

Guide for Chosen Family Hosting Arrangements in Which a Youth or Young Adult Is Impacted by the Legal System

We all make mistakes in life, but those mistakes do not define who we are as people. Sometimes, we make mistakes or cause harm as a form of survival. Taking responsibility for harm is a long-term process. Sometimes, there will be consequences of causing harm that are hard to navigate. Relationships with the caring people in our lives can help.

Life after involvement in the legal system, as a youth or young adult, can be hard to navigate. Having a record can create challenges with housing, employment, and education that increase the risk of homelessness. A record can make it difficult to get your own lease and can also cause issues if you're staying with someone. We share the following information to help young people and hosts navigate these challenges.

For legal advice or assistance with criminal expungement, please contact the following organizations. If they cannot assist you, they will refer you to another agency that can. Before you call, it helps to write down the questions you want to ask. And when you call, have someone with you for support. Good luck!

Mid-Minnesota Legal Aid: 612-334-5970

HOME Line: (612) 728-5767 **OR** (866) 866-3546 (if you're in greater Minnesota)

TIP: One thing that can help people who have a criminal record is taking the steps to start the [criminal expungement](#) process. Expungement is a court process where you can ask the judge to seal a court record. Mid-Minnesota Legal Aid and HOME Line can provide resources for lawyers who can help with criminal expungement.

Note: It can be stressful for a youth to be undocumented and have a criminal record, but the impact depends on numerous factors. As an undocumented young adult, any contact with the legal system puts someone at risk of detention or deportation. As an undocumented minor, a juvenile offense could make it more difficult to apply for legal status. Young people may also fear deportation by Immigrations and Customs Enforcement for themselves and for the undocumented loved ones who help them. Because this is a complex issue, we recommend contacting the [Immigrant Law Center of Minnesota](#), [Mid-Minnesota Legal Aid](#) or [HOME Line](#) to receive legal advice from a pro-bono attorney.

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DEFINITIONS: We use Minnesota's definition of "youth" facing homelessness as unaccompanied young people 24 years of age or younger, sometimes with their own children. We use "young adult" to refer to young people who are 18 to 24 years old.

We use "chosen family" to refer to any individual, related by blood or affinity, whose close association to a youth or young adult who would otherwise face homelessness fulfills the need of a familial relationship.

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What does a youth who has a record need to know about staying with a host?

A minor with a record is more likely to face a charge of “runaway youth,” and the host is more likely to face a charge of “[harboring a runaway](#).” Someone has to notify the police for a runaway youth charge to occur. Usually, the parents/guardians or caregiver make that call, which may be out of concern of the youth’s well-being.

TIP: Youth can use the [National Runaway Safeline](#), a hotline for youth who are runaways or facing homelessness, to anonymously contact their parents/guardians to share that they are alive and safe.

BE AWARE: If a youth receives help from a direct-service provider, like a drop-in center, then staff who are aware that a minor youth is away from home are required to notify child protection services.

For more information, check out LawHelp MN’s [Runaway Fact Sheet](#) and [Youth Living Away From Home Fact Sheet](#).

An 18+ young adult with a record might want to have a conversation with their host about their record. If the youth wants this to be a long-term and sustainable living situation, it is best to be honest and transparent. It is useful for a host to know a youth has a record, so the host can help them navigate any issues that come up.

How will a record impact a youth’s ability to sign a lease with their host?

When someone applies to become a renter, the property owner will generally do a [renter screening](#), which can include a criminal background check, credit check, and search for past evictions. In Minnesota, criminal records can include *arrests, charges, and convictions*. A charge is when the government accuses someone of a crime; a conviction is when someone is found guilty of a crime. Records can be private or public. Anyone can access public criminal records. Private records are only accessed by certain organizations for specific situations. Learn more on LawHelpMN’s [Public vs. Private Criminal Records](#) page.

Juvenile records are usually private. However, if a youth was 16 or 17 years old when they were charged with a felony, or if a youth was at least 14 when they were charged with a felony in adult court, those criminal records are public. To learn more about how a juvenile record can impact a youth’s life, check out the Gault Center’s [Plan For Your Future Minnesota Guide](#).

Property owners may be hesitant to rent to a minor youth. For more information on non-legal and legal solutions to continue staying with your host as a minor, please see our Minor Legal Guide.

If a host lives in subsidized housing and a youth wants to be added to the lease, then the host should first verify the guest policy with the public housing authority. If a youth overstays the guest policy, the host is at risk of eviction. The host can avoid this by adding the youth to their household. Members added to a household must also pass a rental screening and background check.

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- We understand that criminal background checks can be scary. **But a youth's criminal record doesn't have to be completely clean to pass!** If comfortable, youth and hosts should contact the public housing authority to find out exactly what crimes are prohibited. Some public housing authorities may have their criminal history screening criteria available online. Usually, the category of crime, subcategory, and length of time since the charge are factors in eligibility.

