

Homeless and Community Court Blueprint



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INTRODUCTION

This blueprint provides an overview of homeless court program (HCP) and community court program (CCP) models within California and the United States. It highlights key principles and examples of effective HCP and CCP approaches that bring together the court, criminal justice, behavioral health, and community-based partners to address the root causes of homelessness and provide legal relief. These partnerships aim to remove legal barriers and address the many issues associated with homelessness and poverty, including drug addiction and mental health problems.

Homelessness, which increased 15 percent in California between 2015 and 2017, is costly to taxpayers through increased expenditures for health care and public safety.¹ California's homeless population in 2018 was estimated at 130,000.² Homelessness is clearly visible in California, where a majority of homeless people are unsheltered, living under freeways, in parks, and on the street—many of whom are employed and unable to afford housing.

The U.S. Department of Housing and Urban Development (HUD) identifies the following four categories to define homelessness:

1. **Literally homeless:** An individual or family who lacks a fixed, regular, and adequate nighttime residence;
2. **Imminent risk of homelessness:** An individual or family who will imminently lose their primary nighttime residence;
3. **Homeless under other federal statutes:** Unaccompanied youth under 25 years of age, or families with children and youth, who do not otherwise qualify as homeless; and
4. **Fleeing/attempting to flee domestic violence:** Any individual or family who is fleeing or attempting to flee their housing or the place they are staying because of domestic violence.³

“In California, we have the highest poverty rate in the nation. In California, we have over 50% of the nation’s population of homeless. Yet, in our nation-state of California, we work together to address these issues, to identify and reform systems of inequity.”

Tani G. Cantil-Sakauye
Chief Justice of California

Many communities have passed local measures to criminalize “acts of living” to prohibit sleeping, eating, sitting, or panhandling in public spaces. Such policies further marginalize men, women, and youth who are experiencing homelessness. HCPs and CCPs leverage the authority of courts and the work of homeless service agencies to both intervene and help prevent the revolving-door syndrome that often leads indigent, mentally ill, and/or substance-abusing homeless people into a vicious cycle from the street, to jail, and back into the courts. These court programs focus on assisting participants to successfully reintegrate into the community and achieve self-sufficiency by treating the behavior and conditions that give rise to their cases. This strategy improves the quality of life within communities (e.g., safety, security, and public health) while providing access, fairness, and equity in the court process. These efforts also render measurable benefits in the administration of justice by decongesting court dockets, streamlining the process and adjudication of cases, reducing technical community supervision violations, and easing the heavy burden on probation and police departments.

HOMELESS AND COMMUNITY COURT COMPARISON		
	Homeless Court	Community Court
Referral Source	Homeless Service Agency	Criminal Justice Partner
Court Location	Community Shelter	Courthouse
Voluntary Participation	Yes	Yes and No (Court Order)
Misdemeanors	Yes	Yes
Felonies	No	Yes
Alternative Sentencing	Yes	No
Sanction Schedule	No	Yes
Program Participation	3 Months–Up to 1 Year	3 or 6 Months–Up to 2 Years
Court Attendance	One Court Session	Frequent Court Appearances

While homelessness typically does not evoke images of children and youth, the truth is that many people experiencing homelessness are under the age of 18. Some children are a part of families experiencing homelessness, while others are youth facing homelessness on their own. In 2018, 159,911 youth younger than 25 across the country were homeless—36,361 of them on their own. One-third of them—more than 12,000 California youth—are homeless. As the national homeless youth population declines, California remains the state with the largest population experiencing homelessness and the highest number of unaccompanied homeless youth, according to the 2018 Annual Homeless Assessment from the U.S. Department of Housing and Urban Development.⁴

Not all homeless people are involved in the criminal justice system. Moreover, mental illness and substance use does not necessarily result in home-

lessness or criminal justice involvement. This blueprint features two innovative courts in California that are equipped with both an HCP and CCP to help address criminal and civil matters. The next section briefly discusses some similarities and differences between HCP and CCP models.

HCPs and CCPs are both therapeutic justice courts offering strengths-based, client-centered support and services for homeless and housing-insecure program participants. Homeless court typically involves a one-time appearance by participants to resolve low-level matters. Community courts generally have participants appear frequently in court and may help them address higher-level criminal matters.

As illustrated in the Homeless and Community Court Comparison chart, there are some key differences between the models. Some of the most notable differences include the program referral source, court location, and eligibility criteria. Local homeless service agencies are typically the gateway for participation in HCPs, whereas CCPs receive participant referrals from justice partners, including judges, defense attorneys, and probation and police officers.

