

MCKINNEY-VENTO ACT DEFINITIONS:

The McKinney-Vento Act defines homeless children and youth as individuals who lack a fixed, regular, and adequate nighttime residence. The term includes:

- Children and youth who are:
 - sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason (i.e. doubled-up);
 - living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations;
 - living in emergency or transitional shelters;
 - abandoned in hospitals; or
 - awaiting foster care placement;
- Children and youth who have a primary nighttime residency that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings;
- Children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and
- Migratory children who qualify as homeless because they are living in circumstances described above.

A fixed residence is one that is stationary, permanent, and not subject to change. *A regular residence* is one that is used on a regular (i.e. nightly) basis. *An adequate residence* is one that is sufficient for meeting both the physical and psychological needs typically met in home environments. According to the McKinney Act, children and youth who lack a fixed, regular, and adequate residence are considered homeless.

These determinations should be made on a case-by-case basis. In general, children or youth living on the streets or in welfare hotels, transitional housing shelters, the streets, cars, abandoned building, and other inadequate accommodations are considered homeless.

The USDE further specifies the following categories of homeless children and youth:

Children and Youth in Transitional Shelters

If children or youth are placed in a transitional or emergency shelter because there is nowhere else to send them, and they are awaiting placement in a foster home or a home for neglected children, they should be considered homeless while in the emergency or transitional shelter. Once placed in a foster home for neglected children or youth, they should no longer be considered homeless.

Children and Youth Living in Trailer Parks and Camping Grounds

Children and youth staying temporarily in trailer parks or camping areas because they lack adequate living accommodations should be considered homeless. Those living in trailer parks or camping areas on a long-term basis in adequate accommodations should not be considered homeless.

Doubled-Up Children and Youth

Children and youth who are living in “doubled-up” accommodations, that is, are sharing housing with other families or individuals, are considered homeless if they are doubled-up because of a loss of housing or other similar situation.

Families living in doubled-up accommodations voluntarily to save money generally should not be considered homeless.

Foster Children and Youth

In general, children and youth in foster homes are not considered homeless. Many foster children are in the care of a public agency awaiting placement in more permanent situations. The foster home, although temporary, serves as a fixed, regular, and adequate nighttime residence. Children placed in foster home for lack of shelter space, however, should be considered homeless.

Incarcerated Children and Youth

Children and youth who are incarcerated for violation or alleged violation of a law should not be considered homeless even if prior to their incarceration they would have been considered homeless because they were living in inadequate accommodations. Children and youth who are under care of the State and are being held in an institution because they have no other place to live should be considered homeless. Once these children are placed in more permanent facilities, they are no longer considered homeless.

Migratory Children and Youth

Migratory children should not be considered homeless simply because they are children of migratory families. To the extent that migratory children are staying in accommodations not fit for habitation, they should be considered homeless.

Runaways

Children or youth who have run away from home and live in runaway shelters, abandoned buildings, the streets, or other inadequate accommodations are considered homeless, even if their parents have provided and are willing to provide a home for them.

School-Age Unwed Mothers

In general, if school-age unwed mothers or expectant mothers are living in homes for unwed mothers, and they have no other available living accommodations, they should be considered homeless. However, if they are staying in such a home only temporarily to receive specific health care or other services, and intend to move to the adequate accommodations, they should not be considered homeless.

Sick or Abandoned Children and Youth

There are instances where children and youth remain in a hospital beyond the time that they would normally stay for health reasons because they have been abandoned by their families. These children and youth should be considered homeless because they have no other place to live. Children and youth who were homeless prior to hospitalization should be considered to be homeless while they are in the hospital, unless regular and adequate living accommodations will be made available to them upon release from the hospital.

Throwaways

Throwaway children or youth (i.e. those whose parents or guardians will not permit them to live at home) are considered homeless if they live on the streets, in shelters, or in other transitional or inadequate accommodation.