



# Runaway and Homeless Youth (RHY) Act Final Rule



Presentation on the Runaway and  
Homeless Youth Act Final Rule

# Welcoming Remarks

Debbie A. Powell

Deputy Associate Commissioner

Administration on Children, Youth and Families

Family and Youth Services Bureau

- Presenters:
  - Christopher Holloway, Program Manager, Runaway and Homeless Youth Program
  - Kimberly Waller, Policy Advisor, Family and Youth Services Bureau
  
- What we will cover:
  - History
  - Process
  - Structure
  - Substance

# Runaway and Homeless Youth (RHY) Act

- The RHY Act provides authority for three major grant programs:
  - Street Outreach Program (SOP)
  - Basic Center Program (BCP)
  - Transitional Living Program (TLP)
- It also provides authority for demonstration programs, a national communications system, data collection, research, program monitoring, training and technical assistance, and the development and dissemination of other resources to support RHY funded programs.

# Runaway and Homeless Youth Act – Rule Process

## Why do we have this Rule?

- The most recent reauthorization of the RHY Act in 2008 required the Secretary to issue rules that specify performance standards.
- The NPRM was published in the Federal Register on April 4, 2014 with public comment ending on June 13, 2014.
- We received 72 responsive and unique comments or sets of comments on the proposed rule, not including comments that were word-for-word identical.
- Overall, about 300 individuals and organizations provided comments.

# RHY Final Rule

Final Rule was published in the Federal Register on December 20, 2016.

- RHY Final Rule applies to all RHY grantees
- Effective on January 19, 2017
- Grantees must complete all required background checks no later than October 1, 2017
- The Final Rule can be found at:  
<https://www.federalregister.gov/documents/2016/12/20/2016-30241/runaway-and-homeless-youth>

# RHY Final Rule - Implementation

- FYSB will conduct a variety of training opportunities for the field to learn about the Rule:
  - Initial 101 Training in June
  - Additional region specific trainings in all 10 HHS regions
- FYSB will release additional or clarifying policy and guidance as needed.
- FYSB will provide Training and Technical Assistance.

# RHY Final Rule

- Organization of the Rule
  - Preamble
    - Summary
    - Statutory Authority
    - Background
    - Consultation and the Development of the Final Rule
    - Scope of the Final Rule
    - Summary of Public Comments
    - Section-by-section discussion of the regulatory provisions
  - Regulatory Text
    - RHY Regulations are found in 45 CFR Part 1351 and now includes subparts A through D



# RHY Final Rule - Summary

## Subpart A—Definition of Terms

- § 1351.1 – Significant Terms
  - There are 35 defined terms – some are new and some are from the RHY statute
  - Examples include:
    - Aftercare
    - Background Check
    - Contact
    - Core competencies of youth worker
    - Intake
    - Safe and appropriate exits

# RHY Final Rule - Summary

## Subpart B—Runaway and Homeless Youth Program Grants

- *§ 1351.10 - What is the purpose of Runaway and Homeless Youth Program grants?*
  - Summarizes the purpose of the RHY program
- *§ 1351.11 - Who is eligible to apply for a Runaway and Homeless Youth Program grant?*
  - Public (state and local) and private non-profit entities unless part of the juvenile justice system
- *§ 1351.12 - Who gets priority for the award of a Runaway and Homeless Youth Program grant?*
  - Experience organizations providing services to runaway and homeless youth, and BCPs requesting grants of less than \$200,000
  - The new performance standards (discussed later) will be integrated into the grant making, monitoring, and evaluation processes

# RHY Final Rule - Summary

- *§ 1351.13 - What are the Federal and non-Federal match requirements under Runaway and Homeless Youth Program Grant?*
  - Federal share is 90 percent, the remaining 10 percent represents the required project match
- *§ 1351.14 - What is the period for which a grant will be awarded?*
  - No changes were proposed during the rule making process
- *§ 1351.15 - What costs are supportable under a Runaway and Homeless Youth Program grant?*
  - Staff training and core services
  - Costs for acquisition or renovation of existing structures cannot normally exceed 15 percent of the grant award
  - For certain grantees - data collection, telecommunications services, and preparation and publication of materials