Homeless courts are typically held in the community, at a shelter, or a public space, but community courts are generally held in a courtroom within a justice center or courthouse. While the majority of homeless court and community court cases involve misdemeanor offenses and citations, some community courts will also allow felony charges to be addressed. Key principles and specific examples of different HCP and CCP approaches are discussed below.

HOMELESS COURT PROGRAMS

San Diego County established the first HCP in the United States in 1989 to mitigate the effect of criminal cases pushing homeless defendants further outside society. San Diego's strategy, "taking the court to the street,"⁵ which was derived from their [Homeless Veterans Stand Down](#)⁶ model, has helped lay the groundwork for the development of over 25 active homeless courts and/or community courts operating across California.⁷ Nationally, there are approximately 50 homeless courts operating in 21 states.⁸ These courts commonly resolve a full range of misdemeanor cases and citations resulting from the condition of living on the streets. Very often, homeless people experience greater difficulty in navigating the criminal justice system, accessing legal resources, and locating other types of support.

HCPs collaboratively work with human services agencies as equal partners to identify and assist homeless individuals at shelters and within the community. The HCP recognizes participant accomplishments in program activities to resolve their cases and remove obstacles from their reintegration into the community. Participants show documentation of their efforts to reclaim their lives, such as proof of participation in classes on life skills, counseling, substance abuse and relapse prevention, and medical and mental health treatment. Providing community outreach and assistance to homeless individuals with outstanding court cases is a primary focus because these types of cases tend to escalate when homeless defendants fail to appear in court. A failure to appear may result in the issuance of an arrest warrant, presenting a new obstacle or additional sanction that prevents homeless defendants from obtaining housing and other social welfare assistance. Research on homeless persons also indicates that incarceration and legal fines exacerbate their challenges to access services, reintegrate into the community, and extricate themselves from the criminal justice system.⁹

HCPs generally follow therapeutic justice principles, in which the judicial approach is to address the offender’s behavior as a problem requiring nontraditional sanctions and/or social services in addition to traditional sanctions. Although many collaborative (problem-solving) court principles are observed in HCPs, most HCPs create a process designed to meet the specific needs of their community. HCPs follow the [American Bar Association’s](#) policy for homeless courts.¹⁰ The [key principles](#) are outlined below.¹¹

HCP KEY PRINCIPLES	
1	Prosecutors, defense counsel and the court should agree on which offenses may be resolved in the Homeless Court Program, and approve the criteria for individual participation, recognizing that defendant participation in Homeless Court Programs shall be voluntary.
2	Community-based service providers should establish criteria for individual participation in the Homeless Court Program and screen individuals pursuant to these criteria.
3	The Homeless Court Program shall not require defendants to waive any protections afforded by due process of law.
4	All Homeless Court Program participants shall have time for meaningful review of the cases and issues prior to disposition.

5	The Homeless Court Program process and any disposition therein should recognize homeless participants' voluntary efforts to improve their lives and move from the streets toward self-sufficiency, including participation in community-based treatment or services.
6	Participation in community-based treatment or services shall replace traditional sanctions such as fines, public work service and custody.
7	Defendants who have completed appropriate treatment or services prior to appearing before the Homeless Court shall have minor charges dismissed, and, where appropriate, may have more serious misdemeanor charges before the court reduced or dismissed. Where charges are dismissed, public access to the record should be limited.

EXAMPLES OF LOCAL HOMELESS COURT PROGRAMS

San Diego County

The innovative San Diego Homeless Court Program (SDHCP), established in 1989, has multiple locations throughout San Diego County and serves approximately 1,200 clients per year. Court is held on a monthly basis. Homeless service agencies, including local homeless shelters, are the gateway and guide for participants to enter and succeed. Homeless persons interested in SDHCP participation must voluntarily sign up through a list of approved local agencies. Prospective SDHCP participants work with homeless service agency/shelter caseworkers to design an action plan to move toward self-sufficiency before appearing in court.

