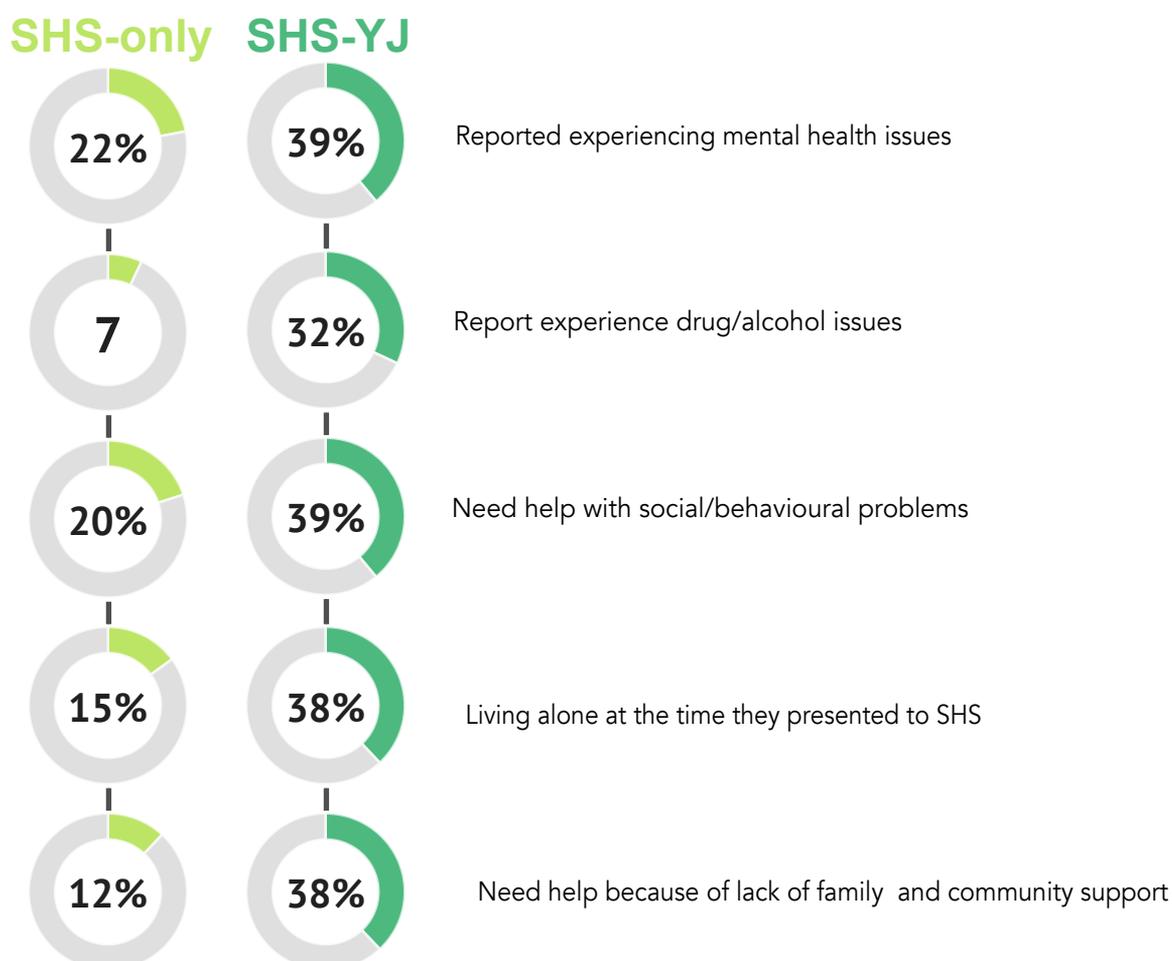


Figure 6: Negative outcomes for young people with SHS and Youth Justice experience

Note: SHS = Specialist Homelessness Services; YJ = Youth Justice.

Source: AIHW (2016).

Compared to the SHS-only cohort, those in the SHS-YJ cohort were far more likely to be male and Aboriginal, reflecting the broader demographics of young people who offend in NSW. Males made up 44% of the SHS-only cohort and 69% of the SHS-YJ cohort. Considering more than 86% of young people supervised by Youth Justice during the relevant period were males, this could suggest being female is a risk factor for homelessness among those leaving detention. But this is more likely a reflection of their willingness to seek SHS support when facing a housing crisis (Conroy & Williams, 2017).



In 2019/20, 44% of the adolescents under Youth Justice supervision on an average day in NSW were Aboriginal, but only 6% of the adolescent population were Aboriginal.

There was also a higher representation of Aboriginal young people in the SHS-YJ cohort (39%), compared to 35% of YJ-only young people and 23% of SHS-only young people. Since these data were collected in 2011/12 to 2014/15, Aboriginal over-representation in the homelessness and Youth Justice systems has increased. In 2019/20, 27% of the unaccompanied 10 to 17-year-olds who accessed homelessness services in NSW identified as Aboriginal (AIHW, 2020a). In the same time frame, 45% of adolescents in custody on an average day in NSW were Aboriginal (DCJ, 2020). These figures are alarming, considering only 6% of 10 to 17-year-olds in NSW in the 2016 census were Aboriginal (ABS, 2016).



5. Pathways into detention

5.1 The criminalisation of adolescent homelessness

Much of the connection between adolescent homelessness and incarceration in NSW can be explained by correlation, rather than causation. As noted in Section 4, adolescents involved in the SHS and Youth Justice system share many risk factors. Both groups are far more likely than the average population to come from families suffering from intergenerational stress and disadvantage. This is particularly true for Aboriginal families, who experience trauma associated with colonial policies and continuing discrimination (Atkinson, 2002; Krieg, 2009; Ratnavale, 2007).

Yet, our research shows that the relationship between adolescent homelessness and incarceration is complex and bi-directional; homelessness also increases the risk of incarceration and vice versa. The clearest link, highlighted in Yfoundations' earlier report on Section 28 of the Bail Act, is that hundreds of adolescents are being remanded in detention in NSW every year simply because they are homeless. As we will highlight in Section 6.1, the NSW Government has introduced policies and processes to try and prevent homeless adolescents from being held in detention until suitable arrangements are made for their accommodation. Yet, for reasons that will be explored in this report, 236 children and adolescents were still detained in 2019/20 under Section 28 of the Bail Act (see Figure 7).

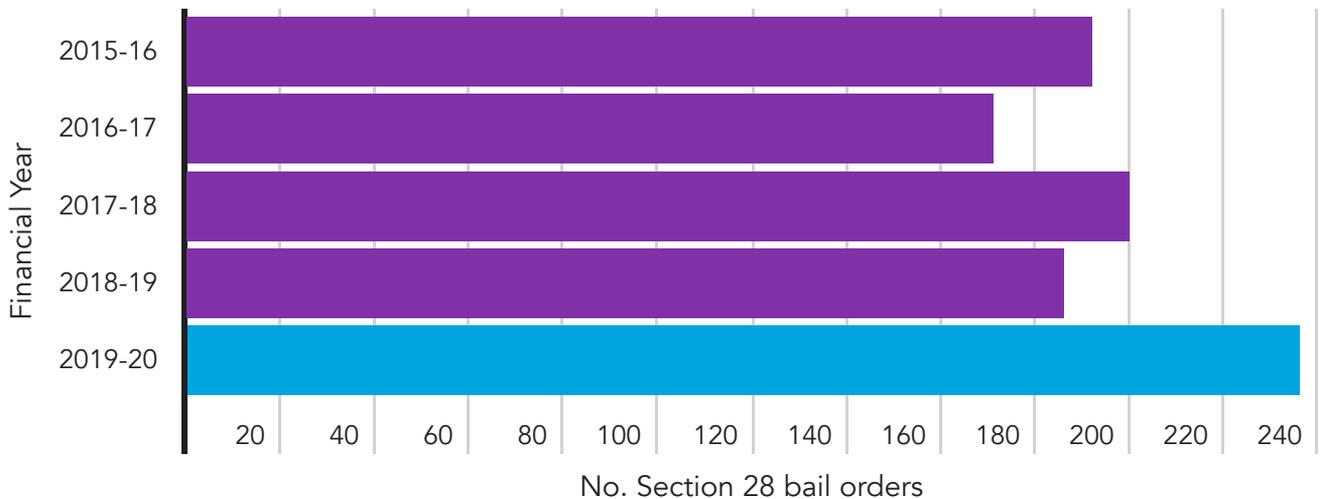


Figure 7: The number of Section 28 bail orders by financial year, 1 July 2015–30 June 2020
Source: Department of Communities and Justice, 19 February 2021, DCJ/YJ RPELive Database.