# RHY Final Rule - Summary

- *§ 1351.16 - What costs are not allowable under a Runaway and Homeless Youth Program grant?*
  - Capital costs of constructing new facilities and other operating cost restrictions
  - Treatment or referral to treatment that aims to change someone's sexual orientation, gender identity, or gender expression
- *§ 1351.17 - How is application made for a Runaway and Homeless Youth Program grant?*
  - Follow FOA instructions

# RHY Final Rule - Summary

- § 1351.18 - What criteria has HHS established for deciding which Runaway and Homeless Youth Program grant applications to fund?
  - Meets FOA requirements
  - Shows a need for support in the community
  - Meets residential capacity requirements including adequate staffing
  - Establishes plans for meeting the best interest of the youth, and if appropriate, their family
  - Delivers aftercare and counseling services
  - Proposes reasonable costs
  - Hires qualified personnel
  - Describes past performance, including, but not limited to meeting future performance standards

# RHY Final Rule - Summary

## Subpart C—Additional Requirements

- *§ 1351.20 - What Government-wide and HHS-wide regulations apply to these programs?*
  - Lists regulations that apply or potentially apply including civil rights protections in regulations concerning discrimination on the basis of race, color, national origin, disability, and age that apply to all HHS grantees, including RHY grantees
  - See <https://www.hhs.gov/civil-rights/for-providers/laws-regulations-guidance/laws/index.html> and <http://www.hhs.gov/ocr/civilrights/understanding/disability/index.html> for guidance on the Americans with Disabilities Act and Rehabilitation Act of 1973

# RHY Final Rule - Summary

- *§ 1351.21 - What confidentiality requirements apply to these programs?*
  - A youth's confidential information may not be disclosed except with written informed consent from the youth, and parent or legal guardian consent is required for youth under 18 years
  - Youth have the right to review their records
  - State law protections still apply
  - Research, evaluation, and statistical reports funded by RHY grants for research, evaluation, demonstration, and service projects, are allowed to use individual data, as long as it is de-identified.
  - Staff training is required

# RHY Final Rule - Summary

- § 1351.22 - What additional requirements apply to these programs?
  - Service delivery and staff training must address the individual strengths and needs of youth
  - No homeless youth can be excluded from participation in or discriminated against because of their race, ethnicity, age, religion, sex, gender identity, sexual orientation, socioeconomic status, physical or cognitive ability, language, beliefs, values, behavior patterns, or customs
  - Eligibility for a program can include an assessment of the needs of each applicant and the health and safety of other beneficiaries.
  - Youth are not subject to medical, psychiatric, or psychosocial treatment without consent



# RHY Final Rule - Summary

- § 1351.23 - What are the additional requirements that apply to the Basic Center, Transitional Living, and Street Outreach Program grants?
  - Technical assistance, monitoring, and short-term training (includes list of training areas)
    - Not every staff must be trained in every subject but staff who work directly with youth should receive training sufficient to meet the state core competencies of youth workers
  - Submit statistical reports profiling clients served and performance information through RHY-HMIS
  - Coordinate with organizations serving similar clients, like Continuums of Care (CoCs), child welfare, schools, and juvenile justice systems to identify runaway and homeless youth

# RHY Final Rule - Summary

- *§ 1351.23 - What are the additional requirements that apply to the Basic Center, Transitional Living, and Street Outreach Program grants? - Continued*
  - Develop plans for addressing youth who have run away from foster care
  - Develop plans for working with system involved youth and connect youth to services from those systems
  - Develop emergency preparedness plans
  - Ensure shelters must be licensed as well as shelters to which they regularly refer
  - Implement positive youth development

# RHY Final Rule – Summary

- *§ 1351.23 - What are the additional requirements that apply to the Basic Center, Transitional Living, and Street Outreach Program grants? - Continued*
  - No later than October 1, 2017 - Complete background checks for all paid and non-paid staff who have regular and unsupervised contact with youth, and for all adult occupants of host homes
  - Required background checks include:
    - State or tribal criminal history records, including fingerprint checks;
    - FBI criminal history records, including fingerprint checks, to the extent FYSB determines this to be practicable and specifies in FOA;
    - Child abuse and neglect state registry check, to the extent FYSB determines this to be practicable and specifies in FOA;

# RHY Final Rule – Summary

§ 1351.23 - What are the additional requirements that apply to the Basic Center, Transitional Living, and Street Outreach Program grants?  
- Continued