The SDHCP addresses a wide range of misdemeanor offenses including jaywalking, charges of being under the influence of a controlled substance, theft, resisting arrest, battery, and driving under the influence. The program combines a progressive plea bargain system, alternative sentencing structure, assurance of “no custody,” and proof of program activities to address a full range of offenses. Participation in treatment agency programs is a substitute for fines and time in custody. Activities are individualized to the participant’s needs and can include life-skills training, chemical dependency or AA/NA meetings, computer or English literacy classes, training or searching for employment, career counseling, education, medical or mental health treatment, or other programming aimed at helping participants improve their situation. The program reinforces therapeutic principles. For example, participants’ efforts to satisfy court requirements earn an assurance of “no jail custody.” Additionally, agency/shelter representatives write advocacy letters for clients. The letters document and verify individual accomplishments for the court. They are symbolic of the relationship between the client and the agency and include a program description, the client’s start date, accomplishments, programs completed, and insight into the client’s efforts.

Court clerks research cases for participants referred into the SDHCP. The defense attorney meets with SDHCP participants prior to scheduled court hearings to review cases and discuss what program activities will help participants succeed. Together, the defense attorney and SDHCP participants focus on treatment goals, accomplishments in services, and development of strong support systems to promote self-sufficiency. Terms for case resolution are presented, and the court reviews the advocacy letters written on behalf of the SDHCP participants. More than 90 percent of the cases are either dismissed or reconciled based on participants' accomplishments and community service. This provides a win-win, both clearing court calendars and freeing participants to reclaim their lives. When participants enter a guilty plea, they receive "credit for time served" for having completed program activities that satisfy the terms and conditions of their plea. Because the participant completes all services before the court appearance, cases are typically addressed and resolved in one hearing.

In 2001, the San Diego Association of Governments conducted research on the San Diego Homeless Court, the results of which are contained in their [homeless court report](#).¹² San Diego County has created resources to provide guidance to county stakeholders interested in developing an HCP and replicating their model. See [San Diego Homeless Court Program FAQs](#)¹³ and [The San Diego Service Provider Toolkit](#).¹⁴

Alameda County

The Homeless and Caring Court (HCC) was established in 2004 and serves over 200 clients per year.¹⁵ Court sessions are held bimonthly in nonthreatening community centers rather than a traditional courtroom. The court session is focused on the homeless, formerly homeless, and persons at risk of homelessness to resolve individuals' traffic, infractions, and nonviolent minor misdemeanor cases. Defendants are required to demonstrate progress in their life since acquiring these cases, including pursuing sobriety or mental health care, obtaining housing, and other stability unique to their situation such as family reunification. Defendants are identified as good candidates for the HCC through a host of local homeless service providers. Clients are referred to the Homeless and Caring Court through these service providers and must apply for the program two months in advance of their court dates.

Potential participants must document their progress toward attaining stability, which is defined on an individual basis. Before the scheduled court date, the public defender meets with each client to review the client's progress in program participation and determine what matters can be resolved through the HCC through a negotiated plea with the prosecutor. On the scheduled court date, the public defender appears with the client and makes a presentation to the court

showing how the client has progressed and how circumstances have changed since the client was originally charged with the offense, ticket, or fine. The goal is for clients to walk away from court with these obstacles removed so that clients can continue to move forward with their lives.

Community Court Programs

CCPs are designed to address local community concerns and a wide range of issues including quality-of-life crimes, mental health problems, drug addiction, chronic homelessness, landlord-tenant conflicts, and sex-trafficking cases. The first community court program, Midtown Community Court, was established in Manhattan in 1993 to more effectively address cases involving street prostitution, vandalism, shoplifting, drug possession, and other quality-of-life offenses that blighted midtown neighborhoods. Today, over three dozen CCPs have been implemented in the United States and several others are operating abroad.

Many CCPs primarily handle criminal cases, focusing largely on quality-of-life offenses, such as shoplifting, graffiti, illegal vending, and prostitution. However, some jurisdictions tackle a broader range of criminal cases, such as auto theft, low-level felony drug possession, stalking, and assault. Certain community courts address noncriminal matters, including juvenile delinquency, housing issues, environmental code violations, or offender reentry. Community courts have the capacity to consolidate numerous specialized court dockets within one courtroom, such as the Orange County (California) Community Court, which includes adult drug court, DUI court, four mental health courts, veterans' treatment court, and homeless court.

CCPs adopt a problem-solving and community-focused approach. The programs generally follow the 10 key components of drug courts¹⁶ and Adult Drug Court Best Practice Standards,¹⁷ with some variation among courts on program structure, focus areas, and sanction schedules. In criminal cases, CCPs combine accountability and help, by requiring offenders to pay back the community by participating in restorative community service projects while also participating in individualized social services, including drug treatment or mental health counseling. In civil cases, such as housing disputes, community courts bring new resources to help create sustainable solutions. The Harlem Community Justice Center in Manhattan, for example, includes a resource center to give both tenants and landlords the support needed to pay rent on time or make repairs, thereby avoiding foreseeable disputes in court.