“

I can think of several cases where there isn't even a remote possibility of a control order being imposed. But I'm asked to keep them in detention because there's no alternative accommodation, which is not the proper use of a detention facility.

”

NSW Children's Court Magistrate

These experiences of detention, however brief, can cause significant distress and exacerbate childhood trauma (Barnert et al., 2017; Freeman & Seymour, 2010; Lambie & Randell, 2013). Research has found that isolation intensifies social and educational marginalisation, and exposure to criminal peers can entrench a cycle of incarceration (Dowse, Cumming, Strnadová, Lee, & Trofimovs, 2014; Freeman, 2009; Gifford-Smith, et al., 2005).

5.2 The effects of adolescent homeless on offending behaviour

In addition to increasing the likelihood of being remanded in custody, research suggests that homelessness may also increase the risk that an adolescent will engage in crime in the first place. An Australian project followed 35 young people before and after they fled or were 'kicked out' of home (Martijn & Sharpe, 2006). While only one young person in the study had been involved with the police before becoming homeless, 13 (33%) were involved afterwards. The authors linked this rise in criminal activity with increased drug, alcohol and psychological issues (Martijn & Sharpe, 2006). Adolescents may also become entrenched in a 'homeless subculture', increasing their exposure to negative peer influences (Thompson & O'Connell, 2008).

Our interviewees suggested that homeless adolescents are at particular risk of being charged and detained for 'justice procedure offences', including breaches of bail, parole, community-based order and AVOs. Along with robberies and break-ins, justice procedure offences were the leading 'most serious offences' for adolescents sentenced to detention in 2020 (NSW Bureau of Crime Statistics and Research [BOCSAR], March 2020; NSW BOCSAR, June 2020; NSW BOCSAR, September 2020). Some 18% of adolescents on control orders and 3% of those on remand were being held for this reason (NSW BOCSAR, 2020). Our findings corroborate research with vulnerable adults, which suggests that a lack of stable accommodation is a key driver of these breaches (Australian Law Reform Commission, 2017).

Adolescents are charged with justice procedure offences if they fail to comply with conditions imposed by the Children's Court. These conditions often include residing at a particular address, obeying curfews, refraining from associating with certain people, meeting with their Youth Justice caseworker or participating in rehabilitation and intervention programs. Youth Justice caseworkers based in Youth Justice community offices are responsible for helping these adolescents understand and comply with their sentencing conditions. But some interviewees suggested that these community caseworkers are often stretched thin, meaning that adolescents don't always receive the high level of support they need to meet their conditions.

“

Any young person coming out of detention requires a high level of support. We just can't provide the high level of support that is required for those particular young people, so they end up falling through the gaps. What could change is if there were more caseworkers and lower caseloads. For a lot of young people who are homeless and getting out of detention, community-based orders don't work for them because they don't have the supports in the community, they don't have the stability.

”

NSW Children's Court Magistrate

““

Homeless ones – the ones that have got welfare issues – they just can't meet the conditions, because their basic needs aren't being met. So coming to Youth Justice is one of the last things on their mind. Whereas someone who is having their basic needs met – they've got food, shelter – they're able to turn up for supervision. But other young people, they're focused on surviving, you know? Eating, staying warm.

””

Youth Justice Community Office, Central Coast

““

I find a lot of young people don't actually know what their bail conditions are, because their Youth Justice worker hasn't given them a copy and gone through it.

””

SHS Provider, South Eastern Sydney

If homeless adolescents are residing or placed in a refuge, the burden can fall on SHS caseworkers to help them meet their conditions. In our interviews, SHS providers often reported that they didn't receive sufficient support and information from Youth Justice, and struggled to provide the required supervision given their staffing limitations. In addition, the fact that crisis accommodation is not a mandated service meant that it was particularly difficult to ensure that adolescents stayed in their refuge. SHS caseworkers also found it difficult to ensure that adolescents in their refuges, who were often living away from family and friends, followed the strict curfews set out in their sentencing conditions. As a result, some SHS providers refused to accept any adolescents who had court orders to reside at a specific location.

These difficulties mean that homeless young people who are released or diverted from detention into SHS, are still at risk of breaching their conditions.

““

We can't have someone bailed to the refuge. We're a voluntary service, and having bail conditions sent to the refuge immediately means it's not voluntary when they're staying here, which changes the whole way that they engage with us. And it's been a nightmare, the two times it did happen. So it's a policy that we don't have bail conditions sent to the refuge.

””

SHS Provider, Hunter New England

““

We have kids from the Central Coast. They have a 6 pm curfew. Their family and services are away, and the curfew is difficult to abide by when everything is so far away for them. And then they end up back inside.

””

SHS Provider, South Eastern Sydney

““

The quicker we get young people off bail undertakings, the better it is. Because out in our area we're looking at probably about 80% of our young people who are on bail come back into custody basically on a technical breach of bail some time through that bail process. So the quicker we get them off bail, the less likely we're gonna get them to re-enter the justice system through detention.

””

Youth Justice Community Office, Western NSW

““

If my dad didn't kick me out, I wouldn't have been in here I reckon.

””

Young person in Youth Justice (ACYP, 2019)

Our finding of the link between homelessness and offending is consistent with the firsthand accounts of 260 young people in detention, told to the NSW Advocate for Children and Young People (ACYP) between 2015 and 2019 (ACYP, 2019).

5.3 The effects of offending behaviour on adolescent homelessness

Our data suggest that the causal link between homelessness and offending behaviour also moves in the opposite direction. Many interviewees noted that adolescents who commit crimes, particularly violent crimes against family members, face legal and personal obstacles to returning home. There is a growing awareness of this issue in Australia, which is known as both Adolescent Family Violence (AFV) and Adolescent Violence in the Home (AVITH) (Campbell et al., 2020; Fitz-Gibbon et al., 2018; Howard, 2011). A 2016 report from the Victorian Royal Commission into Family Violence found that AFV accounted for roughly 10% of all family violence incidents reported to police in Victoria (Fitz-Gibbon et al., 2018).

Section 49 of the Crimes (Domestic and Personal Violence) Act 2007 (NSW) specifies that the NSW Police must make an application for an AVO if an adolescent has committed or is likely to commit a domestic violence offence. Family members, as well as OOHC caseworkers and foster carers, can also take out AVOs against the adolescents in their care. In 2020, 434 adolescents aged 10 to 17 years old were issued an AVO in NSW (NSW BOCSAR, 2021). A significant proportion of these were taken out following incidents of AFV (Scerra, 2015). Previous research also suggests that OOHC carers may disproportionately use AVOs as a behavioural management tool, following minor offences such as writing on the carpet, slamming doors and throwing objects (Greig et al., 2019).

“

We get a lot of kids put into group homes who come in and out of the justice system. And it might be a simple thing of them throwing something, assaulting one of the workers, or causing damage. A majority of them come in on a common assault, breaching AVO or intimidation [charge]. So what's happened previously is that the young person could have had an argument or a bit of scuffle with another resident, the police are called, and the young person is charged with common assault... Then the young person has another argument with that same person, which doesn't have to be physical - it can be verbal. All of a sudden, we've got a breach of an AVO [charge] and a stalking and intimidation [charge]. So then the young person goes back into custody on those matters, they get bailed, come back to that same residence and then there's another argument.

”

Youth Justice Community Officer, Western NSW

Our interviewees noted that adolescents who have committed sexual offences against children can also be legally prevented from returning home, increasing the risk of homelessness. While Australian adolescents are less likely to commit sexual offences than adults, they are more likely to commit sexual offences against those around their age (Richards, 2011b). The vast majority of these adolescents who offend don't have deviant sexual desires and don't go on to offend against children in adulthood (Blackley & Bartels, 2018). But they are still monitored under the Child Protection (Offenders Registration) Act 2000 (NSW) and may be prohibited from associating with certain people or living in certain areas, such as near schools.

Even if adolescents who offend aren't legally prevented from returning home, our interviewees suggested that they often face personal barriers to doing so. Parents can be unwilling to let adolescents back into the family home if they have engaged in criminal behaviour, particularly if they have offended against family members. Adolescents in OOHC are also at risk of losing their placement following criminal justice involvement. Carers and OOHC workers can be reluctant to accept these adolescents back into their placements if they are considered a significant safety risk to the carer, staff or other children and young people in the residence. All of this results in adolescents remaining in custody, even if they have been granted bail (McFarlane, 2016).

““

Some kids can't return because there's an AVO. It's not like they don't want their kids to come home. It's just the AVO is there preventing them to come home, so therefore they don't want to relinquish care.