Find more information on renter screening and criminal background checks, see LawHelpMN's [Guide to Public Housing](#). For information on other programs, such as tax credit housing or Section 8, contact the housing authority.

If a youth rents from their host who is a homeowner, the youth should be clear about their criminal record. That the youth has a personal relationship with their host can be helpful. As a private property owner, a homeowner host can decide whether to rent to the youth, regardless of their criminal history. This gives the youth an opportunity to build some rental history, which can be a big benefit for a youth who has a record! For a complete look at the pros and cons of renting from a homeowner, see [Renter or Guest? Legal Guide: Homeowner Hosts](#).

What happens if a youth gets arrested, charged, or convicted while staying with a renter?

The youth and the host should discuss what happened, lessons learned, how this will impact their living situation, and next steps. **If the host is a renter**, regardless of the youth's age, and the alleged behavior occurred on the renter-host's property, then the youth and the host will want to check the lease. Some leases say that the renter (the host) is responsible for the behavior of all guests while they are on the property. If the lease holds the host responsible for what the youth did or is accused of doing, the host may be in lease violation and the property owner could evict them.

For minor youth, getting in trouble with the law will make "runaway youth" and "harboring a runaway" charges more likely. It is important to communicate with parents/guardians so they know where the youth is. We suggest that youth seek legal advice if they are in this situation. Reach out to a pro-bono attorney at [Mid-Minnesota Legal Aid](#) or [HOME Line](#).

Depending on the offense, the youth could go to a juvenile state detention center or be tried as an adult. Notification of the youth's court date will be mailed to their permanent address, which may be the residence of their biological parents, legal guardians, or whoever else was caring for them before their current host.

Watching for the mailing is another reason it's important to stay in touch with the youth's parents/guardians!

- **If a youth is in detention, can their host visit or call them?**
Unfortunately, only parents or legal guardians are allowed to visit youth in detention. It *may* be possible for a parent/guardian to add someone to the visitation list. This is extremely frustrating, but we encourage youth to reach out to a pro-bono attorney at [Mid-Minnesota Legal Aid](#) or [HomeLine](#) to receive legal advice on how to advocate for themselves and their host.
- **Can a host advocate for a youth?**
Yes! During the **disposition hearing** (the final decision on what a youth will need to do as a result of the

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offense) and the **placement hearing** (to evaluate the youth's living situation), a host can advocate for the youth. The host should share how long the youth has been staying with them, how they are helping the youth, and whether the youth can stay with them longer. Youth should advise their attorney as soon as possible about the hosting arrangement and develop a plan for how the host can provide input on disposition and placement.

How will a criminal record impact a youth's life?

For minor youth, to learn more about the ways a juvenile record may impact a youth's life, please check out Gault Center's [Plan For Your Future Minnesota Guide](#)

For 18+ young adults, the impact of a crime (misdemeanor or felony) will vary depending on the act.

- An adult criminal record can impact a youth's college admission, ability to pursue a trade, or join the military. Prison or jail time may affect access to public benefits and public housing. Young adults should seek legal advice for their own unique situation.
- Minnesota has a "Ban the Box" law: A private employer has to wait until an interview or job offer before inquiring about someone's criminal record. Learn more about criminal background checks and the ban-the-box movement through the [Minnesota Department of Human Rights](#).
- A juvenile delinquency record, offenses committed by youth under 18 years old, including both a charge and adjudication, can impact a young adult's ability to obtain certain jobs. Juvenile delinquency records include both **criminal charges**, formal accusation of a crime committed, and **adjudication**, the court process that determines a youth committed the crime for which they are charged.
 - Depending on the offense, a youth or young adult's record could restrict opportunities for employment in hospitals, schools, or daycares.
 - **BE AWARE: If a host operates a daycare, foster care, or elder care service, the youth or young adult's record could be a concern.** Minor youth (13 to 17 years old) and young adults are required to have a background study. Depending on the legal system involvement of the youth, the host could be disqualified. Learn more on the background study, disqualification criteria, disqualification appeal rights on the [Department of Human Services Minnesota Child Care Provider Background Studies](#).

Special Consideration: If a host's property owner gives a youth a trespassing notice

A property owner gives a trespassing notice when someone enters the property after being told not to return. The property owner, or public housing authority, calls the police department and the police give a "trespassing citation." Youth should check the trespassing citation to see if they are prohibited from returning for one year or indefinitely.

In Minnesota, a renter has the right to invite guests. However, a trespassing notice is legally enforceable if the lease states the property owner has control over every guest who enters the property OR a guest commits and was convicted of a crime on the property where the renter lives.

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If the trespassing citation is enforceable and a youth returns to their host's home, the police can arrest the youth. The host could get an eviction notice for letting the youth into the building. If the youth is a minor, the host could also be charged with "harboring a runaway." If unsure about a youth's specific situation, please contact a pro-bono attorney at [Mid-Minnesota Legal Aid](#) or [HOME Line](#) to review the trespassing notice.

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