CCPs generally rely on the following set of common principles and practices.¹⁸

CCP COMMON PRINCIPLES

1	Enhanced information: Utilization of better staff training (on complex issues such as drug addiction and mental illness) combined with accurate, timely, and qualitative information (about defendants, victims, and the community context of crime) to help improve the decision-making process for judges, attorneys, and other justice officials.
2	Community engagement: Leverage citizen support to help the justice system identify, prioritize, and solve local problems.
3	Collaboration: Gather justice partners (such as judges, prosecutors, defense attorneys, probation officers, and court managers) and potential stakeholders in the community (such as social service providers, residents, victims' groups, and schools) to improve inter-agency communication and trust between citizens and government to identify new responses to problems.
4	Individualized justice: Apply evidence-based risk and needs assessment tools to link offenders to client-centered, community-based services (e.g., job training, drug treatment, safety planning, and mental health counseling) where appropriate.
5	Accountability: Fulfill community restitution orders, monitor program compliance, and enforce clear consequences for noncompliance to improve the accountability of participants.
6	Outcomes: Collect and analyze data on an active and ongoing basis to measure outcomes and process, costs, and benefits. This information provides the basis to objectively evaluate the effectiveness of operations and helps make data-driven decisions to improve outcomes.

EXAMPLE OF A LOCAL COMMUNITY COURT PROGRAM

San Francisco Community Justice Center

San Francisco's Community Justice Center (CJC) was established in March 2009 and annually serves approximately 2,000 participants from the Tenderloin, Civic Center, Union Square, and South of Market neighborhoods. The CJC is a collaboration between the Superior Court of San Francisco County, the San Francisco Department of Public Health, the district attorney's office, the public defender's office, the sheriff's department, the police department, the Adult Probation Department, and other community-based organizations. Legal, clinical, and court professionals work together to address the underlying problems that bring defendants into

the justice system. Immediate interventions address primary issues including substance use, housing, employment, mental health, and physical health. Clients access case management, assistance applying for benefits, onsite support groups, and service linkages to community providers at the Community Justice Service Center, where the courtroom is also co-located. The Community Justice Service Center is open to all community members.

CJC is one of nine adult collaborative courts in San Francisco. The others are Behavioral Health Court, Drug Court, Intensive Supervision Court, Family Treatment Court, Misdemeanor Behavioral Health Court, Parole Reentry Court, Veterans Justice Court, and Young Adult Court, all of which have participants who experience homelessness. Program referrals come from judges, public defenders, private defense attorneys, and police officers. Typical cases involve petty theft, auto theft, misdemeanor battery, and drug possession. The court handles pre-plea (diversion) and post-plea (post-adjudication) cases. The district attorney determines legal eligibility for participation based on charging information and probable cause affidavits such as police reports. First-time offenders are referred to Neighborhood Court for adjudication. The San Francisco Department of Public Health performs an assessment and evaluation for each client and, within a week, prepares a report listing recommended services. Collaborative court program participation can range from 3–6 months up to 18–24 months, depending on the nature and severity of cases. In 2017, 599 new participants entered CJC collaborative courts and 36 percent were homeless at the time of entry. At exit, 88 percent had housing, 6 percent were in residential treatment, and 4 percent were still homeless.

BLENDED COMMUNITY COURT AND COLLABORATIVE COURT MODELS

Some jurisdictions use models that blend both HCP and CCP strategies. Orange County and Santa Clara County provide examples of programs that leverage both to better meet the needs of their local populations. Just as there are differences between individual HCPs and CCPs, courts with hybrid HCP-CCP courts demonstrate variations in approach while maintaining fidelity to collaborative court principles.

Orange County

The Orange County Community Court in Santa Ana, which opened in August 2008, centralizes several specialized court dockets that otherwise would be distributed over several courtrooms. Community Court also incorporates a co-located services model where several agencies are

on site. This innovative approach houses adult drug court, mental health court, court for offenders charged with driving under the influence of alcohol, veterans treatment court, and military diversion and homeless court under one roof. These dockets are heard on different days of the week. Participants are referred to the CCP through either a court order or on a walk-in basis. Each of the programs mentioned, except for military diversion, serves individuals identified as homeless. Referrals to mental homeless and mental health programs can come from the district attorney, public defender, or one of four justice centers.