””

Youth Justice Centre, Western NSW

““

I had a young person up here staying in a motel, he had a party there and trashed it and was told he couldn't stay. The only place he could go was back to his mother's, where there was an AVO, and he's not supposed to be there. That was the only place he could sleep that night. It was a breach of his bail conditions. That's the reality – we had to breach his bail conditions to find him a place.

””

Youth Justice Community Office, Hunter New England

““

The last time I had a child who was not allowed to go home, bail conditions and AVO conditions precluded the young person from being home. So, it was not that the parents wouldn't take them in. They were the victim originally. Then with nowhere else to go, we couldn't apply for bail. We had nowhere else to apply to. [An SHS provider] eventually made arrangements for accommodation there on a short-term basis, but the child stayed in custody for over a week – probably two weeks.

””

Legal Aid, Western NSW

““

A lot of the time they're homeless because of their own actions, that have meant they've not been allowed to stay with their family. That's probably the majority of the kids that we get as homeless.

””

Youth Justice Community Office, Western NSW

““

Most of the young people in our court who are awaiting accommodation have offended in their home. They are homeless by virtue of their offence, rather than being homeless before committing their offence.

””

NSW Children’s Court Magistrate

When interviewed, Youth Justice caseworkers had differing responses to parents’ reluctance and refusal to let adolescents return home. Some felt that it was understandable, given the difficulties and risks that adolescents with serious behavioural problems can pose to the family – particularly in the case of AFV. They argued that these adolescents should be offered alternative short-term accommodation so that their families can have some respite. Some felt that pressuring parents to take their children home immediately may exacerbate family breakdown. This also applies to young people in OOHC, whose carers may be reluctant to accept them back into their placements for similar reasons.

““

Usually, you get families where they get to a point in time where they can’t control the young person’s behaviour. The young person won’t adhere to the boundaries put in place. They feel like they can’t cope anymore ... Obviously young people shouldn’t be in custody for a welfare matter. But we have some parents or carers that just need a bit of respite for a few days. And then we find that once they’ve had a few days break, they’re then more willing to have a young person return back into their care. And I think that that’s invaluable, to give those carers that little bit of a break from a young person. Because potentially you can avoid young people going into the care of the state.

””

Youth Justice Community Office, Hunter New England

““

When the young person has gone into the centre, and the parents are saying they won’t take them back ... Pressure has been put, and parents have been coerced into taking the young person back – guilt-tripped into taking them back. And very rarely does that work out, it usually falls apart very quickly.

””

Youth Justice Community Office, Northern NSW

Youth Justice caseworkers also noted that these reluctant parents are more willing to have their children home if they are supported to manage their risky behaviour.

“

I had a young person who was not bail refused, she was put on Section 28. On Sunday, her parents made it quite clear to the court that they did not want her back home, because of the risk that she presented to themselves and the family. After some discussions around some possible things that could possibly mitigate those risks, they were willing to come to court and say, 'well, as long as you put this bail condition on, which means she has to seek medical help or drug and alcohol counselling, then we will ask the court to rescind that order that she not come back into the home'. So, it's a bit of negotiation really.

”

Youth Justice Community Office, Illawarra Shoalhaven

Other Youth Justice caseworkers were less sympathetic to parents and carers' responses. They emphasised that parents and/or the OOHC system have a legal responsibility to look after children until they turn 18 and argued that some rely on the legal system to discipline adolescents.

“

A lot of the families get to the point where they think they need to learn their lesson and stay in custody for a while.

”

Youth Justice Community Office, Western NSW

If an adolescent is unable to return home for any reason, Youth Justice caseworkers typically turn to friends and family members to find somewhere suitable for them to stay. But our interviewees reported that extended family might also be reluctant to provide accommodation for young people who offend, due to past experiences with their challenging behaviour.

“

He had nowhere to go. And that was in part due to his offending behaviour, his drug use and basically ripping everyone off that he had gone to stay with, including extended family. But we've still got to deal with it.

”

Youth Justice Community Office, Mid North Coast

“

A lot of the times, a lot of young people have burned their bridges with a lot or all of their family members and many of them have indicated that they won't take them back.

”

Youth Justice Community Office, Murrumbidgee

Due to the factors discussed above and in Section 5.2, it is clear that there is a two-way relationship between homelessness and incarceration for adolescents in NSW. In other words, adolescents affected by homelessness are at greater risk of involvement in the Youth Justice system, and adolescents involved in the Youth Justice system are equally at greater risk of homelessness. Having established this relationship, the following sections of this report will examine homeless adolescents' pathways out of custody and detention at each stage of the arrest and sentencing process. It will then explore the obstacles which prevent successful transitions and make recommendations to address these obstacles.



6. Pathways out of detention

6.1 Getting homeless adolescent out of NSW Police custody

The criminalisation of adolescent homelessness begins when NSW Police officers cannot find an appropriate address for bail. In 2010, Youth Justice launched the after-hours Bail Assistance Line (BAL) to resolve this issue. The BAL aims to help young people in police custody who don't have a bail address to find accommodation. The service operates from 4 pm – 3 am every day and works with the NSW Police to ensure that all options are exhausted before they deny bail to homeless adolescents (Klauzner, 2021). Bail Coordinators working for the BAL prioritise particularly vulnerable cohorts of young people. These include adolescents who are homeless at the time of their offence, are in OOHC, are under 15 years of age, have a disability or are Aboriginal. They also target groups who are overrepresented in remand, such as adolescents who have breached their bail conditions or hold AVOs against them (Klauzner, 2021).

If returning to family isn't an option for these adolescents, the Bail Coordinators look to youth housing providers to find accommodation. The BAL has contracts with one residential OOHC provider and six SHS providers. In total, these providers offer 15 beds across seven of the 15 DCJ districts: six in the Sydney and Northern Sydney, one in Nepean Blue Mountains, one in Illawarra Shoalhaven, five in Central Coast, one in Northern NSW and one in Western NSW. These are 'fee-for-service' beds, meaning that they are not reserved exclusively for adolescents who are referred from the BAL. If these beds are occupied, or if there aren't any available in a particular area, then Bail Coordinators must reach out to SHS with whom they do not usually have contact. Securing beds through these unfunded organisations is reportedly difficult because of resource issues and risk assessment requirements (discussed in Section 6.2).

“

We still contact services we don't have contracts with ... It's harder to actually get them to take a young person through the night without the risk assessment, just based on ours, but we still would

”

Bail Assistance Line

The BAL received relatively few calls from the NSW Police in the first two years of operation, as officers continued to send adolescents held on remand directly to detention centres. In 2012, the process was changed so that the NSW Police had to call the Bail Assistance Line whenever they granted conditional bail, or when they refused bail altogether. This increased the scope for Bail Coordinators to intervene. According to BOCSAR's recent evaluation of the Bail Assistance Line, the percentage of young people successfully diverted from detention rose from 1.7% in 2011 to 9.4% in 2019 (Klauzner, 2021). Yet, this means that the remaining 90.6% of adolescents referred to the BAL in 2019 still ended up in custody.

“

We can offer another layer to options for bail decisions....We explore alternatives to a young person coming into custody, as well as if accommodation is or transport issues are one of the reasons that police are bail refusing. We can offer them alternatives so that the young person doesn't have to enter custody

”

Bail Assistance Line

The findings of the BOCSAR's evaluation support our findings, which suggest that the BAL's low placement rates can largely be explained by the lack of appropriate accommodation to refer adolescents into. BAL's 'fee-for-service' contracts are concentrated in the Greater Sydney area, which explains why 86% of the young people placed by BAL lived in a major city (Kluzner, 2021). The evaluation concluded that the service has limited reach in rural and regional NSW, with only one contract in Northern NSW and one in Western NSW (Kluzner, 2021). BOCSAR's evaluation also found that the BAL struggled to find placements for Aboriginal adolescents and those with more complex offending histories (Kluzner, 2021).

This means that while the BAL has made significant improvements over the past decade, it is limited in its effectiveness as a pathway out of detention for homeless adolescents.

6.2 Getting young people on remand because of their homelessness

If the NSW Police and the BAL are unable to find suitable accommodation for homeless adolescents, then the matter is taken to the Children's Court magistrate as soon as practicable. Before 2013, the court would often instruct the adolescent to reside 'as directed' by Child Protection – but didn't oversee the follow-up. The consequence was that for some adolescents, no agency assumed responsibility for sourcing alternative accommodation, and homeless adolescents remained in detention as a result. Section 28 of the Bail Act subsequently formalised the accommodation requirement – so that a government agency must find suitable accommodation for homeless adolescents before they can be released on bail. The revised Bail Act also specified that the matter must be relisted before the Children's Court every two days, and caseworkers must report their efforts to find accommodation (NSW Government, 2013).