- Sex offender registry check; and
  - Any other checks required by state law.
- 
- Conduct checks as appropriate to job function – education credentials and employment experience, driving record, professional license
  - Document the justification for hire where an arrest, pending criminal charge, or conviction is present

# RHY Final Rule – Summary

- § 1351.24 - What are the additional requirements that the BCP grantees must meet?
  - Intake procedures and access to shelter 24/7
  - Trauma-informed case management, counseling, and referral services
  - Provide additional core support services to clients as appropriate (case planning, skill building, recreation, and leisure activities)
  - No later than 72 hours of the youth entering the program, contact the parents, legal guardians, or other relatives
    - If not in the best interest of the youth, or unable to locate, or youth refuses to disclose, then the grantee must (1) inform another adult identified by the child; (2) document why; and (3) send a copy of the documentation to the regional program specialist
  - Additional requirements in future FOAs

# RHY Final Rule – Summary

- *§ 1351.25 - What are the additional requirements that the TLP and MGH grantees must meet?*
  - Provide additional core services when appropriate (case planning, counseling, skill building, consumer education), referral to needed social and health care services, education, recreation/leisure, aftercare, and, if relevant, parenting skills, child care, and child nutrition
  - Additional requirements in future FOAs

# RHY Final Rule - Summary

- § 1351.26 - What are the additional requirements that both the BCP and TLP grantees must meet?
  - Develop aftercare plans covering at least 3 months
  - Develop a plan for health care referrals and access to health insurance
  - Develop a plan to ensure youth stay connected to their schools or to obtain appropriate educational services, training, or employment services
    - Includes connecting youth to their McKinney-Vento liaison and resources and access to the FAFSA

# RHY Final Rule - Summary

- *§ 1351.27 - What are the additional requirements that the Street Outreach Program grantees must meet?*
  - Provide services that are designed to assist clients leaving the streets, making healthy choices, and building trusting relationships in areas where youth congregate
  - Directly or by referral provide treatment, counseling, prevention, and education services
  - Refer youth to emergency shelters
  - Additional requirements in future FOAs



# RHY Final Rule - Summary

## Subpart D—What are the Runaway and Homeless Youth Program-Specific Performance Standards?

- *§ 1351.30 What performance standards must Basic Center Program grantees meet?*
  - Enhance outcomes for youth in the following four core areas:
    - (1) Social and Emotional Well-being
    - (2) Permanent Connections
    - (3) Education or Employment
    - (4) Stable Housing
  - Specific metrics will be spelled out in future FOAs
  - Ensure youth receive trauma-informed counseling services and have access to home-based services, drug and/or alcohol abuse education and prevention services, and/or STD testing and report data on the types of counseling and services offered, participation rates, and completion rates IF programs offer these services
  - Ensure that youth are connected to safe and appropriate exits and report this data

# RHY Final Rule - Summary

- § 1351.31 What performance standards must Transitional Living Program grantees, including Maternity Group Homes, meet?
  - Enhance outcomes for youth in the following four core areas:
    - (1) Social and Emotional Well-being
    - (2) Permanent Connections
    - (3) Education or Employment
    - (4) Stable Housing
  - Specific metrics will be spelled out in future FOAs
  - Ensure youth are engaged in educational advancement, job attainment skills or work activities and report data on this information
  - Ensure youth receive health care referrals and report data
  - MGH grantees ensure youth receive consistent pre-natal care, well-baby exams, and immunizations for the infant and report data
  - Ensure youths' exits are to safe and appropriate locations and report data about where they go once they exit the program

# RHY Final Rule – Summary

- *§ 1351.32 What performance standards must Street Outreach Program grantees meet?*
  - Must contact a number of youth who at risk of or who are experiencing homeless – numbers depend on the staff size of the organization
  - Specific metrics will be spelled out in future FOAs

# RHY Final Rule – Conclusion

- This Rule strengthens the ability of runaway and homeless youth programs to better serve youth experiencing homelessness and builds on the work already being done in the field.
- This will be a team effort to implement this regulation.
- We are here to answer questions:
  - [Christopher.holloway@acf.hhs.gov](mailto:Christopher.holloway@acf.hhs.gov) – Program Manager
  - [Kimberly.waller@acf.hhs.gov](mailto:Kimberly.waller@acf.hhs.gov) – Policy Advisor
- RHYTTAC - <http://www.rhyttac.net/>

Thank you!