Orange County's Homeless Outreach Court is held within the community at shelters and is designed to address the unique issues posed by individuals who are homeless. The program resolves arrest warrants issued for homeless people who are unable to pay fines accrued when they are cited for low-level offenses such as sleeping outside or urinating in public. The goal is to reduce both inefficient and costly short-term jail sentences (if enforced, warrants often result in a few days in jail) while removing barriers to self-sufficiency (an arrest warrant can prevent an individual from obtaining a driver's license or job). In the outreach court, the judge sentences individuals to drug rehabilitation or parenting classes as an alternative to a fine.

Santa Clara County

All misdemeanor, felony drug, and mental health cases in Santa Clara County are referred to a collaborative court. Santa Clara's collaborative court programs—mental health court, veterans treatment court, and parole reentry court—achieve positive outcomes through their streamlined processes in identification, assessment, and coordination of services. For example, offenders who may be in an acute state following arrest are evaluated immediately by one of three psychiatrists, as well as by substance abuse assessors and housing specialists.

Santa Clara's Outreach Court was established in 2013. The primary purpose of this homeless court is to reward homeless and indigent defendants who are doing well while under community supervision. Court sessions are held on a monthly basis during the evening and rely heavily on faith-based organizations that work with the homeless in the community. Approximately 150 homeless individuals are served per year. Referrals come from Probation and Parole, which are responsible for supervising defendants while they serve their jail sentences out of custody. County social workers and case managers from treatment programs and churches with active homeless programs also provide referrals. Each defendant appears before the court with a letter of support from their program or supervising officer/agent showing their positive accomplishments while in the community and completion of the program requirements. Letters of support

indicate defendants' participation in treatment, performance and attendance in school, and meeting or exceeding the expectations of their probation officers or parole agents. Each defendant has a goal that relates to his or her case before the court, such as obtaining a job and/or driver's license, stopping wage garnishments, and the ability to pay child support. In exchange for volunteer work, the court deletes fines and clears records. Both felons and misdemeanants are eligible for program participation. The program has been able to achieve success through the development of strong partnerships with criminal justice stakeholders including the district attorney and public defender.

CONSIDERATIONS

The need to better serve those who are homeless and housing insecure is growing. In looking at the common elements and approaches of several successful HCP and CCP programs, the following general considerations are offered:

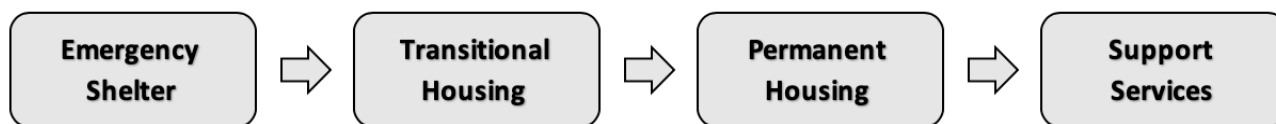
Establish a homeless court program and/or expand collaborative court programs and services.

Local courts should consider establishing a homeless court program and/or expanding collaborative court (i.e., community, mental health, reentry, drug treatment) program services to better meet the needs of homeless and housing-insecure populations in their communities. HCPs and CCPs help homeless participants resolve legal barriers to obtaining and maintaining permanent housing. They also provide critical wraparound services to address the needs of homeless clients. Legal services can address health, public benefits, Supplemental Security Income (SSI) and Social Security Disability Insurance (SSDI), domestic violence, housing insecurity, financial literacy, consumer debt, child support, and other matters. These services are important to help ensure a continuum of care that helps a participant secure housing and maintain housing by addressing mental health and chemical addiction.

One in three justice-involved homeless people suffers from a mental health condition and/or has a chemical addiction/dependency. Many of these individuals experience tremendous difficulty in securing housing and often are discharged from their shelter, transitional housing (sober living environment or single-room occupancy), or subsidized permanent housing programs due to noncompliance associated with their mental health condition and/or chemical addiction. HCP participants work closely and meet often with homeless service agency case managers to discuss their progress in treatment. Other support services ensure that both the housing and treatment

needs of participants are met. CCPs involve frequent court appearances to monitor compliance with recovery support plans intended to help stabilize participants as they successfully navigate from a shelter to permanent housing.