Shortly before Section 28 took effect, Youth Justice and Child Protection signed a Memorandum of Understanding (MoU) designed to clarify which department was responsible for securing accommodation (see Table 6). The MoU explained that Youth Justice caseworkers should be involved in all cases, but that Child Protection will take the lead for under-16's and those deeper in the Child Protection system. This includes adolescents who have open and allocated cases or have already been removed from their parents and placed in OOHC (Department of Family and Community Services, & Department of Justice, Juvenile Justice, 2014).

Client	Agency involvement
<ul style="list-style-type: none"> • The young person is under the sole responsibility of the Minister, or shared responsibility of the Minister with residency • The young person has no current care orders, but Child Protection has an open and allocated ROSH case 	<p>Child Protection and Youth Justice have joint responsibility for finding housing with Child Protection acting as the lead agency</p>
<ul style="list-style-type: none"> • The young person is under 16 and is under the responsibility of a parent, relative or third party with no aspect of parental responsibility to the minister • The young person has no open Child Protection case 	<p>Child Protection and Youth Justice have joint responsibility for finding housing with Youth Justice acting as the lead agency</p>
<ul style="list-style-type: none"> • The young person is over 16 and is under the responsibility of a parent, relative or third party with no aspect of parental responsibility to the minister 	<p>Youth Justice has the sole lead or finding housing</p>
<ul style="list-style-type: none"> • The young person has no current care orders, but Child Protection has an open unallocated ROSH report on the young person that is unable or unlikely to be allocated • The Minister holds some aspects of parental responsibility but not residential or day-to-day care responsibility 	<p>An inter-agency discussion is held for the purposes of tabling a plan with the Children’s Court</p>

Table 3: Summary of agency responsibility under the Youth Justice and Child Protection MoU

Note: ROSH = risk of significant harm.

Source: Department of Family and Community Services, & Department of Justice, Juvenile Justice (2014).

Section 6.2.1 will explore the benefits of – and issues with – the MoU, and the obstacles to its successful implementation. The discussions in this section refer specifically to adolescents being held in remand under Section 28 of the Bail Act, who are the current subjects of this MoU. However, many of the issues discussed below are also relevant to young people transitioning from sentenced detention or long-term criminal remand. The specific circumstances of this group, who we believe should be included in any MoU between Youth Justice and Child Protection, will be discussed further in Section 6.3.

6.2.1 Securing accommodation through the Child Protection system

Our interviewees reported two major misconceptions in the Child Protection system that prevent caseworkers from responding with sufficient urgency when a homeless adolescent is in detention under Section 28 of the Bail Act. The first is the assumption that detention is a 'safe' housing option for homeless adolescents. This leads to Child Protection caseworkers viewing detention as a viable solution for temporary accommodation, rather than an unnecessary – and potentially damaging – imprisonment.

“

[Child Protection] doesn't seem to see jail as a jail. They see it as a refuge with bigger walls. And they think the young person is safer in there, so they're not as tense to get them out of custody as Youth Justice are.

”

Legal Aid, Illawarra Shoalhaven

“

[Child Protection] can even suggest that we don't apply for bail, so they're held on remand, so they have a place to stay. With bail, [Child Protection] generally say that the centres are accommodation. And if there's not somewhere readily available, they won't put them up somewhere.

”

Youth Justice Community Office, Hunter New England

Some felt that the MoU, local agreements and increased oversight from the Children's Court under the Bail Act had helped improve Child Protection caseworkers' sense of urgency. But others argued that the old attitudes remain as Child Protection caseworkers lack training in Section 28, the MoU and the Youth Justice system generally.

“

The relationship seems stronger since the Bail Act's two-day turnaround. So, if a young person is in custody, Section 28, there's a two-day turnaround to find accommodation and [Child Protection] need to be involved. They have to step up and engage. It doesn't force their hand, but it's made them more aware of their obligations ... They have a legal obligation now.

”

Youth Justice Centre, Western NSW

““

Many [Child Protection] workers don't understand what Section 28 means and that it's urgent. There's no training on the Youth Justice system. There needs to be more collaboration and communication between the two teams.

””

Youth Justice Community Office, Western NSW

Another misconception identified by our interviewees was that older adolescents are not as vulnerable as younger adolescents and children. The MoU specifies that there should be an inter-agency discussion about case management for 16 to 18-year-olds who are reported at ROSH. But Youth Justice caseworkers we spoke with said that the Department's focus is typically on children, particularly younger children and babies, and that Child Protection would rarely intervene in the case of an over 16-year-old who isn't already in the OOHC system.

““

The MoU is followed ... albeit with full knowledge that [Child Protection's] priority is with babies, toddlers, young children and then under-16's. An over-16 who is not under parental responsibility or not case managed by [Child Protection] are not a priority for [Child Protection] to assist.

””

Youth Justice Community Office, Mid North Coast

““

[Child Protection] are working with babies that are having serious things happen to them ... And I guess, sort of, on the scale, you know, a 16 or 17-year-old that's homeless, isn't a priority compared to, you know, a 6-month-old being assaulted.

””

Youth Justice Centre, Northern NSW

These reports from Youth Justice caseworkers are consistent with the Yfoundations survey of 82 SHS providers in November 2020 (Yfoundations, 2020b). As shown in Figure 9, 30% of respondents reported that Child Protection was 'not at all responsive' to ROSH reports for homeless 12 to 15-year-olds, and 52% reported that they were only 'somewhat responsive'. More concerning, 72% of SHS providers reported that Child Protection was 'not at all responsive' to reports for 16 to 17-year-olds, and a further 20% reported they were only 'somewhat responsive'.

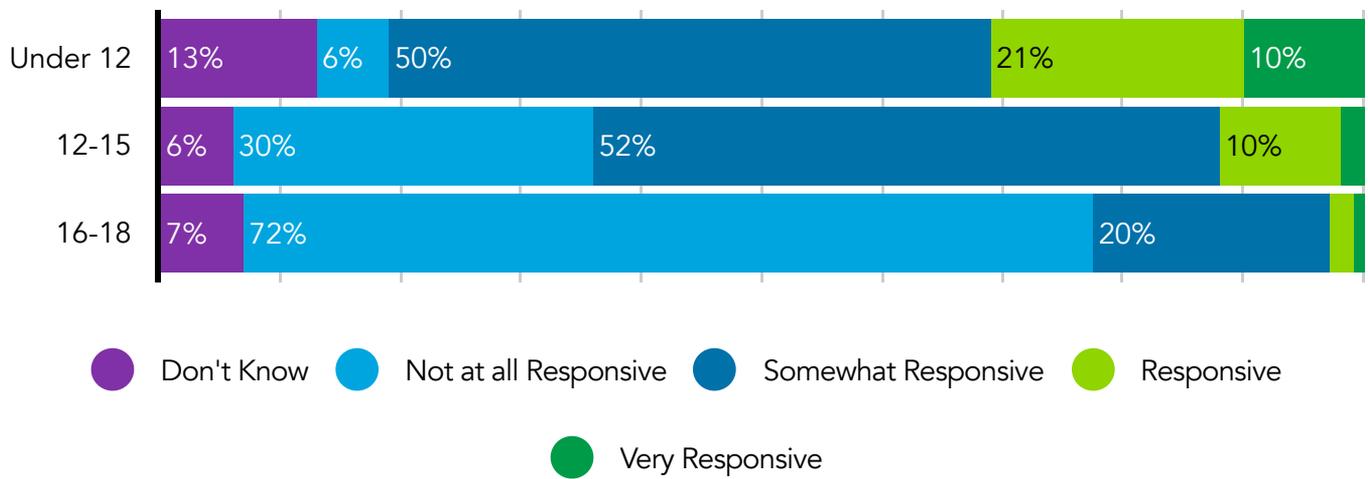


Figure 9: SHS survey respondents to the question, 'In your experience, how responsive are DCJ to Child Protection reports from SHS providers regarding young people aged...'

Source: Yfoundations (2020b).

This perception is different to Child Protection's data about the vulnerability of teenagers 'known' to the department – meaning they or their sibling were the subjects of a ROSH report in the previous three years. Each year, the Serious Case Review teams report on the deaths among this group. Children and young people aged 13 to 17 have consistently made up the second-largest group for reported deaths, behind babies less than a year old (see Figure 10).

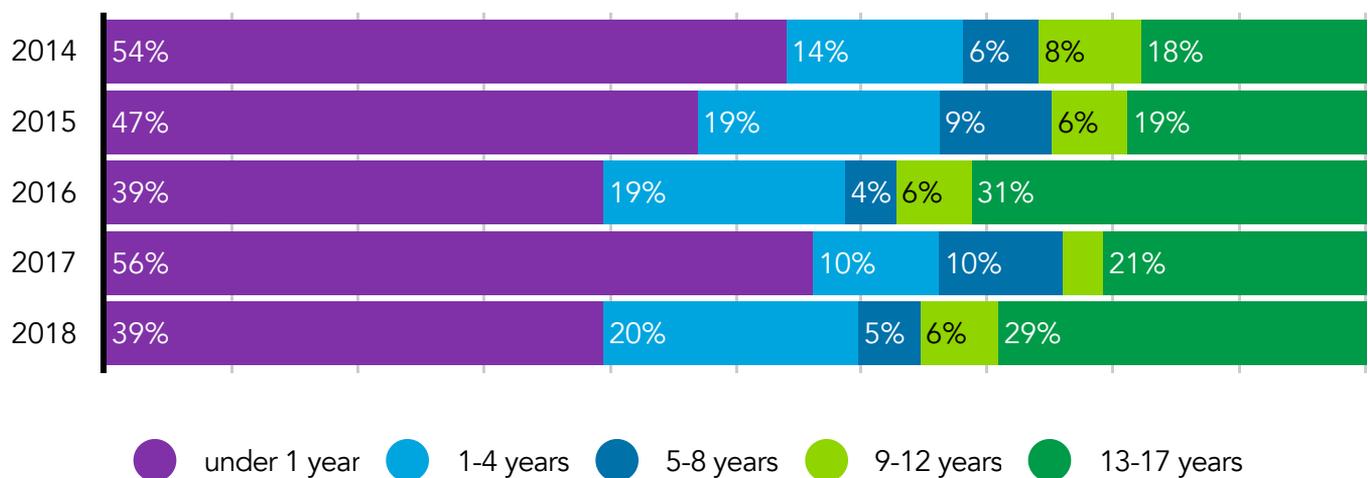


Figure 10: Age at death of children and young people known to Child Protection in NSW

Note: This data is as reported from in the 2014 to 2018 Child Death Annual Reports.

Source: Yfoundations (2020b).

The deaths of 140 teens known to Child Protection between 2009 and 2014 found that death rates increased with age (see Figure 11), counter to the assumption that those over 16 can 'self-protect' (Robinson, 2017). The majority (85%) of the teens in this cohort review died in vulnerable circumstances. Suicide was the leading cause of death among 13 to 17-year-olds (36%), followed by transport accidents involving risk factors such as young or intoxicated drivers, too many passengers and speeding (30%); illness involving medical neglect (17%); and drug overdose (7%).

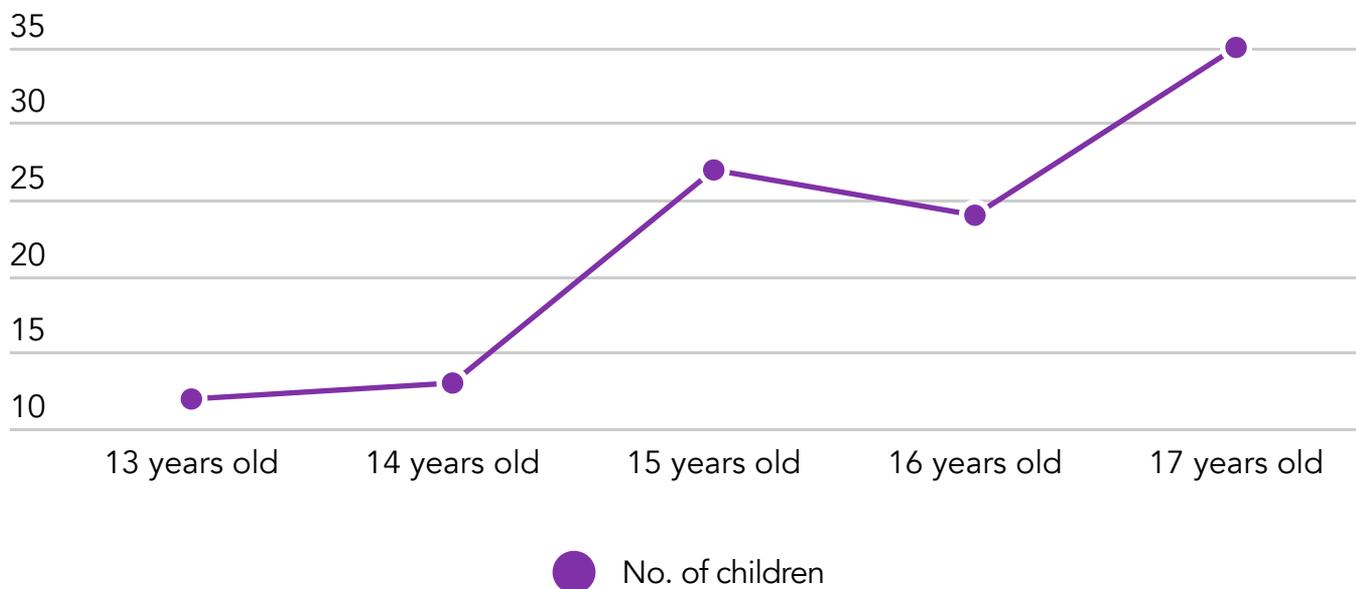


Figure 11: Age at death of teens known to Child Protection who died in vulnerable circumstances between 2009 and 2014

Note: This data is as reported in the '2014 Child Death Annual Report'. N = 130.

Source: Yfoundations (2020b).

More than one in 10 teenagers (11%) were homeless when they died, and 18% had experienced 'periods of homelessness or housing instability that contributed to their vulnerability' (Department of Family and Community Services, 2014a). Despite the evident risk to this highly vulnerable group of teenagers, only 12% had an allocated Child Protection or OOH caseworker when they died. In contrast, the much younger cohorts had significantly higher allocation rates – around 30% (see Figure 12).

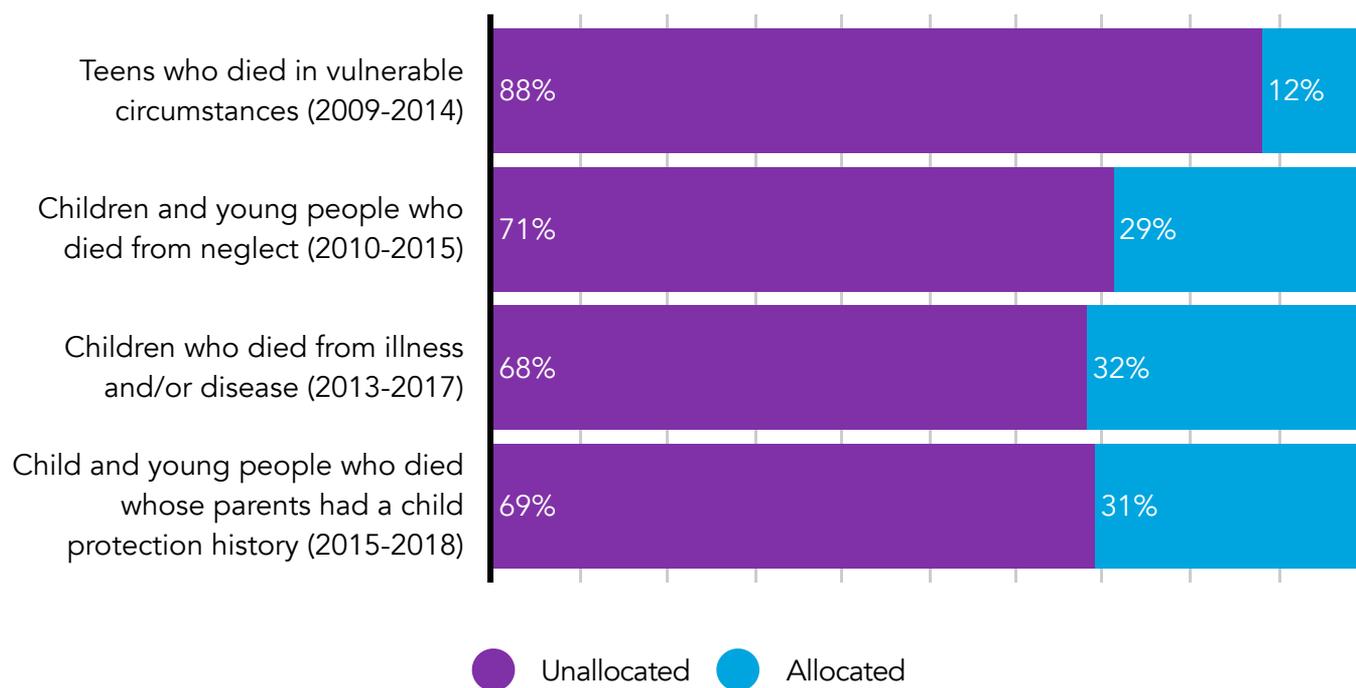


Figure 12: Caseworker allocation rates for deceased children and young people known to DCJ

Note: The data was sourced from Child Death Annual Report cohort studies.