Many counties have developed a coordinated entry system that follows the process below to assist homeless individuals to secure housing:



Perform outreach to justice partners, health and human services agencies, and community stakeholders working with homeless and housing-insecure populations to develop a Sequential Intercept Model.

The Sequential Intercept Model (SIM)¹⁹ provides a community strategic-planning tool to assess available resources, determine gaps in services, and plan for community change. HCPs and CCPs are uniquely positioned to bridge a diverse range of partners, government agencies, and community organizations in collaborative efforts to improve public safety. By gathering justice partners (e.g., judges, prosecutors, attorneys, probation officers, and court managers) and reaching out to potential community stakeholders (e.g., social service providers, faith-based organizations, schools, etc.), courts can improve inter-agency communication, promote greater trust between community members and government, and help develop innovative responses to address homelessness and public safety challenges.

The SIM informs community-based responses to the involvement of people with mental and substance use disorders in the criminal justice system. The process involves a team of stakeholders that cross over multiple systems, including mental health, substance use, law enforcement, pretrial services, courts, jails, community corrections, housing, health, social services, people with lived experiences, family members, and many others.

Courts can use the Sequential Intercept Model as a strategic planning tool to:

- Develop a comprehensive picture of how people with mental and substance use disorders flow through the criminal justice system along six distinct intercept points;
- Identify gaps, resources, and opportunities at each intercept; and
- Develop priorities for action designed to improve system and service-level responses.

Developing and implementing a countywide SIM in local courts would better enable early identification for at-risk, court-involved litigants, thereby providing them with the opportunity to resolve underlying issues that are leading to their court involvement. Such early intervention can lead to improved court case processing and client outcomes.

HCPs and CCPs are an alternative to criminal court for defendants accused of misdemeanor crimes. These programs typically involve a partnership between the court, state government, private organizations, and law enforcement. Both models apply problem-solving court strategies to address quality-of-life or “nuisance” cases. Each program takes an active role to promote and ensure public safety. However, there are several different approaches that vary from jurisdiction to jurisdiction (due to variations in available resources) to meet specific challenges and needs within their communities.

Many collaborative courts like San Francisco’s Community Justice Center have developed a strong partnership with local law enforcement to create a direct-referral process from officers on a wide range of misdemeanor offenses and citations. In this partnership, an officer has the discretion to order the offender directly to the CJC rather than arrest the offender or issue a citation that would ultimately be processed in an adversarial court. Such partnerships can help improve early identification, coordination of services, and case processing. Law enforcement’s participation in this process can help streamline the referral of potential program participants to the court and extend the connection of the collaborative court team into the community. Street-level enforcement officers provide a unique perspective and benefit to collaborative court teams. They can also be convincing advocates in showing other government and community leaders the public safety efficacy of these courts.

In planning an HCP or CCP, work closely with the court’s self-help center and Family Court Services and with outside partners including Legal Aid and county behavioral health departments.

In many instances, homelessness is triggered by a life event or series of events, including divorce, death of a loved one, loss of employment, bankruptcy, natural disaster, major health condition, physical disability, or personal injury. Courts can offer a range of voluntary services for homeless individuals, families, and children to address or resolve any outstanding legal issues or circumstances.

Court-based self-help centers assist persons from all income levels with a variety of legal issues such as divorce, child support, housing, and consumer debt problems. Family Court Services provides mediation in child custody and guardianship cases. Both programs often have referral protocols developed with legal services and other providers for more intensive assistance.

The court can use its convening power by having the judge invite key players to help plan and identify the services they can provide. Through this kind of collaboration, courts are able to ensure that participants get critical services including housing eligibility screenings, case management, assistance with securing identification documents, medical and psychiatric evaluations, legal services, or assistance with applications for benefits or housing. These services can be provided on-site by court staff or partner agencies or through external referrals.

County behavioral health departments provide local Mental Health Services Act funding to Full Service Partnership (FSP) mental health programs, which provide intensive case management, psychiatric, and therapeutic services. Many FSP programs provide supportive housing services in conjunction with intensive mental health services with the goal of helping people recover from homelessness and remain permanently housed. As previously mentioned, approximately one in three homeless individuals suffers from either mental health problems and/or chemical addiction. Partnering with local county behavioral health departments would provide access to many services and support for the homeless. Additionally, this partnership can provide an opportunity to even secure funding for an HCP or CCP.