Source: Yfoundations (2020b).

Research suggests that prioritising younger clients is only one factor explaining the neglect of homeless adolescents in detention. Caseworkers in the Child Protection system often have insufficient training for working with adolescents, particularly those engaged in criminal antisocial behaviour (Schmied & Walsh, 2010). But, more importantly, caseworkers struggle to find placements for this cohort.

The NSW OOHC system relies heavily on voluntary foster and kinship care to look after children and young people who can't live at home. However, there is a high risk of placement breakdown among older children and young people with behavioural problems (Konijn et al., 2019). As such, higher-need adolescents are often placed in residential care placements, which make up 3% of all OOHC placements in NSW (Heyes, 2018). But NGOs, who provide most of the foster and residential carers in NSW, often argue that they are insufficiently resourced for the therapeutic care these adolescents need (Gerard et al., 2019) (see Section 7.6 for further discussion).

This means adolescents leaving detention and custody risk being left on the 'edge of care' (Thornton et al., 2020) without a child protection response (Robinson, 2017), pushing them into homelessness.

“

We have several [young people from OOHC] come, in and out [of custody]. If we've got an OOHC person, let's say they've been in a property and they've smashed it up or something like that, it could take a couple of weeks before Child Protection and OOHC are even considering taking them because they have to re-do the place or things like that. So we have kids who don't really need to be in here, sitting here waiting for accommodation.

”

Youth Justice Centre, Murrumbidgee NSW

6.2.2 Securing accommodation through the SHS system

Although Child Protection caseworkers struggle to find appropriate placements for homeless adolescents, the task can be even more challenging for Youth Justice caseworkers. Some interviewees noted that, unlike Child Protection, their department does not have the 'bricks and mortar' outside detentions centres. This means they rely on short-term arrangements with SHS. The benefits of SHS compared to OOHC placements are that adolescents can remain under the responsibility of their parents or guardians, making the reunification process simpler. But these youth refuges are typically only funded to provide short-term crisis accommodation, and adolescents living in them are still considered homeless.

SHS receive limited funding to house and care for vulnerable young people. The estimated cost of supporting and accommodating a young client in an SHS program was only \$15,000 per annum in 2016 (MacKenzie et al., 2016). In comparison, the average cost of foster care placement in NSW was \$45,507 per annum in 2014/15 (Tune, 2016). In the same period, the estimated cost of a residential care placement in NSW was \$189,532 per annum, and the average cost of therapeutic residential care was \$310,144 per annum (Ainsworth, 2017).

Our interviews suggested that SHS providers often struggled to provide sufficient supervision and support for high-needs adolescents leaving detention, meaning some adolescents leaving custody or detention are 'risk-assessed out' of services. These reports are reflected in AIHW linked data from 2011/12 to 2014/15 (AIHW 2016). The AIHW found that those in the SHS-YJ cohort were more likely to request accommodation (80%) than those in the SHS-only cohort (63%). Yet, homeless adolescents who had spent time in detention were accommodated for fewer nights in total (100 nights) than those who hadn't spent time in detention (132 nights).



““

[SHS] really don't have the resources to maintain young people with complex needs ... Their offending history is one thing. Their behavioural history, the risk of violence and their sexual offending obviously prohibits a lot of young people from being placed or successfully placed. But then you layer in the mental health needs of young people, which we're seeing more and more of in custody, that throws their world into chaos.

””

Youth Justice Centre, Western NSW

““

The MoU allows us to identify the lead agency and apply pressure, which is a positive thing, whereas previously there was not much happening. The sticking point is the accommodation. Because they are complex and vulnerable kids that are often risk-assessed out.

””

Youth Justice Community Office, Western NSW

When conducting risk assessments, SHS providers need to consider whether services can provide an 'appropriate level of supervision based on the client's needs, complexity, and risk to themselves and others' (Department of Family and Community Services, 2014b). Given the safety needs of other homeless adolescents in their service, it's often difficult for SHS providers to accept adolescents with a history of offending. Our interviewees mentioned that they particularly struggle to accommodate those who have committed violent crimes, especially sex offences, and those with ongoing drug use issues.

SHS providers argued that they may be better able to provide for young people leaving services if additional funding was forthcoming from Youth Justice. Yet, the current funding arrangements are extremely limited. As noted in Section 6.1, there are currently only 15 beds funded through the Bail Assistance Line across seven districts. Youth Justice also funds four SHS to provide up to 28 days of accommodation through the Short-Term Crisis Accommodation program. These services provide the equivalent of five and a half beds across NSW: one each in Western Sydney, Northern Sydney, the Illawarra Shoalhaven, the Central West, the Far West, and one in Murrumbidgee that's currently available for 196 nights of each year.

If a Youth Justice caseworker cannot find a placement through these paid services, they are encouraged to contact Link2home. Link2home is a state-wide 24/7 helpline providing information on available SHS placements for over 16-year-olds. If Link2home cannot match someone with an appropriate service, they may offer temporary accommodation – usually a few days in low-cost motels or caravan parks – while more permanent arrangements are made.

Although Link2home is designed to provide a streamlined link with accommodation providers, Youth Justice caseworkers suggest using this service adds to their workload. Having gone through a lengthy assessment process with the Link2home operator, they are often required to repeat this information to the SHS provider they are referred to. Many caseworkers reported that they bypass Link2home and call refuges directly. However, this can also be a complicated process because the Client Information Management System – a platform used by SHS that records availability at different services – is not available to Youth Justice caseworkers. The BAL is currently trialling a daytime role to support Youth Justice caseworkers and provide access to their contracts, but this role is still in its early stages.

All referrals to SHS providers are limited by the homelessness system's real-time needs, which means that beds cannot be booked ahead (Hollyman & Prentice, 2008). The pilot program, A Place To Go, is one of the few programs that can be booked ahead by Youth Justice caseworkers. This program operates from the Paramatta Children's Court and provides intensive casework and court support. Unfortunately, the program only has one four-bedroom house, and providers report that they struggle to transition adolescents out of the program because of their complex needs and the limits of the SHS system.

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For a 17-year-old male sex offender who has a history of abusing young girls – if we have a house full of girls, we can't take them. Our priority is keeping the young people in the house safe. The reverse is true also, if we have a string of boisterous boys in the house, we won't take in any young girls.

”

SHS Provider, South Eastern Sydney

“

If we have a house full of DV [domestic violence] victims – we do have to do an incredibly thorough assessment before bringing someone in who has been detained for aggravated assault.

”

SHS Provider, Sydney

“

We work collaboratively with [drug rehabilitation service] so we get a lot of kids who are on their way in or out of rehab so they're in a risky position... If we have someone from there, we'll be cautious around taking someone in who uses drugs.

”

SHS Provider, South Eastern Sydney

““

There is a program that one of my kids is accessing – A Place to Go. I find it really accessible. It’s like a guarantee for this young person for whenever he does get out. I’ve found more benefit using that service than Link2home or any refuge.

””

Youth Justice Community Office, Mid North Coast

““

[Child Protection] does not get involved unless the young person is in the care of [Child Protection]. For example, the under 14-year-olds. Usually, there's [Child Protection] involvement, because they don't have a place to go, they're in the care of the minister, but there's a gap: 16-year-olds and above who are not involved with [Child Protection]. Let's say they do have parents, but the parents don't want them home. There is nowhere to go in terms of what's available on the Bail Assistance Line. So it's sort of like a mini black hole for the ones where [Child Protection] aren't involved. Parents don't want them home and the Bail Assistance Line has nothing to offer.

””

SHS Provider, South Eastern Sydney

These limitations make it extremely difficult for Youth Justice caseworkers to find placements for homeless adolescents leaving detention. Due to the MoU and the age bias in the Child Protection system discussed earlier, it's most often the case that Youth Justice caseworkers will have responsibility for over 16-year-olds. But our interviewees reported that they sometimes have responsibility for finding accommodation for under 16-year-olds who are not in OOHC. As noted in Section 5.1, not all HYAP services provide accommodation for this group. This means that finding placements for under 16-year-olds is particularly challenging for those in the Youth Justice system.

““

Most refuges are reticent to take a young person who is under the age of 16 because they may not have ongoing options for a longer-term placement. They're offering young people up to 28 days or thereabouts, but with a view to repatriation to their family – and most young people don't have that. So they don't have options for ongoing placement, and so they're reticent to take them in the first place because they know that after the 28 days they're not going to be able to place them in longer-term accommodation.

””

Youth Justice Centre, Western Sydney

““

If they're under 16 and [(Child Protection)] don't have any involvement, it's very difficult to try and get something in place for them to be released from custody.

””

Youth Justice Community O, Illawarra Shoalhaven

The limits of the SHS system mean that parents are sometimes forced to relinquish care for their children so they can access the OOHC system.

““

There have been instances that I've known of where Youth Justice have advised parents to relinquish care, so that the young person can access a service. I think that's just horrific but sometimes there's nowhere for them to go and they're not getting services because the parents have care and they won't relinquish care, so no one is going to place them.

””

Youth Justice Centre, Western Sydney

6.3 Placements for adolescents sentenced to detention and on criminal remand

As highlighted in the previous section, there is a severe lack of placement options in the OOHC and SHS systems for adolescents leaving detention – particularly for those with complex needs. Many young people in OOHC lose their placements due to their involvement with criminal justice (McFarlane, 2016). This means that having homeless adolescents in detention under Section 28 is a highly 'reactive' time when caseworkers 'scramble' to find suitable accommodation. Our research suggests these shortages also affect transition planning for adolescents on long-term remand for criminal reasons or who have been sentenced to detention.

Ideally, longer detention periods present a window of opportunity for relevant caseworkers to work with adolescents and their families, carers, schools and relevant community members to develop strategies for a successful transition back into the community (Cumming et al., 2018). But the lack of available placements means that addressing homelessness becomes the overwhelming focus for Youth Justice and Child Protection caseworkers. As the 2014 Annual Child Death Review notes, 'ensuring that a teenager has a bed for the night can be all-consuming and time-intensive, leaving little room for [Child Protection] practitioners to begin addressing the underlying issues' (Department of Family and Community Services, 2014a).

“

It makes it very difficult when we have a homeless issue that is primary and it takes up most of their response time. A lot of time anyway, looking for placements within the community.

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Youth Justice Centre, Western Sydney

These limitations explain the concerning data outlined in Section 4.3: that approximately 8% of adolescents leaving detention are not exiting to ‘safe and secure accommodation’. An additional, unknown number are exiting to SHS placements. These adolescents are still homeless, as SHS placements are not appropriate long-term accommodation. As highlighted in the previous section, SHS are also not resourced to meet the complex needs of this highly vulnerable group.

In the recommendations section of this report, we will provide an overview of the evidence-based options for this group, including intensive programs to support family reunification and therapeutic OOH placement



7. Recommendations

This report has highlighted the two-way relationship between adolescent homelessness and incarceration. It has shown how these issues are connected to intergenerational cycles of abuse and disadvantage. Addressing these issues will require deep structural changes to improve equity in health, housing, education, employment and political representation. It also requires greater investment in evidence-based family interventions in the crucial early years of a child's life. Evidence suggests that early interventions can provide significant returns on investment, as they improve long-term outcomes (Cannon et al., 2018).

Structural changes and early intervention are crucial to preventing adolescent homelessness and offending behaviour; however, these are beyond the scope of this report. Instead, our primary focus is on adolescents whom the system has already failed and who have, as a result, reached the deep end of the Youth Justice and homelessness systems. Yet, Yfoundations supports investments to prevent entry into these systems in addition to crisis support.

Given our focus, this report also does not make recommendations about policies and programs that would prevent adolescents from entering detention. The NSW Parliament's Select Committee on the High Level of First Nations People in Custody and Oversight and Review of Deaths in Custody (2021) has recently made recommendations in this area. These include increasing the age of criminal responsibility to 14, expanding the types of offences that can be diverted and removing the caps on the number of cautions that can be given in the Young Offenders Act 1997 (NSW), and amending the Children (Criminal Proceedings) Act to explicitly state that detention should only be used as a last resort and for the shortest appropriate time.

7.1 Data collection and reporting

As noted in Section 4.3, NSW Youth Justice does not currently routinely collect data about the housing status of young people entering detention. It does record and publish data on whether young people are living in 'safe and appropriate accommodation' when leaving Youth Justice supervision. But this term does not align with the ABS definitions of homelessness, nor does the data capture young people leaving detention.

We are aware that Youth Justice has undertaken an analysis of data items that indicate homelessness, a snapshot homelessness survey and is working on definitions and procedures for accurately recording homelessness. We welcome this work, particularly as data that differentiates between those held in remand or detention would improve resource allocation and help to monitor the effects of Youth Justice casework on housing outcomes. However, this data and analysis should be publicly available. Routinely publishing data on how many young people are being held under Section 28 of the Bail Act could increase the public and political attention paid to this issue.



Recommendation 1:

The NSW Government should routinely collect and publish detailed information about:

- a) The housing status of adolescents entering and leaving detention
- b) The number of adolescents being detained under Section 28 of the Bail Act.

7.2 Increase support for adolescents on court orders

Bail is essential for adolescents to avoid the trauma of unnecessary remand. It also allows them to stay in their community, connected to education and family life while awaiting their trial. Yet despite the supposed commitment to using detention as a measure of last resort, NSW still has high rates of young people being held in custodial remand – and the vast majority will not be sentenced to detention.

The 2020 response to the COVID-19 pandemic suggests that this remand rate is unnecessary. To reduce the spread of coronavirus throughout institutions, an analysis by BOCSAR found that the NSW Police and Children’s Court increased the number of adolescents being discharged on bail and decreased the bail revocations following breaches of bail (Chan, 2021). Between 15 March and 28 June 2020, the NSW youth custody population decreased by a quarter, from 273 to 203. A drop in the remand population accounted for 60% of this decrease. This change did not correspond with an increase in NSW Police cautions or court actions.

There is no evidence to suggest that monitoring, arresting and detaining young people when they breach their bail conditions reduces reoffending (Wong, Bailey, & Kenny, 2009). Given this, the NSW Government should follow Victoria’s example and exempt juveniles from the offence of breaching a condition of bail (Just Reinvest NSW, 2020).



Recommendation 2:

The NSW Government should amend the Bail Act to remove the offence of breaching a bail condition for juveniles.

Urgent changes are needed to reduce the number of young people being held on remand because of accommodation issues, without increasing the number of homeless young people in the community. As noted in Section 6.1, Bail Coordinators find it much easier to find accommodation for adolescents through organisations that receive Youth Justice funding, such as the BAL fee-for-service beds. Therefore, it is essential that more services are funded to enable the BAL to meet demand, particularly in regional and rural NSW, and that new and existing contracts reflect the level of casework support these young people require. The NSW Government must also provide Aboriginal-specific accommodation, to improve the low placement rates among this over-represented group.

Youth Justice caseworkers also need assistance to access funded beds and other SHS placements. The scramble to find suitable accommodation through services or Link2home detracts from the time caseworkers could spend addressing other important issues, including mental health, alcohol and drug use, engagement with education and relationship problems. Therefore, we support the current trial of a daytime BAL worker who can support Youth Justice caseworkers and the NSW Police to find accommodation. Expanding the operating hours and mandate of the BAL would allow this service to operate like Victoria's Youth Justice Homelessness Assistance program (VincentCare, 2021), which runs alongside the Central After Hours Assessment and Bail Placement Service (Victoria State Government, 2021).



Recommendation 3:

Enhance the Youth Justice Bail Assistance Line by:

- a) Expanding to an all-hours service to assist NSW Police and Youth Justice caseworkers
- b) Increasing the number of fee-for-service contracts with SHS providers, particularly in rural and regional NSW.
- c) Funding Aboriginal-specific bail accommodation.

This will prevent adolescents from entering and remaining in detention, simply because they are homeless.

7.3 Improving inter-agency collaboration

In 2018 the NSW Ombudsman published the special report to NSW Parliament: 'More than shelter – Addressing legal and policy gaps in supporting homeless children' (Ombudsman NSW, 2018). This report, and the subsequent progress report (Ombudsman NSW, 2020), suggested that Child Protection's response to homeless 12 to 15-year-olds accessing SHS was insufficient. Following their recommendations, DCJ has been working with Yfoundations and SHS providers to review their 'Unaccompanied Homeless Children and Young People 12–15 Years Accessing Specialist Homelessness Services' policy. The new policy affirms Child Protection's responsibility to step in if under 16-year-olds residing in SHS cannot return home. It also provides a clear process for SHS providers to follow if they feel these responsibilities are not being fulfilled.