A [Continuum of Care \(CoC\)](#)²⁰ is a regional or local planning body that coordinates housing and services funding for homeless families and individuals. Many cities and counties offer full-service homeless services CoC options to help transition homeless individuals and families into permanent housing. Courts should become familiar with the federal Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009, as well as the CoC programs that are offered in their city and county, including the Supportive Housing Program, Shelter Plus Care Program, and Section 8 Moderate Rehabilitation Single Room Occupancy Program. Collaborations between courts, county health/homelessness agencies, and legal aid services can lead to funding. Kern County, Contra Costa County, and Santa Monica homeless court program partnerships provide examples of courts that leverage HUD funding. Local courts may also consider partnering with stakeholders to secure flexible HUD funding through Community Development Block Grants.

Housing insecurity is also a factor in dependency cases. Over the past two decades, research has demonstrated a significant connection between housing insecurity and child welfare involvement. Homelessness, more than income level, increases the risk for child welfare involvement. Homelessness also presents an obstacle for family maintenance and reunification. Although housing insecurity is not a legal basis for removing children from their families in California (Cal. Welf. & Inst. Code, § 300(b)), it may be noted as a contributing factor recorded during in-person investigations of reported neglect or abuse. Children whose families experience homelessness are not only more likely to be removed from their parents, but are also less likely to be reunified.²¹

FUNDING

A critical element in developing a successful homeless court program is effectively securing and managing program funding. Cost may be the biggest barrier in the development of HCPs in California. While annual costs will vary based on program model and size, in 2017, Los Angeles County's Homeless Engagement and Response Team reported an annual cost of \$266,000 and Stanislaus County's HCP annual cost was \$193,500.²²

Jurisdictions interested in potentially creating or expanding an HCP or CCP should think broadly about possible funding sources. Resourcefulness, creativity, and innovation are common ingredients in the recipe of almost every successful HCP or CCP model. These models recognize and address the overlap between collaborative court participants (i.e., mental health, addiction, and homelessness) to help meet individual client needs. Courts and communities can leverage an existing base of collaborative court services to expand services for priority populations such as the homeless and other underserved/unserved groups including children, transitional-age youth, LGBTQ individuals, veterans, parents/caregivers of children, and diverse racial and ethnic communities. Another common thread that successful HCPs and CCPs share is the collection of program outcomes and the use of data to identify areas of strength and challenges. This data provides the basis and justification for grant proposal funding and requests for funding from local funds approved by their communities' boards of supervisors.

FUNDING SOURCES	
Federal	Substance Abuse Mental Health Services Administration (SAMHSA): Homelessness Programs and Resources ²³ Bureau of Justice Assistance: Funding & Awards ²⁴ U.S. Interagency Council on Homelessness: Home, Together Plan ²⁵ U.S. Department of Housing and Urban Development (HUD): Housing Assistance ²⁶
State	California Homeless Coordinating and Financing Council: Homeless Emergency Aid Program (HEAP) ²⁷ Mental Health Services Act (MHSA): California Dept. of Health Care Services ²⁸ Mental Health Services Oversight and Accountability Commission programs ²⁹ Board of State and Community Corrections: Adult Reentry Grant ³⁰
County	County Behavioral Health Directors Association of California: Homeless Resources ³¹ California Department of Health Care Services: MHSA County Plans and Updates ³²

CONCLUSION

California is in the grip of an unprecedented homeless crisis. Homelessness is escalating due to skyrocketing home prices and limited housing inventory and rental options. The homeless and community court programs featured in this blueprint offer a viable solution to help ameliorate our state’s homeless crisis. These programs offer treatment and rehabilitation in the community rather than incarceration in jail or prison. California is a vanguard state, leading the nation in bail reform, reentry realignment, and ending felony sentencing for nonviolent crimes such as simple drug possession and petty theft. These legislative and criminal justice reform efforts emphasize diversion over incarceration. Similarly, the court can play an instrumental role in helping empower homeless court and community court participants to not only meet their basic needs in a better place than jail, but also to recover their dignity and self-sufficiency, while restoring families and communities in the process.

Please contact the Judicial Council at CollaborativeJustice@jud.ca.gov for further information.

ENDNOTES

- ¹ Holly Faust, *Expanding Court Programs Serving Homeless Individuals in California* (unpublished master's policy report, 2018), Mills College Public Policy Department, Oakland, CA.
- ² U.S. Interagency Council on Homelessness, California Homelessness Statistics, www.usich.gov/homelessness-statistics/cal.
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