Currently, the Youth Justice response to this cohort is covered in two policies: the Youth Justice and Child Protection MoU, and Youth Justice's 'Young People and Homelessness' policy. As highlighted in Section 6.2.1, the MoU is useful but also has significant gaps. These gaps mean that Youth Justice caseworkers are responsible for finding SHS placements for under 16-year-olds, despite the limited number and duration of these placements. Over 16-year-olds with complex needs who have no scope for family reunification, and may benefit from placement within the OOHC system, are also being ignored by the Child Protection system. And adolescents whose case management has been handed back from an NGO provider to DCJ are getting stuck in detention because of unclear policies and procedures.

The MoU does not cover homeless adolescents leaving sentenced detention, and Youth Justice's 'Young People and Homelessness' policy does not provide any further clarification around this issue. Following the recent review of the 'Unaccompanied Homeless Children and Young People 12–15 Years Accessing Specialist Homelessness Service' policy, we recommend that departmental and sector leaders create inter-agency policy guidelines that are acceptable to those working in Child Protection, Youth Justice and SHS. All relevant caseworkers must receive appropriate training on the policy's scope, effective use and any other legislation and policies that might affect its proper application.



Recommendation 4:

The NSW Government should bring Youth Justice, Child Protection, peak bodies, SHS providers and other relevant NGOs together to:

- a) Create an overarching, inter-agency policy for supporting homeless adolescents who are in sentenced and unsentenced detention, which delegates responsibilities based on accurate assessments of accommodation and support available through each sector.
- b) Ensure that relevant employees across all sectors are fully trained in the new inter-agency policy.

7.4 Family reunification support

Wherever possible, homeless young people, including those in detention, should be supported to return to their family or OOHC placement. Our research suggests that increasing the beds available through the BAL and the Short-Term Crisis Accommodation program could help address this problem, as these services can provide families with some respite during a crisis. If properly funded, SHS can also provide casework support and referrals to services to help parents manage behaviour. However, as the 2020 HYAP evaluation highlights, some families and adolescents with complex needs require more intensive interventions than those that SHS are equipped to deliver (Taylor et al., 2020).

There are intensive, home-based interventions that are effective with adolescents (Dopp et al., 2017; Pergamit et al., 2016). Perhaps the most promising is Multi-System Therapy (MST), which is delivered to adolescents engaged in offending and other antisocial activities and their families by a team of clinical specialists. MST has been the subject of more than 20 published controlled trials, and a 2014 systematic review concluded that it leads to small but significant improvements in offending behaviour, mental health, substance use, family dynamics, out-of-home placement and peer relations (Kamieniecki, 2010; Littell et al., 2005; Martijn & Sharpe, 2006; Van der Stouwe et al., 2014). It has been particularly effective with adolescent sex offenders, with benefits lasting up to 25 years (Borduin et al., 2021; Van der Stouwe et al., 2014).

The NSW Government trialled MST with adolescents who offend in Newcastle and Western Sydney between 2008 and 2016, as part of the Intensive Supervision Program (ISP). The program ceased after an evaluation which found that while MST clients did spend less time in detention than those receiving the standard Youth Justice supervision, there was no difference in offending rates between six and 12 months within the MST client group (Poynton & Menéndez, 2015). This decision ignored the findings of a qualitative evaluation of the ISP's effect at 18 and 36 months, which found that the program had laid the 'foundations for an offending-free life' by improving mental health, family relationships, educational engagement and drug use (Stout et al., 2017) This is consistent with other studies which suggest that the effects of MST are delayed (Borduin & Dopp, 2012).



Recommendation 5:

The NSW Government should increase the availability of intensive, evidence-based family interventions.

7.5 Supported housing options for young people with complex needs

When a young person with complex needs flees or is kicked out of home, home-based family therapies should always be the first line of action. But even the most intensive, evidence-based interventions aren't always appropriate or effective. It may be that the home environment is unsafe, or that the parents and carers are unwilling to engage. Or, it may be that families and carers are simply unable to manage their teenager's behaviour or meet their complex needs.

Research suggests that the first choice for young people with complex needs who can't be cared for at home should be therapeutic or 'treatment' foster care (Gutterswijk et al., 2020). In this model, well-trained, supported and compensated carers provide one-on-one, around-the-clock supervision to address behavioural issues and promote family reunification. Treatment Foster Care Oregon (TFCO) is the most-researched therapeutic foster care program and was originally developed in the 1980s for young people who offend. A recent systematic review found that the TFCO leads to a significant reduction in criminal behaviour, drug use and depression among young people who offend (Åström et al., 2020; Johnson et al., 2008). By reducing the amount of time adolescents spend in detention, TFCO is more cost-effective than residential care and group homes.

While Victoria was a relatively early adopter of therapeutic foster care (McPherson et al., 2018), NSW has been slower to embrace this evidence-based model. The state's foray into the area in 2005, a Uniting Care Burnside project on the north coast of NSW, had its funding cut after just two years. It wasn't until 2018 that DCJ began funding OzChild to deliver the TFCO program in Bankstown and Campbelltown and introduce Therapeutic Home-Based Care (THBC) placements as part of the new Intensive Therapeutic Care system.

This delay means that the number of therapeutic foster care placements are still extremely limited in NSW. There are currently only 14 TFCO placements in NSW and roughly 10 THBC placements across the state. DCJ also funds 20 Professional Individualised Care placements, which are based on a longstanding German model that relies on recruiting qualified and experienced workers into the OOHHC sector. The eligibility criteria for these programs are extremely tight, and all placements are currently reserved for adolescents who have been removed because of parental neglect. This restrictive approach ignores the needs of functional parents who are simply unable to manage their children's behaviours. In countries such as Sweden, where a large proportion of those in OOHHC are adolescents in voluntary placement, teenage homeless rates are extremely low (Healy et al., 2011)

As noted in Section 6.2.2, young people with ongoing drug use issues are particularly difficult to place in accommodation. A promising option for this group is residential rehabilitation programs. These programs typically involve up to three months of accommodation, combined with on-site counselling, case management and living skills education. Although research on young people's outcomes in these programs is still emerging, some research has shown that residential rehabilitation does help to address drug and alcohol issues that may underlie homelessness or offending behaviour (Roarty et al., 2014; Stockings et al., 2016; Winters et al., 2011).

There are currently four youth-specific residential rehabilitation programs across NSW, offering a total of approximately 50 beds. Youth Justice funds two of these facilities in Dubbo and Coffs Harbour, through the Rural Residential Adolescent Alcohol and Other Drug Rehabilitation Service (DCJ, 2021). Eligible adolescents involved in the Youth Justice system follow a 12-week, offence-focused alcohol and other drugs program and also receive holistic support to develop life skills. This includes a range of culturally appropriate programs led by respected Aboriginal community members (Shepherdson & Fuller, 2015). While the Rural Residential Rehabilitation Service is a promising initiative, only eight beds are available at each of the two locations.



Recommendation 6:

The NSW Government should increase the availability of and eligibility for evidence-based placements for adolescents with complex needs including:

- a) Therapeutic foster care placements
- b) Therapeutic residential care placements
- c) Drug and alcohol rehabilitation programs, such as the Youth Justice Rural Residential Adolescent AOD Rehabilitation Service
- d) Adapted placements that meet the specific needs of Aboriginal adolescents.

8. Conclusion

This new report expanded on Yfoundations' research on Section 28 of the Bail Act to further map homeless adolescents' pathways in and out of detention in NSW. The report's findings were based on 143 interviews with various stakeholders across the Youth Justice and SHS system, as well as national and international research.

This report found that there is a complex, bi-directional relationship between homelessness and incarceration amongst adolescents in NSW. It found that children and young people who are experiencing homelessness have an increased likelihood of entering custody and detention. And once in the Youth Justice system, they face significant systemic challenges which increase their risk of exiting into homelessness.

The report examined the pathways available to homeless adolescents when leaving custody and detention, demonstrating that there are significant gaps and barriers. These include difficulties meeting bail conditions, a lack of suitable accommodation, the Child Protection system's reluctance to respond to homeless adolescents, and insufficient resourcing for intensive therapeutic responses.

The report outlines six recommendations to address these gaps and reduce the rate of homelessness and detention amongst vulnerable adolescents in NSW.

Yfoundations continues to advocate for the rights of homeless children and young people across NSW and we hope these recommendations will be adopted by the NSW Government.



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